



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 008/2016**

**MASOUD RAJABU (APPLICANT)**  
**V.**  
**UNITED REPUBLIC OF TANZANIA (RESPONDENT)**

**SUMMARY OF FACTS**

1. The Applicant is a 42 year old Tanzanian presently serving a thirty (30) years imprisonment term at the Maweni Central Prison Tanga–Tanzania since April 2010.
2. The Applicant was charged, convicted and sentenced to 30 years imprisonment before the Korogwe District Court for the offence of rape contrary to Sections 130(2) and 131(1) of the Penal Code.
3. Dissatisfied with his conviction and sentence, the Applicant appealed to the High Court of Tanzania and then to the Court of Appeal. Both his appeals were dismissed.
4. In August 2013, the Applicant filed a Motion to the Court of Appeal of Tanzania for a review of its decision. The Court of Appeal has not yet determined the Applicant's Motion for review.

**COMPLAINT**

5. The Applicant alleges that the Respondent's Courts violated his right to a fair trial guaranteed under Articles 13, 13(6)(a) of the Constitution of Tanzania and Sections 226(2) & 310 of the Criminal Procedure Act Cap 20 R.E 2002. He also alleges violation of Sections 229, 32(1), 33, and 132 of the Criminal Procedure Act Cap 20 R.E 2002.

6. The Applicant claims that he was not afforded the opportunity to defend himself during the trial and that he was not accorded legal representation, whereas the laws provide for legal Aid for the offence for which he was charged with.
7. Applicant claims that the Respondent's Courts erred when they failed to consider the inconsistencies and contradictions in the testimonies of the prosecution witnesses. He claims that the Courts erred in admitting the voice recognition evidence of Prosecution Witness 2 which failed to meet the standard requirements of admissibility of voice recognition evidence.

**APPLICANTS' PRAYERS TO THE COURT:**

8. The Applicant seeks the following reliefs:
  - I. An Order declaring his Application admissible.
  - II. A finding by the Court that his rights have been violated,
  - III. An Order quashing the decisions of the Respondent's Courts and setting aside his conviction and sentence.