

AFRICAN COURT OF HUMAN AND PEOPLE'S RIGHTS AT ARUSHA

APPLICATION NO 025 OF 2015

COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO 303 OF 2013

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO 35 OF 2006

IN THE DISTRICT COURT OF TARIME AT TARIME

ORIGINAL CRIMINAL CASE NO 418 OF 2005

BETWEEN

MAJID GOA @ VEDASTUS ..... APPLICANT

VERSUS

THE UNITED REPUBLIC OF TANZANIA

ATTORNEY GENERAL

} ..... RESPONDENT

EXECUTIVE SUMMARY OF THE APPLICATION

MADE UNDER RULE 19 OF THE COURT RULES FROM PROVISION NO 17 OF THE  
COURT PRACTICE DIRECTIONS

I, the above named applicant request this Honourable court of justice Human and People's Rights to allow the applicant to lodge/file the memorandum of complaint of violation of Human Rights and Justice for the following reasons:

1. **THAT;** the applicant was convicted and sentenced since 20<sup>th</sup> December 2005 to serve thirty years imprisonment in above mentioned original case and subsequent the decision upheld by the first and second appellate courts.
2. **THAT;** the prosecution called four witnesses and the first and second appellate court did not elaborated how were able to visualize and eventually identified the applicant (Applicant) as the event occurred on night / around 7.00 pm) in order to assert their claims of identifying the applicant to commit the claims on that fateful day.

3. **THAT;** the original certified court of proceeding is shouting that, both first and second appellate court did not consider and resolve discrepancies between the matter on how the entire sequence transaction of the alleged felony was committed and the preliminary hearings facts
4. **THAT;** the act of the first and second appellate court for taking no cognizance of the appellant's defence of ALIBI not only facilitated the failure of justice on the appellant, but also jeopardized the criminal jurisprudence.
5. **THAT;** as the applicant was/has no legal representative, his right to be heard were/ are deprived leading to prejudice this position has violated the fundamental rights of the charter of the court contrary to article 7 (1) (c)
6. **THAT;** in that request the court of (ACHPR) to intervene due to unconstitutional and violation of fundamental rights done against the applicant by the Judicial hierarch of the respondent court.
7. **THAT;** the applicant humbly beg that, this court re-store justice where it was overlooked and quash both conviction and sentence imposed upon him and set him at liberty.
8. **THAT;** the applicant herein above on his own behalf wishes to be granted reparation pursuant to article 27 (1) of the protocol of the court.
9. **THAT;** this Honourable court is pleased to grant the applicant's prayer to be facilitated with free legal representation or legal assistance under Rule 31 of the Rule of the court and Article 10 (2) of the protocol of the court,
10. **THAT;** this court of Human and people's rights may grant any other orders of relief that may deem fit in the circumstance of the complaint.

11. THAT; the application is intended to be supported by a complaint violation of Human rights and justice accompanied by a copy of original certified court of proceedings together with a copy of the Judgment of the court of appeal.

This Executive summary has been made by the applicant at Butimba central prison at Mwanza and signed by himself this 16<sup>th</sup> day of September 2015.

(RTP) .....  ..... 16/9/2015  
APPLICANT

**CERTIFICATION:** I hereby certify this Executive summary has been made and signed by the above mentioned applicant himself before me on the 16<sup>th</sup> Day of September 2015.

Sgd .....  .....  
FOR OFFICER IN CHARGE

BUTIMBA CENTRAL PRISON  
P.O. BOX 38  
MWANZA, TANZANIA  
K. J. L. MKUU WA CEREZA  
BUTIMBA MW NZA

Lodged at the Registry office of the African court of Human and People's rights, P.O. BOX 6274 ARUSHA, TANZANIA.

This ..... Day of ..... 20 .....

(Sgd) .....  
REGISTRAR OF THE COURT  
(ACHPR)

**COPY TO BE SERVED UPON**

THE REPUBLIC OF TANZANIA  
ATTORNEY GENERAL CHAMBERS  
P.O. BOX 11492  
DAR-ES-SALAAM, TANZANIA

**DRAWN AND FILED BY:**

MAJID GOA @ VEDASTUS .....*16/9/2015*.....APPLICANT.

C/O OI/C BUTIMBA CENTRAL PRISON

P.O. BOX 38

MWANZA, TANZANIA