



**AFRICAN UNION**  
الاتحاد الأفريقي

**UNION AFRICAINE**  
**UNIÃO AFRICANA**

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

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**CASE SUMMARY**

**APPLICATION NO 033/2015**

**JAMES WANJARA AND OTHERS ..... APPLICANTS**  
**V.**  
**UNITED REPUBLIC OF TANZANIA .....RESPONDENT**

**SUMMARY OF FACTS**

1. The Applicants, James Wanjara, Jumanne Kaseja, Chrispian Kilosa, Mawazo Selemani and Cosmas Pius are citizens of the United Republic of Tanzania. They are each serving sentences of thirty (30) years imprisonment at Butimba Central Prison in Mwanza Tanzania.
2. The Applicants were arrested on 31/03/2001 at Mara Region and thereafter, were taken to Magu Police Station at Mwanza Region.
3. They were charged in Criminal Case No 66/2001 with the offences of Armed Robbery Contrary to Sections 285 and 286 and Grievous Harm contrary to Sections 225 of the Penal Code, Cap 16 Vol. 1 of Tanzania Laws. After a full trial they were found guilty, convicted and sentenced to thirty (30) years imprisonment.
4. The Applicants were dissatisfied with the decision of Magu District Court. They appealed to the High Court of Tanzania at Mwanza in Criminal Appeal No 01/2001 but the Appeal was dismissed.

5. They appealed to the Court of Appeal in Criminal Appeal No 128/2003. The Court of Appeal upheld the Applicants' convictions passed by Lower Courts and confirmed the sentence of thirty (30) years for all Applicants.
6. The Applicants allege that the evidence relied upon to convict them was not well analysed by the National Courts.
7. They further allege that the sentence of thirty (30) years imposed on them was unconstitutional in terms of Article 13 (6) (c) of the Tanzanian Constitution and that it is against Article 7(1) (c) of African Charter on Human and Peoples' Rights (Charter).
8. The Applicants allege that, the Respondent State did not provide them with legal representation throughout their cases in the National Courts and this violates Article 7(1) (c) of the Charter.

#### **APPLICANTS PRAYERS**

9. The Applicants pray for;
  - I. The conviction and sentences imposed by the National Courts to be quashed
  - II. Any other relief the Court may grant
  - III. To be facilitated with free legal assistance under Rule 31 of the Rules of the Court and Article 10 (2) of the Protocol