

IN THE AFRICAN COURT OF HUMAN AND PEOPLE RIGHT AT ARUSHA
APPLICATION NO. 021 OF 2017
C/F COURT OF APPEAL OF TANZANIA AT TABORA
CRIMINAL APPEAL NO.22 OF 2008
IN THE HIGH COURT OF TANZANIA AT TABORA
(H/C) CRIMINAL APPEAL NO..... OF
IN THE DISTRICT COURT OF NZEGA AT NZEGA
ORIGINAL CRIMINAL CASE NO..... OF

=BETWEEN=

JOHN S/O MARTIN @ MARWAAPPLICANT

=AND=

THE PUBLIC OF TANZANIA ATTORNEY
GENERAL'S CHAMBER.....RESPONDENT.

EXECUTIVE SUMMARY OF THE APPLICATION.

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

The above mentioned applicant requests this Honourable the 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 to serve thirty (30) years in jail by the District Court of Nzega in the above mentioned original criminal case, then the decision was upheld in the above cited criminal appeal.
2. That, the judgment of the Court of appeal which was procured on the 22/6/2011 was procured by errors against the applicant where the court had not evaluated the whole evidence on record in deeply, hence miscarriage the justice on my side.
3. That, the Honourable the justice of the court of appeal of Tanzania at Tabora they failed to consider the errors which was done by the two lower courts, because the prosecution side did not filed a proper charge, they failed to specify the section of the enactment creating the offence as provided by section 135 (a) (i),(iii) of the criminal procedure Act.Cap.20 R.E 2002. The charge sheet cited section 130 and 131 only while the proper section to be cited was section 130 (1),(2),(e) and 131 (1) of the penal code Cap.16 R.E 2002. The applicant he did not understand the offence which he was facing it.
4. That, according to the copy of judgment of the Court of appeal had not considered the all appellant's grounds of appeal, but the judgment basically on the one party, this was miscarriage of the United Republic of Tanzania Constitution article No.13 (1) AND (2) OF 1977.
5. That, as the appellant he was no legal representative, his right to be heard was deprived leading to a prejudice, this position had violated the fundamental rights of the charter of the

Court contrary to article 7 (1), © the same as article 1 and 107 A (2) (b) of the constitution of the United Republic of Tanzania 1977.

6. That, applicant humbly pray that this Court to re-store justice where it was overlooked and quash both conviction and sentence imposed on me in the defective charge sheet and set me free from the Prison wall.
7. That, the applicant herein above on his own behalf, wish to be granted preparation pursuant to article 27 (1) of the protocol of the court.
8. That, this court may grant any other order(s) or legal remedy sought that deem fit in the circumstance of complaint.
9. That, the applicant intended to be supported (Submission) of complaints of violation of human rights and justice accompanied with a copy of judgment of the court of appeal of Tanzania at Tabora.

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

Dated at Tabora this 16 day of JUNE 2017.



THE APPLICANT:- JOHN S/O MARTIN @ MARWA

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 16 Day of JUNE 2017

ASR ASA
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

REGISTRAR OF THE COURT.