

IN THE AFRICAN COURT ON HUMANS AND PEOPLE'S RIGHTS
AT ARUSHA – TANZANIA
APPLICATION NO. 011..... OF 2016

^C/_F IN THE COURT OF APPEAL OF TANZANIA
CRIMINAL APPEAL NO 125 OF 2011

^C/_F IN THE HIGH COURT OF TANZANIA AT MWANZA
HC. CRIMINAL APPEAL NO 138 OF 2008

ORIGINATED FROM THE DISTRICT COURT OF MUSOMA
AT MUSOMA
CRIMINAL CASE NO 155 OF 2005

BETWEEN

CHACHA ^S/_O WAMBURA APPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA }
ATTORNEY GENERAL }RESPONDENT

EXECUTIVE SUMMARY:

[Made under PRACTICE DIRECTION; to section 17 and the RULES to Rule 19)

THE AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS

This application has the following requests:-

1. **THAT**, I am a convict serving thirty (30) years in jail at Butimba Central Prison – Mwanza.
2. **THAT**, I was convicted and sentenced of Armed Robbery ^C/_S 285 and 286 of the Penal code Cap 16 Vol.1 of the laws as amended by Act No 10/89 and 27/1991; and 2nd court; Grievous harm c/s 225 of the penal code Cap 16 Vol.1 of the law.

3. **THAT**, the evidence as led by the prosecution and relied on by both courts to sustain conviction and sentence the appellant was that of identification through un explained lamp light.
4. **THAT**, both courts had gravely erred in law and fact to rely on unfavourable visual identification.
5. **THAT**, the evidence led by the prosecution was not well analysed by both courts; And this default caused the applicant to be convicted while the prosecution case was too weak to justify the appellant's conviction.
6. **THAT**, the offence section and law section 285 and 286 of the Penal Code Cap 16 Vol.1 of the laws as amended by Act 10/89 and 27/1991; under which the applicant charged of, had not defined Armed Robbery; So a violation to Article 13(6)(c) of the constitution of the United Republic of Tanzania and the CHARTER of this court to Article 7(1)(2).
7. **THAT**, the applicant's request to this hon. Court on Human and People's Rights is to re-analyse the entire evidence on record and restore justice where it was overlooked by the respondent states courts and let the applicant at liberty.
8. **THAT**, this court may grant any other order(s) or relief (s) that may deem fit in the circumstance of the application.

VERIFICATION: I hereby verify that what is stated herein above in paragraphs 1 – 9 is true to the best of my knowledge and belief.

Verified at Mwanza this...^{4th} day of ...^{FEBRUARY}... 2016.

(RTP).....

APPLICANT

CERTIFICATION: Hereby certified that, the executive summary has been prepared and signed by the above named applicant and endorsed before me on this...^{4th} day of ...^{FEBRUARY}... 2016.

(SDG).....^{Atkavia sp}.....

For .OFFICER IN CHARGE
BUTIMBA C.PRISON
P.O. Box 38, MWANZA

Lodged at the Registry office of the African court on Human and People's Rights
P.O. Box 6274, Arusha – Tanzania, this.....day of.....2016.

(SGD).....
REGISTRAR OF THE COURT
(AFCHPR)

DRAWIN AND FILED BY:

CHACHA S/O WAMBURA

c/o O/c BUTIMBA CENTRAL PRISON,

P.O. Box 38,

MWANZA – TANZANIA.



p 1th. 02. 2016

TO BE SERVED UPON:

THE RESPONDENT,

ATTORNEY GENERAL CHAMBERS

P.O. BOX

DAR-ES-SALAAM – TANZANIA.