

**IN THE AFRICAN COURT OF HUMAN AND PEOPLE'S RIGHT'S
AT ARUSHA**

APPLICATION No..... 039 2016

c/f COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL No 17 OF 2001

IN THE HIGH COURT OF TANZANIA AT TABORA

CRIMINAL SESSIONS CASE No 42 OF 1989

BETWEEN

CHANANJA LUCHAGULA APPLICANT

AND

THE REPUBLIC OF TANZANIA }APPLICANT
ATTORNEY GENERAL }

EXECUTIVE SUMMARY OF THE APPLICATION

**MADE UNDER RULE 19 OF THE COURT RULES FROM PROVISION
No 18 AND 19 OF THE COURT PRACTICE DIRECTION**

I' the above named applicant request this honorable court of justice. Human and peoples' Rights to allow lodging a memorandum of complaints of violation of Human rights and justice for the following reasons:-

- 1:- That, the applicant was convicted and sentenced from the 31st may 2001 to death by hanging, in above mentioned original case, then the decision upheld in the above noted criminal Appeals; now I'm to serve life sentence imprisonment after presidential pardon.
- 2:- That, the judgment of the court of Appeal which had been pronounced on the 2nd July 2003, was procured by err against the applicant where the court had evaluated the evidence of the prosecution side widely.
- 3:- That, the applicant as appellant in the super appeal had submitted memorandum of appeal and it's addition within both several grounds on hearing of the appeal had argued all the grounds with supporting presentive of respondent.

- 4:- That, according to a copy of judgment, the court of Appeal had not considered all the ground then combined to 2 grounds. This procedure of the court had insulated the applicant as it was violating the fundamental right of being heard in the court of law as required by article 3(2) of the charter of the court.
- 5:- That, the applicant humbly begs that, this court to re-store justice where it was overlooked and quash conviction and sentence imposed upon him and set him at liberty.
- 6:- That, the applicant here in above on his own behalf wish to be granted reparation pursuant to article 27(i) of the protocol of the court.
- 7:- That, this court may grant any other order(s) or relief(s) sought that may deem fit in the circumstance of complaint.
- 8:- That, the application is intended to be supported by a 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 Butimba Prison at Mwanza, and signed by me my self.

Dated at Mwanza 30th day of JUNE 2016

(RTP)
APPLICANT

CERTIFICATION: I hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this 30th
Day of JUNE 2016.

(SGD) Abubaki INSP

FOR OFFICER IN CHARGE
BUTIMBA CENTRAL PRISON
MWANZA

MW. MKUU WA CEREZA
BUTIMBA MWANZA

Lodged at the registry office of the Africa court of Human and peoples Rights
,P.o.Box 6274 ARUSHA,TANZANIA.

This day of 20.....

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

Draw and filed by:



CHANANJA LUCHAGULA 30/06/2016 APPLICANT

C/o O¹/c BUTIMBA CENTRAL PRISON

P.O.Box 38,

MWANZA.

To be served upon:

THE UNITED REPUBLIC OF TANZANIA RESPONDENT

ATTORNEY GENERAL CHAMBERS

P.O.Box 11492

DAR ES SALAAM – TANZANIA.