



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

CASE SUMMARY
APPLICATION NO. 015/2015
GODFRED ANTHONY & IFUNDA KISITE (APPLICANTS)
V.
THE UNITED REPUBLIC OF TANZANIA (RESPONDENT)

SUMMARY OF FACTS

1. The Applicants are Tanzanian businessmen currently serving a sentence of 30 years' imprisonment at the Ukonga Central Prison in Dar es Salaam, Tanzania.
2. On 7 May 1999, both Applicants were charged before the District Court of Songea with conspiracy to commit a felony contrary to Section 384 of the Penal Code, and Armed Robbery contrary to Sections 285 and 286 of the Penal Code.
3. The second Applicant, Ifunda Kisite was acquitted on both Counts, while the first Applicant Godfred Anthony was convicted and sentenced to three (3) and fifteen (15) years imprisonment terms on both Counts respectively, both sentences to run concurrently.
4. Dissatisfied with the judgment of the trial Court, the Respondent appealed to the High Court against the acquittal of the Second Applicant.
5. The first Applicant also appealed to the High Court against his conviction and sentence.
6. In a judgment of the High Court of 19 May 2003, the first Applicant's sentence of fifteen (15) years was enhanced and substituted with a sentence of thirty (30) years.
7. In the same judgment, the second Applicant's acquittal was reversed and a thirty (30) year sentence meted on him. The second Applicant thereafter appealed to the Court of Appeal but his appeal was dismissed.

COMPLAINT

8. In this present application, the Applicants allege that the Respondent's Courts violated their rights under Articles 1, 2, 3, 6, and 7(1) (c) and 7(2) of the African Charter on Human and Peoples' Rights (African Charter) and Article 13(b)(c) of the Constitution of the United Republic of Tanzania.
9. The Applicants claim that they were sentenced contrary to the provisions of the law related to the offences they were charged with.
10. The Applicants also claim that the Court of Appeal overlooked the errors committed by the High Court in consolidating two independent appeals in a single judgment.
11. They claim that the Court of Appeal erred in joining a certain Erick Anziga Matika in the judgment of the second Applicant's appeal, whereas the said Erick Anziga did not indicate his intention to appeal nor did he appeal to the High Court.
12. The said *Erick Anziga Matika* was jointly charged with the two Applicants in the original case at the District Court of Songea . He was convicted and sentenced to three (3) and fifteen (15) years respectively on the two Counts. He did not appeal his conviction and sentence.
13. However, the Court of Appeal in its judgment in respect of the second Applicant, revisited Erick Anziga Matika's uncontested sentence of 15 years imprisonment term from the Trial Court and substituted it with a 30 years imprisonment term.
14. The Applicants further claim that the High Court violated their rights by hearing and determining their appeal in their absence. They claim that they were not provided with legal representation whereas the laws provide for legal aid for the offences for which they were charged.

APPLICANTS' PRAYERS TO THE COURT:

15. The Applicants seek the following reliefs:
 - i. A declaration that the Respondent State violated their rights guaranteed under Articles 1, 2, 3, 6, and 7(1) (c) and 7(2) of the Charter.
 - ii. An Order compelling the Respondent State to release them from detention.

- iii.** An Order for reparation should the Court find merit in the Application and the prayers contained therein.
- iv.** An Order for the Court to supervise the implementation of any Orders and decisions it may deem necessary to grant in favour of the Applicants.