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AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS  
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

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**CASE SUMMARY**  
**APPLICATION NO 004/2015**

**ANDREW AMBROSE CHEUSI v UNITED REPUBLIC OF TANZANIA**

1. The Applicant states that he is a convict serving a 30 year custodial sentence at Ukonga Central Prison at Ukonga, Dar es Salaam Region, the United Republic of Tanzania following his conviction by the District Court of Kibaha at Kibaha for the offence of armed robbery. He is a convict Number 994/2005. His application is against the United Republic of Tanzania.
2. The Applicant is brings his Application on the basis of the following Criminal Cases: (i) Criminal Case No 95 of 2003 in the District Court of Kibaha (ii) Criminal Appeal No 45 of 2006 in the High Court of Tanzania at Dar es Salaam (iii) Criminal Appeal No 141 of 2007 of the Court of Appeal of Arusha at Dar es Salaam (iv) Criminal Case No 194 of 2004 from the District Court of Kibaha at Kibaha and (v) Criminal Appeal 58 of 2006 in the High Court of Tanzania at Dar es Salaam.
3. The Applicant alleges that he was charged with Armed Robbery contrary to section 285 of the Penal Code vide Criminal Case No. 95/2003. He was convicted and sentenced to 30 years imprisonment. He alleges that the said sentence was not in force at the time he was charged with the offence hence was unconstitutional since it violates article 13(6) (c) of the Constitution of the United

Republic of Tanzania which prohibits the imposition of a penalty which is heavier than the penalty in force at the time the offence was committed.

4. He also stated that the Trial and Appellate Courts erred in law by convicting him due to the following reasons:
  - a. The evidence of visual identification relied upon by the Courts in convicting him was not watertight as the witnesses did not give any detailed description of the Applicant in order to assert their claim of identifying the Applicant at the scene of crime. This, he alleges, infringes article 13(1) of the Constitution of the United Republic of Tanzania which sets out the principle of equality before the law.
  - b. The exhibits tendered at the trial court were admitted without consulting the defence side, resulting in procedural irregularities; thus infringing the provisions of articles 26(1) and (2) of the Constitution of the United Republic of Tanzania. The said articles impose a duty on every person to abide by the Constitution and to take legal action to ensure the protection of the Constitution.
  - c. The Applicant alleges that he was not availed legal representation during his trial and appeals. This led to denial of justice and in turn violates article 7(1)(c) of the African Charter. The said article provides for the right to prepare one's defence and be defended by a legal counsel.
5. The Applicant further alleges that, with regard to Criminal case No. 194/2004 where he was charged and convicted with the offence of Armed Robbery, after being dissatisfied by the decision of the trial court where he was sentenced to 30 years' imprisonment, he appealed to the High Court in 2006 via Criminal Appeal No 58 of 2006 and which was heard in June 2007. Since then the Court has not delivered its judgment and that although the judgment date was set, it keeps on being adjourned. He alleges that this infringes article 7(1)(d) of the African

Charter which provides for the right to be tried within a reasonable time by an impartial court or tribunal.

6. The Applicant prays for the Court to quash the decisions of the Respondent's courts and set him at liberty.
7. The Applicant seeks an order on the inordinate delay of his Appeal No. 58 of 2006.
8. The Applicant seeks reparation.
9. The Applicant seeks any other order the Court may deem fit to grant.