

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

APPLICATION NO. 005 OF 2018

C/F COURT OF APPEAL OF TANZANIA AT TABORA  
CRIMINAL APPEAL NO.267OF 2012

IN THE HIGH COURT OF TANZANIA AT TABORA  
CRIMINAL APPEAL NO. 92 OF 2011

IN THE DISTRICT COURT OF KAHAMA AT KAHAMA  
ORIGINAL CRIMINAL CASE NO. 247OF 2009

BETWEEN

JOSEPH S/O JOHN .....APPLICANT

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 **JOSEPH S/O JOHN** the applicant being requests 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 Case was wrongly tried by the District Court of Kahama at Kahama because the applicant he was a Juvenile, the proper Court to be tried his case was a juvenile court and not a District Court, this violated a fair trial, this violated Article 7 (1)(d) of Africa charter on Human and people's right..
2. That, the applicant he was not provided an representative, because the justice was required, this violated article 10 (2) of the protocol to the African charter on Human and People's rights. Also violated section 310 of the criminal procedure Act.Cap.20 R.E 2002. The Tanzania laws.
3. That, the applicant he was no legal representative, my 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 the article 7 (1) (c) the same as article 1 and

107 A (2) (b) of constitution of the United Republic of Tanzania 1977 (The mother law).

4. That, the applicants humbly prays that this Honourable Court to re-store Justice where it was over looked and quash both conviction and sentence meted on me which violated section 2 of minimum sentence Act.NO.1 of 1972 and order to my immediately release from the Prison Wall forthwith.
5. That, the applicant herein above in my own behalf. I wish to be granted reparation pursuant to Article 27 (1) of the protocol of the court.
6. That, this Honourable Court be pleased to grant any other order or legal remedy that the Court may think fit and just to grant in the circumstance of my complainants.
7. That, the applicant intended to be supported by submission of complaints of violation of Human Rights and Justice accompanied with a copies of the judgment of the Court of appeal High Court and the District Court of Kahama.

This executive summary has been prepared by the applicant **JOSEPH S/O JOHN** at Uyui central Prison Tabora.

This ..... 8 ..... day of ..... 12 ..... 2017



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**THE APLICANT:- JOSEPH S/O JOHN**

**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 ..... 8 ..... day of ..... 12 ..... 2017

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**THE OFFICER INCHARGE  
UYUI CENTRAL PRISON  
TABORA**

**UKUU WA GEREZI  
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:- JOSEPH S/O JOHN  
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.**