

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

IGOLA IGUNA

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 020/2017

CASE SUMMARY

I. PARTIES

1. The Applicant is currently serving the death penalty for murder at Uyui Central Prison, Tabora. He was convicted and sentenced to death by hanging by the High Court of Tanzania at Tabora, which sentence and conviction was upheld by the Court of Appeal of Tanzania at Tabora.
2. The Applicant is self-represented.
3. The Application is against the United Republic of Tanzania.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

4. According to the record on file, on the night of 22 April, 1993, the Applicant and his close friend broke into his mother's house (a widow), when she was sleeping with other children in the house. The Applicant proceeded to hack his mother with a Panga. Her screams woke her 10-year-old son who was sleeping in the same bed. She was crying out and asking why Igola her son and also the Applicant was killing her. Her younger son proceeded to defend his mother with a stick but got cut in the process on his arm. During the commotion, he realized and recognized that the attacker was his brother Igola and his close friend, who was also a distant relative. There was a powerful torch used in the room and he recognized his brothers face as well as his voice. The attackers then fled the house and the mother was rushed to hospital by the neighbors. Before her death, she identified the attacker as her son, the Applicant. She died that night and the Applicant attended her burial but was only arrested 4 months later.
5. The Applicant was charged and convicted of murder contrary to Section 196 of the Penal Code Cap.16. Following this, he was arrested four (4) months later after the night of the attack, tried and sentenced to death by hanging on **27 March 2001**.

6. Being dissatisfied with the conviction and sentence of the High Court of Tanzania at Tabora in Criminal Case N0. 55 of 1995 he appealed the decision of the High Court of Tanzania to the Court of Appeal of Tanzania at Tabora, in Criminal Appeal N0. 34 of 2001, where his appeal was dismissed in its entirety on **28 June 2003**.

B. Alleged violations

7. The Applicant alleges that “the judgment of the Court of Appeal was procured by errors against him when the Court did not evaluate and examine the evidence that was given by Prosecution Witness 2.”
8. The Applicant alleges that the evidence that the Court of Appeal relied on was primarily based on identification by torch.

III. APPLICANT’S PRAYERS

9. The Applicant prays the Court:
 - a. To make an Order quashing both conviction and sentence
 - b. To order his release from custody
 - c. To be granted reparation pursuant to Article 27 (1) of the Protocol
 - d. To grant any other legal remedy sought that the Court may deem fit in the circumstances of the Applicants complaints.