

IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
AT ARUSHA
APPLICATION NO. 022 OF 2016

C/F COURT OF APPEAL OF TANZANIA AT BUKOBA
CRIMINAL APPEAL NO.287 OF 2012

IN THE HIGH COURT OF TANZANIA AT BUKOBA
CRIMINAL APPEAL NO.20 OF 2012

IN THE DISTRICT COURT OF CHATO AT CHATO
ORIGINAL CR.CASE NO.47 OF 2011

BETWEEN

MUSSA ZANZIBAR 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 apply in this honour court by this application my complaints of violation of Human Rights and justice as stated herein this executive summary for the following grounds:-

1. **THAT**, the applicant was charged on the 27th day of June, 2011 in the District court of Chato at Chato for offence of Rape c/s 130(1)(3)(d) and 131(1) of the Tanzania penal code cap16 R:E 2002 and convicted for the offence thus sentenced to thirty (30) years imprisonment from the 6th day of October 2011.
2. **THAT**, the applicant had aggrieved by the District court decision hence appealed in the High court against it unsuccessfully. Dissatisfied by the High court judgment, he preferred the appeal in the court of appeal wherein dismissed entire on the 10th day of March, 2014.
3. **THAT**, the applicant, now move steps to this honourable court as the court of appeal had convicted him injustice contrary to the provisions of the law related to the offence.

4. **THAT**, the conviction had based to the single witness evidence, the victim of the case as competent witness under provisions of the section 127(7) of the Tanzania evidence Act cap6 R:E 2002 was satisfied by the court that the truth. So the court considered the witness was credible.
5. **THAT**, the major err of the court of appeal is overlooking or / and misdirecting that the trial court had not complied totally to the provisions of the sections. In the trial court judgment there is no specific reasons which recorded to satisfy that the witness was the truth. Hence the trial court was used more effort to find corroboration to the witness evidence.
6. **THAT**, on other side, the trial court had not assessed the credibility of the witness evidence including the demeanor of the witness before receiving her evidence for the conviction.
7. **THAT**, the witness evidence has major contradictions and inconsistencies which the trial court was not considered for proving that the case was fabricated to incriminate the applicant as claimed that there was conflict afore the incident.
8. **THAT**, the witness was narrated in the trial court some many conceptions whose had acted at the night without to mention any source of light which enable her to define those conceptions.
9. **THAT**, the court was needed to warn itself before the conviction by the evidence which was not beyond the reasonable doubts.
10. **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
11. **THAT**, this court may grant any other order(s) or relief(s) sought that may deem fit in the circumstances of the complaints.

This Executive summary had been prepared by I, the applicant and signed by myself this 24TH day of MARCH 2016.



(RTP)
APPLICANT

CERTIFICATION: certified that this executive summary had been prepared by the applicant himself and signed by him before me this 24TH day of MARCH 2016.

(SGD) Jessica Moyo
FOR: OFFICER IN-CHARGE
BUTIMBA CENTRAL PRISON
P.O. BOX 38,
MWANZA, TANZANIA

MKUU WA GEREZA
BUTIMBA MWANZA

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

(SGD)
REGISTRAR OF THE COURT
(ACHPR)