

IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

AT ARUSHA

APPLICATION NO. 027 OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO. 255 OF 2011

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO 61 OF 2009

IN THE DISTRICT COURT OF NYAMAGANA AT MWANZA

ORIGINAL CR. CASE NO740 OF 2004

BETWEEN

MARWA RUGUMBA @ KISIRIAPPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA }

ATTORNEYGENERAL

.....RESPONDENT

EXECUTIVE SUMMARY OF THE APPLICATION

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

1. **THAT**, The applicant has convicted and sentenced from the 15/11/2006 to serve in jail thirty years (30) imprisonment 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 01/08/2013 has 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 had submitted memorandum of appeal and 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 judgment, the court of Appeal had not considered all the grounds then combined them to 7 grounds. This procedure of the court had insolated the applicant as it was violating the fundamental right of being heard in the court of law as required by article 3(2) of the charter of the court.

5. THAT, As the applicant was/were 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) same as article 1 and 107 A(2)(b) of the constitution of the united republic of Tanzania, 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 wish 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 complaints.
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 here at Butimba central prison at Mwanza and signed by me myself, this ^{25th} day of APRIL 2016

(RTP)



APPLICANT

CERTIFICATION: - I hereby certify that this Executive summary has been prepared by the applicant himself and endorsed before me on this ^{25th} day of APRIL 2016

(SGID)

[Signature]

FOR; O/c BUTIMBA C. PRISON

MWANZA

KILIMBUU WA CEREZA

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)

DRAWN AND FILED BY:

MARWA RUGUMBA @ KISIRI 25th 04. 2016APPLICANT

C/o O/c BUTIMBA CENTRAL PRISON

P.O.BOX 38

MWANZA

TO BE SERVED UPON:-

THE UNITED REPUBLIC OF TANZANIA /.....RESPONDENT

ATTORNEY GENERAL CHAMBERS

P.O. BOX 11492

DAR – ES – SALAAM, TANZANIA