

**IN THE AFRICAN COURT OF HUMANS AND PEOPLES RIGHTS
AT ARUSHA**

APPLICATION NO. 005.....OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO. 85 OF 2009

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.83 OF 2005

IN THE DISTRICT COURT OF GEITA AT GEITA

ORIGINAL CR. CASE NO.OF

BETWEEN

**SADICK MARWA KISASEAPPLICANT
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 DIRECTION**

I, the above named applicant request this honorable court of justice, Human and People's Rights to allow lodging a memorandum of complaint of violating of Human Rights and Justice for the following reasons:-

1. That, the applicant was convicted and sentenced from the 30.....2008 to serve in jail thirty years and twelve strokes in above mentioned original case, then the decision upheld in the above noted criminal appeal.
2. That, the judgment of the court of appeal which had been pronounced on the 26/07/2013 was procured by err against the applicant and prejudiced to make review of it by the court of appeal where is not listing for hearing.

3. That, the applicant as appellant in the super appeal had submitted memorandum of appeal and its addition within several grounds. On hearing of the appeal had argued all the grounds with supporting of preventive of the respondent.
4. That, according to a copy of judgment the court of appeal had not considered all the grounds then combined them to eight grounds. This procedure of the court had isolated the applicant as it was violating the fundamental rights of being heard in the court law as required by article 3(2) of the charter of the court.
5. That, although the applicant has lodged on the 21-3-2004 in the court of appeal at Mwanza an application for review, the application still not listed for hearing while some other application had been heard though they were registered after it in the same Registry.
6. That, as the applicant was/has no legal representative, his right to be heard were/are deprived leading to prejudice. This position has violated the fundamental rights of the charter of the court contrary to article 7(1)(c) and (d) same as article 1 and 107 A(2)(b) of the constitution of the 1977 United Republic of Tanzania 1977.
7. That, the applicant humbly begs that this court re-store justice where it was overlooked and quash both conviction and sentence imposed upon him and set him at liberty.
8. That, this application herein above on his own behalf wish to be granted reparation pursuant to article 27(1) of the protocol of the court.
9. That, this court may grant any other order(s) or relief(s) sought that may deem fit in the circumstance of the complaint.
10. That, the application is intended to be supported by a submission of complaints of violation of Human Rights and Justice accompanied with a copy of judgment/record of the court of appeal.

This Executive summary has been prepared by me the applicant at Butimba Central Prison in Mwanza and signed by I myself this^{22TH}.....day of DECEMBER 2015

(RTP)
APPLICANT

CERTIFICATION: I hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this^{22TH}.....day of DECEMBER 2015.

(SGD)
FOR: O I/C BUTIMBA C. PRISON
P.OBOX 38
MWANZA – TANZANIA

**AL. MKUUWA GEREZA
BUTIMBA MW NZA**

Lodged at the Registry office of the African Court of Human and People's Right, P.OBOX 6274 Arusha -Tanzania thisday of.....20.....

(SGD)
REGISTRAR OF THE COURT
(ACHPR)

Served upon:

The Republic of Tanzania, } Respondent
Attorney General Chamber, }
P.OBox 11492, }
Mwanza.

Drawn and lodged by:

Sadick Marwa Kisase,
C/O OI/CButimba C.Prison
P.O. Box 38
Mwanza.


22/12/15