

IN THE AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS AT ARUSHA

APPLICATION NO. 028 OF 2017

C/F COURT OF APPEAL OF TANZANIA AT TABORA
CRIMINAL APPEAL NO.45 OF 2009

IN THE HIGH COURT OF TANZANIA AT TABORA
CRIMINAL APPEAL NO.114 OF 2008

IN THE DISTRICT COURT OF KAHAMA AT KAHAMA
ORIGINAL CRIMINAL CASE NO.716 OF 2006

BETWEEN

LAYFORD S/O MAKENEAPPLICANT
AND
THE REPUBLIC OF TANZANIA
ATTORNEY GENERAL'S CHAMBERS..... RESPONDENT

EXECUTIVE SUMMARY OF THE APPLICATION.

{ Made under rule 19 of the court's rules from provision No 18 and 19 of the Court's }
{ practice direction. } }

I, the above mentioned applicant applies this Honourable Court of Justice Human and people's rights to allow me to lodge memorandum of complaints of violation of human rights and justice for the following reason inter-alia;-

1. That, the applicant was convicted and sentenced fromto serve a term of thirty (30) years in jail in the above mentioned original criminal case, the decision which was upheld in the noted criminal appeals against the applicant.
2. That, the judgment of the Court of appeal of Tanzania at Tabora given on 30th. day of June 2011 was procured by errors against the applicant whereby the Court had not observed that the charge Sheet did not described the offence and make reference to the section of law creating the offence, Hence the right was miscarriage at all.
3. That, the applicant as appellant in the above mentioned appeals had submitted a six (6) point memorandum of appeal and its additional within both several grounds on the hearing of the appeal had argued all the grounds without representative.

4. That, according to the copy of judgment the Court of appeal had not consider all grounds then boils down to one major ground, this circumstance went contrary with the article 13 (6) (a) and (b) of the United Republic of Tanzania Constitution of 1977 the mother law.
5. That, as the applicant he was no legal representative, his right to be heard properly was deprived leading to prejudice. This position has violated the fundamental right of the charter of the court contrary to articles 7 (1) (c) the same as articles 1 and 107 A (2) (b) of the constitution of the United Republic of Tanzania 1977 special right.
6. That, the Court of appeal of Tanzania wrongly to isolated deal only with the prosecution side only without considered the defence raised by the applicant.
7. That, the applicant humbly prays that this court to re-store justice where it was overlooked and quash both conviction and sentence meted on the applicant at let him free from the Prison wall.
8. That, this court grant any legal remedy sought that may think fit in circumstance of complaint.
9. That, the applicant is intended to be supported by submission of complaints of violation of Human rights and justice accompanied with a copy of the judgment of the court of appeal.

This Executive Summary has been prepared by me the applicant at Uyui central Prison Tabora, this 10 day of AUGUST 2017

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THE APLICANT:- LAYFORD S/O MAKENE

CERTIFICATION.

I, hereby certify that this executive summary of complaints has been prepared by applicant (prisoner) himself and there is no alteration thereto.

Certified this 12 day of AUGUST 2017

.....
THE OFFICER INCHARGE
UYUI CENTRAL PRISON
TABORA

.....
 UYUI WA GIBELZA
 UYUI TABORA

LODGED IN THE REGISTRY OFFICE OF THE AFRICAN COURT OF HUMAN AND
PEOPLES RIGHTS ARUSHA P O BOX 6274 ARUSHA-----TANZANIA

.....
REGISTRAR OF THE COURT (AFCHPR)

DRAWN AND FILED BY:-

THE APPLICANT:- LAYFORD S/O MAKENE
C/O OFFICER INCHARGE
UYUI CENTRAL
TABORA.

COPY TO SERVED UP ON.

THE UNITED REPUBLIC OF TANZANIA
ATTORNEY GENERAL'S CHAMBERS
P O BOX 11492
DAR ES SALAAM—TANZANIA.