

IN THE AFRICAN COURT ON HUMANS AND PEOPLES' RIGHTS

AT ARUSHA

APPLICATION NO. 021 OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.211 OF 2010

IN THE HIGH COURT OF TANZANIA AT BUKOBA

CRIMINAL SESSIONS NO.113 OF 2004

BETWEEN

JOSEPH MUKWANO.....APPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA }  
ATTORNEY GENERAL }

.....RESPONDENTS

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, lodge this executive summary in this honour court under following grounds;-

1. **THAT**, I was arrested on 12.08.2003. then on 22.08.2008 I charged for the information in the District court of Karagwe at Karagwe later on the 11.11.2004 I was duly served the notice of trial on the information for the offence of murder c/s 196 of the Tanzania penal code cap 16 of the law in the High court of Tanzania at Bukoba in the above mentioned criminal sessions.
2. **THAT**, in the trial High court, I was convicted for the offence on the 15.07.2010 and sentenced to death. Dissatisfying by the decision, I appealed in court of Appeal by above mentioned criminal appeal where by the appeal dismissed on the 07.03.2013. Then I applied criminal application No.6 of 2013 in the court of Appeal for review of its judgment. The application was struck out on the 28.02.2014 as it had been lodged out of the time. On my applying an extension of the time by application No.1 of 2014 in the court. The application dismissed on the 13.02.2015 underground that I have failed to cross the legal threshold set by the prevailing jurisprudence.
3. **THAT**, as no any other opportunity for review of the court of appeal judgment, now I step foot to this honourable court to re-store my right in the interests of justice for omitting/offending to consists and/or specifies some vital points of

evidence(s) in respect of I, the applicant. Here in attached a copy of the review application as annexure JM No.01.

4. **THAT**, the conviction had based on alleged Doctrine of recent possession of the alleged stolen articles (exhibit P.7) and retracted confession / extrajudicial statement (exhibit P.8). The exhibits which alleged to be made by me, the applicant were admitted in the trial court without to consider my complain. See the copy of judgment whose attached herein as annexures JM No.2.
5. **THAT**, in the above noticed circumstances its obvious that I, the applicant was isolated on procedure and decision of the court of appeal. The acts were violating the fundamental rights of article 3(2) of the African charter which required every individual to be entitled to equal protection of the law.
6. **THAT**, the applicant humbly begs 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**, this court may grant any other or relief(s) sought that may deem fit in the circumstances of the complaint.

VERIFICATION: I verify that all stated above is true and had been prepared by I and signed by myself here at Mwanza this 18<sup>TH</sup> day of MARCH 2016

(RTP).....



**APPLICANT**

**CERTIFICATION:** Certified that this executive summary had been prepared by the applicant himself and endorsed before me this 18<sup>TH</sup> day of MARCH 2016

(SDG).....

*Handwritten signature*

**For .OFFICER IN CHARGE  
BUTIMBA CENTRAL PRISON  
MWANZA**

**BUTIMBA CEREZA  
BUTIMBA MWANZA**

Lodged in the Registry office of the court at Arusha this.... day of.....20.....

(SGD).....

**REGISTRAR OF THE COURT  
(AFCHPR)**

**COPY TO BE SERVED UPON:**

The United Republic of Tanzania / .....RESPONDENT