

IN THE AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS

AT ARUSHA

APPLICATION NO 031 OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

IN CRIMINAL APPEAL NO. 150 OF 2005

FROM THE HIGH COURT OF TANZANIA AT BUKOBA

IN CR. SESSION CASE NO. 26 OF 2000

BETWEEN

UMALO MUSSA.....APPLICANT

THE REPUBLIC OF TANZANIA.....RESPONDENT

EXECUTIVE SUMMARY OF THE APPLICATION

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

I, the above named applicant submit in the court this summary of executive for the application under following grounds namely:-

1. THAT, I had been convicted in the above mentioned criminal sessions case on the 29.06.2005 for offence of Murder C/S 196 of the Tanzania Penal Code and sentenced to death penatty.
2. THAT, being dissatisfied with the High Court decision, I decide to appeal against it in the Court of Appeal of Tanzania, thus filed the Criminal Appeal supra which later on the 21.05.2009 was dismissed by the Court.
3. THAT, on my observation manifestor errors in the Court of Appeal Judgement which miscarriage justice, I lodged an application No. 2 of 2014 in the court of Appeal (T) at Bukoba for review of the Judgement, but up to now still be heard nor listed for hearing. Hence this application in this honour Court.
4. THAT, the conviction had been based on the evidence of extra-judicial repudiated it in the High Court at the trial (hearing). The trial Court had admitted the statement after being conducted a trial within trial for it.
5. THAT, the Court of Appeal had seriously erred in matter of Law and fact of the case by failing to appreciate what stated as my defense that the statement was taken under threat and full of inducement forcing me to admit same. Further and more errors are defined well in the review application whose its manuscripts copies attached herein as my evidence.
6. THAT, the prejudice of the court of Appeal by not hearing nor listing hearing of the review application on long period of more than two years violating the fundamental rights of the African charter to Article 7(1) (a) and (d) same as Article 13(6) (a) and 107(a) (2)(b) of the Tanzania constitution (1977).

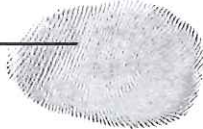
7. THAT, under the circumstances of the case, I pray this court to make its power provided for under Article 27 (2) of the protocol and Rules 51(1) of the Court Rules to order provisional measures proprio motu of extreme gravit as I am on death row for the sentences.

8. THAT, I humbly beg this honourable Court to re-store justice where it was overlooked and quash both conviction and sentence imposed upon me and set me at liberty from the custody.

VERIFICATION: The executive summary had been prepared by the applicant and signed by myself here at Mwanza this 30TH day of MAY 2016.

(Rtp) _____

THE APPLICANT



CERTIFICATION: Certificate that the summary has been prepared by the applicant and signed by him this 30TH day of MAY 2016.

(sgd) [Signature] INSP

FOR ^{OI}/C BUTIMBA C. PRISON

MWANZA TANZANIA
KILIMKUU WA ERERZA
BUTIMBA MW NZA

Ledged at Arusha in the Court of Registry this _____ day of _____ 2016.

(sgd) _____

THE REGISTRAR

(AFCHPR)