

IN THE AFRICAN COURT OF HUMAN AND PEOPLE RIGHT AT ARUSHA
APPLICATION NO.....OF.....
C/F COURT OF APPEAL OF TANZANIA AT MWANZA
CRIMINAL APPEAL NO.461 OF 2007

AND

IN THE HIGH COURT OF TANZANIA AT TABORA
CRIMINAL APPEAL NO.38 OF 2004

AND

IN THE DISTRICT COURT OF URAMBO AT URAMBO
ORIGINAL CRIMINAL CASE NO.151 OF 1999

=BETWEEN=

YASSIN S/O RASHID @ MAIGEAPPLICANT

=AND=

THE PUBLIC OF TANZANIA ATTORNEY GENERAL----- RESPONDENT.

EXECUTIVE SUMMARY OF THE APPLICATION.

{ Made under rule 19 of the court rules from provision NO.18 and 19 of the Practice direction. }

I, the above named applicant requests this Honourable court of justice of human and people's right to allow me to lodge a memorandum of complainants of violation of human rights and justice for the following reason inter-alia:-

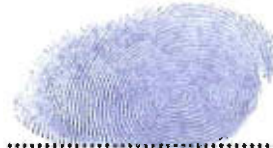
1. That, the applicant was stayed in remand Prison four (4) years and half without the case to be finished and the time which was stayed in remand was not considered by the whole courts who can pay the said time.
2. That, the applicant I was arrested on 27.7.1999 and I was convicted and sentenced to serve thirty (30) years in jail on 9.9.2003 in the above decision and was upheld by the High Court of Tanzania at Tabora on 26.6.2007 and also was upheld by the court of appeal of Tanzania at Tabora on 19.4.2013, but the court did not consider the period which I stayed in remand Prison.
3. That, the judgment of the court of appeal of Tanzania at Tabora which was pronounced on 19.4.2013 was procured by error against me where the court had not evaluate and examine the evidence of the prosecution witness in deeply and the time which the case remained in the court and the tortured which was proved by PW.4 hence the justice on my party was miscarriage at all.
4. That, the applicant as appellant in basic appeal had submitted memorandum of appeal and its addition within both several grounds on hearing of the appeal had argued all the grounds with supporting of presentantive of the respondent.
5. That, I the applicant I had not have any legal representative hence my right to be heard was deprived leading to prejudice. This position has violated the fundamental right of the charter

of the court contrary to the article 7 (1) (c) the same as article 1 and 107 "A" (2),(b) of the Constitution of the United Republic of Tanzania 1977 and article 13 (6) (a) and concerning with the basic right and duties.

6. That, the court of appeal of Tanzania at Tabora denied my right of fair hearing for not analysis my twelve (12) memorandum of appeal presented before the court individual this violated article 13 (b) (a) of the constitution of the United Republic of Tanzania 1977. Instead the court boil on one grounds only.
7. That, the court of appeal of Tanzania at Tabora did not considering that the applicant he was not legal representative and the court did not inform the applicant about section 194 (4) and (5) of criminal procedure Act Cap.20 R.E 2002. Therefore he did not aware about provision of section (4) and (5) the defence of ALIBI was supposed to be considered.
8. That, the procedure adopted by the court of appeal in boiling the memorandum of appeal on only one ground had insolated the applicant as it was ground had insolated 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.
9. That, the applicant humbly pray that this court to re-store justice where it was overlooked and quash both conviction and the meted sentence of thirty (30) years and set me free from the Prison Custody.
10. That, I the applicant herein above in my own behalf, I wish to be granted preparation pursuant to article 27 (1) of the protocol of the court.
11. That, this Honourable court be pleased to grant any other order (s) or legal remedy that the court may think fit and just to grant be provable in the circumstance of my complaints.
12. That, I the applicant intend to be supported by submission of my complaints of violation of human rights and justice accompanied with a copy of the judgment of the court of appeal of Tanzania at Tabora.

This executive summary has been prepared by me applicant at Uyui Central Prison Tabora and signed myself.

Dated at Tabora this.....08.....day of.....5.....2017.



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THE APPLICANT:- YASSIN S/O RASHID @ MAIGE

CERTIFICATION.

I, the Officer In-Charge of Uyui Central Prison Tabora. Do hereby certify that this Executive summary has been prepared and signed by the applicant(Prisoner) himself and there is no alteration there on it.

Certified this.....⁰⁸..... Day of⁵.....2017

[Signature]
.....
THE OFFICER IN-CHARGE
UYUI CENTRAL PRISON
TABORA.

**WA GEREZA
UYUI TABORA**

TO. The Honourable the Justice of the African Court of Human and people's right.
Lodged in Registry office of the African Court of Human and people's right at Arusha
this.....day of.....2017

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**REGISTRAR OF THE COURT OF HUMAN AND PEOPLE'S RIGHT
ARUSHA TANZANIA.**

DRAWN AND FILED BY:-

THE APPLICANT:- YASSIN S/O RASHID @ MAIGE

COPY TO BE SERVED UPON:-

THE UNITED REPUBLIC OF TANZANIA,
ATTORNEY GENERAL'S CHAMBER'S
P.O.BOX 114²
DAR.ES.SALAAM – TANZANIA.