

IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
AT ARUSHA
APPLICATION NO.....013..... OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA
CRIMINAL APPEAL NO. 78 OF 2008

IN THE HIGH COURT OF TANZANIA AT BUKOBA
CRIMINAL APPEAL NO. 65 OF 2007

IN THE DISTRICT COURT OF BUKOBA AT BUKOBA
ORIGINAL CR. CASE NO.214 OF 1999

BETWEEN

STEPHEN JOHN RUTAKIKIRWA APPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA }
ATTORNEY GENERAL } RESPONDENT

EXECUTIVE SUMMARY OF THE APPLICATION

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

I, the above named applicant request this honourable court of justice, Human and Peoples' Rights to allow lodging a memorandum of complaint of violation of Human Rights and justice for the following reasons:-

1. **THAT**, the applicant was convicted and sentenced from the 12.11.1999 to serve in jail thirty years in above mentioned original case, then the decision upheld in the above noted criminal appeals.
2. **THAT**, the judgment of the court of Appeal which had been pronounced on the 15.11.2011 was procured by err against the applicant where the court had not evaluated the evidence of the prosecution side widely.

3. **THAT**, the applicant as appellant in the super appeal was submitted memorandum of the appeal had its addition within both several grounds on hearing of the appeal had argued all the grounds with supporting of presentive of the respondent.
4. **THAT**, according to a copy of the judgment, the court of appeal had not considered all the grounds then combined them to six grounds, this procedure of the court had isolated the applicant as it was violating the fundamental right of being heard in the court law as required by article 3(2) of the charter of the court.
5. **TAHT**, 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 country constitution 1977.
6. **THAT**, the applicant humbly begs that, this court to re-store justice where it was overlooked and quash both conviction and sentence imposed upon him and set him at liberty.
7. **THAT**, the applicant herein above on his own behalf wishes to be granted reparation pursuant to article 27(1) of the protocol of the court.
8. **THAT**, this court may grant any other order(s) or relief(s) sought that may deem fit in the circumstance of the complaint.
9. **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 the Judgment 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 my self this ^{16th} day of ^{February} 20¹⁶.....

(RTP)
APPLICANT

CERTIFICATION: I, here by certify this Executive summary has been prepared by the applicant him self and endorsed before me on this.....^{15th} day of february..... 2016.....

(SGD)..........

**FOR: OFFICER IN-CHARGE
BUTIMBA CENTRAL PRISON**

**P.O. BOX 38, *U. M. MKUU WA GEREZA*
MWANZA, TAZNANIA *BUTIMBA MW NZA***

Lodged at the Registry office of the African Court of Human and Peoples' Rights
P.O. Box 6274, ARUSHA, TANZANIA. Thisday of 20.....

(SGD).....
**REGISTRAR OF THE COURT
(ACHPR)**


SERVED UPON:

THE REPUBLIC OF TANZANIA
ATTORNEY GENERAL CHAMBERS
P.O. BOX 11492,
DAR – ES – SALAAM, TANZANIA

} RESPONDENT

DRAWN AND LODGED BY:

STEPHEN JOHN RUTAKIRWA
% O/c BUTIMBA CENTRAL PRISON
P.O. BOX 38,
MWANZA, TANZANIA

}  15. 02, 2016
APPLICANT