

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

Case Summary: Application no. 025/2016

Kenedy Ivan (Applicant)

V.

United Republic of Tanzania (Respondent)

SUMMARY OF FACTS

1. The Applicant is a citizen of United Republic of Tanzania aged 39 years old who was living in Murugwanza Village in Ngara District.
2. On October 2005, the Applicant was arrested in connection with an incident of armed robbery, taken to Ngara Police Station where he was charged and later taken to Court in that regard.
3. The Applicant was convicted of the offence of armed robbery Contrary to Section 287 A of the Penal Code Cap 16 of the Laws Revised Edition 2002 and sentenced to 30 years imprisonment, under Criminal Case No. 157 of 2005 from the District Court of Ngara.
4. The Applicant was aggrieved by the trial court's decision and he appealed to the High Court and subsequently, the Court of Appeal of Tanzania. The Court of Appeal of Tanzania upheld the decisions of the District Court and High Court of Tanzania on 17 February, 2012

COMPLAINTS

5. The Applicant claims that he was not afforded the right to be heard as he had no legal representation at the trial and appeals thus violating his right to be heard.

7. The Applicant also claims the prosecution evidence was led to support the Applicant's conviction was not well analysed by both court, thus the conviction

8. The Applicant alleges violations of:

- i. Article 6(a) of the Constitution of the United Republic of Tanzania of 1977 and Section 231(4) of the Criminal Procedure Act Cap 20 RE 2002
- ii. Article 7 (1) (c) of the African Charter on Human and Peoples' Rights;

THE APPLICANT'S PRAYERS

9. The Applicant prays for the following orders and remedies:

- i. The Court to intervene with regard to the violations of fundamental rights and unconstitutional against the applicant by the judicial hierarchy of the Respondent State's courts and set him at liberty
- ii. An order for legal representation under Rule 31 of the Rules of the Court and Article 10 (2) of the Protocol of the Court
- iii. Any other order or relief the Court may deem fit to grant in the circumstances of the complaint.