

IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

AT-ARUSHA-TANZANIA

APPLICATION NO.....OF 2018

JEBRA KAMBOLE.....APPLICANT

VERSUS

THE UNITED REPUBLIC OF TANZANIA.....RESPONDENT

THE EXECUTIVE SUMMARY OF THE APPLICATION.

(Made Under Rule 19 of The Courts Rules and Provisions 17 of The Courts Practice Directions)

Your Honourable Justices

I, Jebra Kambole the applicant do hereby request your Honourable Court be pleased to grant leave to the applicant to file memorandum of complaints of VIOLATION of the fundamental human rights and justice for consideration on the grounds viz,

01. That the Applicant is a Male, Tanzanian Citizen, resident of Dar-es-salaam, an Advocate of the High Court of Tanzania and a member of Tanganyika Law Society.
02. That, the Respondent is the Attorney General of the United Republic of Tanzania, who represents the Government and its Institutions in legal matters in Court.
03. That the Tanzanian Constitution under the provision of Article 41 (7) of the Constitution of United Republic of Tanzania Constitution of 1977 prohibits any
04. Person aggrieved by presidential results to access the Court.
05. That under Art. 13 (6) (a) of The United Republic of Tanzania Constitution of 1977 provides that:

“when the rights and duties of any person are being determined by the court or any other agency, that person shall be entitled to a fair hearing and to the right of appeal or other legal remedy against the decision of the court or of the other agency concerned;”

06. Despite the above provision within the Tanzanian Constitution, Art. 41 (7) of Tanzanian Constitution provides that;

“When a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then no court of law shall have any jurisdiction to inquire into the election of that candidate”

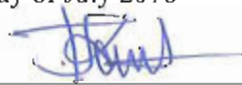
07. That according to the Constitution of Tanzania and the laws together with precedents there is no remedy for the applicant to exhaust in Tanzania.

08. That this Court may be pleased to declare

- a) The Respondent is in violation of Art 1,2,3 (2) and 7(1) of The African Charter on Human and Peoples’ Rights.
- b) That the respondent to put in place Constitutional and Legislative measures to guarantee the rights provided for under Art 1,2,3(2) and 7(1) of The African Charter on Human and Peoples’ Rights.
- c) Make an Order that the Respondent reports to this Honourable Court, within a period of twelve (12) months from the date of the judgment issued by this Honourable Court, on the implementation of the judgment and its consequential orders.
- d) Any other remedy and/or relief that this Honourable Court will deem fit to grant; and The Respondent to pay the Applicants’ costs.

09. That the application will be supported by Applicants submissions, Tanzanian Constitution and other laws together with several precedents.

This application has been drawn and signed by Jebra Kambole at Dar-es-salaam on 3rd the day of July 2018



Jebra Kambole

VERIFICATION ; I hereby verify that, this application has been drawn as shown above and signed by the above named applicant and endorsed before me this 3rd Day of July 2018

BEFORE ME:

Name: FLORIAN KABYEMELA

Address: P.O. Box 777 34 Dar

Signature: 



Designation: COMMISSIONER FOR OATHS

Lodged in the Registry office of the African court on Human and Peoples' Rights, P.O.
BOX 6274

ARUSHA –TANZANIA

This ___ Day of July 2018.

(SGD) _____

REGISTRAR OF THE COURT

ACHPR-ARUSHA

TANZANIA