

AMIRI RAMADHANI V. THE UNITED REPUBLIC OF TANZANIA

CASE SUMMARY

APPLICATION 010/2015

SUMMARY OF THE FACTS

1. The Application was received at the Court's Registry on 11 May 2015.
2. The Applicant is a Tanzanian national.
3. The Applicant has sued the United Republic of Tanzania.
4. The Applicant was charged with and convicted of the offence of armed robbery, attempted suicide and causing grievous harm, by the District Court of Arusha in 1998.
5. The Applicant was sentenced to 30 years with respect to the offence of armed robbery, 7 years with respect to the offence of attempted suicide and 2 years with respect to the offence of causing grievous harm. His sentences are running concurrently.
6. The Applicant avers that he appealed to the High Court of Tanzania in Criminal Appeal No. 45 of 2003 and the appeal was dismissed on 22 November 2005.
7. That subsequently, the Applicant appealed to the Court of Appeal of Tanzania in Criminal Appeal No. 228 of 2005 and the same was dismissed on 27 October 2007.
8. The Applicant has filed in the Court the judgment and proceedings of his appeal in the Court of Appeal of Tanzania in Criminal Appeal No. 228 of 2005. In its decision, the Court of Appeal dismissed the appeal against the conviction for armed robbery and causing grievous harm. However, it quashed the conviction on the charge of attempted suicide and set the two year sentence aside.
9. The Applicant claims to have exhausted all local remedies.

COMPLAINTS

10. The Applicant avers that the trial magistrate and appellate judges grossly erred in law and fact by taking into account his caution statement which was obtained contrary to Sections 50 and 51 of the Criminal Procedure Act.
11. The Applicant also avers that the trial magistrate and appellate judges misdirected themselves by upholding and considering the confession statement tendered by Prosecution Witness 1 without assessing its legality as it was obtained unprocedurally.
12. The Applicant further avers that the trial court imposed an excessive sentence of 30 years for the offence of armed robbery while the sentence was not in effect at the time the alleged robbery took place. He further argues that it escaped the attention of the appellate court to consider the sentence as excessive.
13. The Applicant alleges that the Respondent State violated his rights when it failed to grant him legal representation at the trial stage.
14. The Applicant alleges violations of Articles 1, 2, 3, 4, 5, 6, 7(1) (c) and 7(2) of the African Charter on Human and Peoples' Rights.

THE APPLICANT'S PRAYERS

15. The Applicant states that he is an indigent and incarcerated person and requests free legal representation or legal assistance.
16. A declaration that the Respondent State violated his rights guaranteed under Articles 1, 2, 3, 4, 5, 6, and 7(1) (c) and 7(2) of the African Charter on Human and Peoples' Rights.
17. An order compelling the Respondent State to release the Applicant from detention.
18. An order for reparations should the Court find this in his favor.
19. An order for the Court to supervise the implementation of the Court's order and such other decisions as it may take.

