

IN THE AFRICAN COURT OF HUMAN AND PEOPLE'S RIGHT AT ARUSHA
APPLICATION NO...~~21.7~~.....OF..~~2017~~...
C/F COURT OF APPEAL OF TANZANIA AT MWANZA
CRIMINAL APPEAL NO.178 OF 2004~~f~~
IN THE HIGH COURT OF TANZANIA AT MWANZA
CRIMINAL APPEAL NO.....OF.....
IN CONSIDERATION WITH CRIMINAL APPEAL NO.4,6,7 AND 8 OF 2003
IN THE DISTRICT COURT OF MUSOMA AT MUSOMA
ORIGINAL CRIMINAL CASE NO.36 OF 2001

=BETWEEN=

ABDALLAH S/O SOSPTER @ MABOMBA.....APPLICANT

=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 mentioned 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 convicted and sentenced on 16.7.2002 to serve thirty (30) years in jail and LIFE Imprisonment in the above mentioned criminal case, the decision which was upheld by the High Court of Tanzania at Mwanza in criminal appeal NO.6 of 2003, Also was upheld by the court of appeal of Tanzania in criminal appeal NO.178 of 2004 against the applicant and four (4) others who were afore co-accused and then co-applicant in the court.
2. That, the judgment of the court of appeal which had been pronounced on the 16.3.2007 was procured by errors against the applicant where the court had not evaluated the evidence of the prosecution witness in deeply.
3. That, the applicant as appellant in the super 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 representative of the respondent.
4. That, according to a copy of judgment the court of appeal of Tanzania had not considered all the grounds the combined them to eight (8) grounds. This procedure of the court 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 court.
5. That, as the applicant I was/were no legal representative my right to be heard were/are deprived leading to prejudice. This position has violated the fundamental right of the charter of the court contrary to article 7 (1) (c) the same as article 1 and 107 A (2) (b) of the constitution of the United Republic of Tanzania 1977.

6. That, the judgment of the court of appeal of Tanzania which was pronounced on 16th.day of March 2007 was procured by erroneous because the identification evidence were not met with the requirement to enable proper identification as the moonlight is very faint and no detail description was given to the earliest time.
7. That, the Medical report was used in the evidence in breach provision of section 240 (3) the criminal procedure Act.Cap.20 R.E 2002.
8. That, the applicant prays that this court to restore the justice where it was over looked and quash both conviction and sentence imposed on me and set free.
9. That, the applicant herein above on his own behalf wish to be granted reparation pursuant to article 27 (i) of the protocol of the court.
10. That, this court to grant any other order (s) or legal remedy that the court thinks fit in the circumstance of complaint.
11. That, the applicant intended to be supported by submission of complaints of violation of human rights and justice accompanied with a copy of judgment of the court of appeal of Tanzania at Mwanza.

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 APPELLANT:- ABDALLAH S/O SOSPTER @ MABOMBA

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

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**THE OFFICER IN-CHARGE
 UYUI CENTRAL PRISON
 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.