

IN THE AFRICAN COURT ON HUMANS AND PEOPLE'S RIGHTS

AT – ARUSHA

APPLICATION NO. 031 OF 2015

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.102 OF 2011

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.70 OF 2010

IN THE DISTRICT COURT OF SENGEREMA AT SENGEREMA

ORIGINAL CR. CASE NO. 288 OF 2005

BETWEEN

DISMAS BUNYERERE ..... APPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA } .....RESPONDENT  
ATTORNEY GENERAL }

EXECUTIVE SUMMARY OF THE APPLICATION

MADE UNDER RULE 19 OF THE COURT RULES FROM PROVISION NO.17 OF  
THE COURT PRACTICE DIRECTIONS

1. The above named applicant was convicted by the trial court for an offence of Armed Robbery and sentenced to thirty years imprisonment from the 14.11.2006. then the above mentioned appeals in the High court and the court of appeal dismissed.
2. A judgment of the court of appeal which pronounced on the 29.07.2013 disregarded fundamental evidence of prosecution side regarding identification of the applicant in scene of incident and cautioned statement of the applicant to confusion.
3. The court of appeal upheld the conviction and sentence against the applicant for his possession of stolen things without altering the offence charged for changing the sentence and considering of applicant mitigation and his leniency.

4. The decision of the court of appeal was contrary to the country law especially the criminal procedure act. Also the judgment was contrary to article 3(1) and (2) of the African charter which needs every individual to be equal before the law and to be entitled to equal protection of the law.
5. According to the above noted circumstance, the court procedure is violating my fundamental right is needed to be solved pursuant to article 27(1) of the protocol of the court and rule 34(5) of the court rules in order to remedy the violation.
6. The applicant humbly begs this honourable court to re – solve the complaint and re – store justice where it was overlooked and quash both conviction and sentence imposed upon him.
7. The court may grant any other order (s) or relief(s) that may deem fit in the circumstance of the complaint.
8. The application is intended to be supported by a submission of complaint accompanied by a copy of the judgment of the appeal court and the case records.

**VERIFICATION:** This Executive summary had been prepared by me, the above named applicant and signed by my self this 14<sup>TH</sup> day of NOVEMBER 2015...



(RTP).....  
APPLICANT

**CERTIFICATION:** Certified that this Executive summary has been prepared by the applicant and signed by him before me this 14<sup>TH</sup> day of NOVEMBER 2015...

(SGD) ..... [Signature] INSP

For. OFFICER INCHARGE  
BUTIMBA CENTRAL PRISON  
MWANZA, TANZANIA

2.11.2015 MKUU WA GEREZA  
BUTIMBA MW NZA

Lodged at the Registry office of the African court on Humans and People's Rights,  
this ..... day of ..... 20 .....

(SGD) .....

REGISTRAR OF THE COURT

(ACHPR)

**COPY TO BE SERVED UPON:**

THE UNITED REPUBLIC OF TANZANIA } ..... RESPONDENT  
ATTORNEY GENERAL'S CHAMBERS }  
P.O. BOX 11492  
DAR-ES-SALAAM, TANZANIA

**DRAWN AND FILED BY:**

DISMAS BUNYERERE / ..... APPLICANT  
C/O OFFICER INCHARGE  
BUTIMBA CENTRAL PRISON  
P.O. BOX 38,  
MWANZA, TANZANIA

14/11/15