


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

## **SUMMARY OF APPLICATION**

**MOSES AMOS MWAKASINDILE (APPLICANT)**

**VS**

**UNITED REPUBLIC OF TANZANIA (RESPONDENT STATE)**

**APPLICATION No. 045/2019**

### **I. THE PARTIES**

1. Mr Moses Amos Mwakalindile (hereinafter referred to as “the Applicant”) is a national of the United Republic of Tanzania (hereinafter referred to as “the Respondent State”). The Applicant brings this Application with respect to the alleged violation of his right to a fair trial.

2. The Respondent State became party to the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") on 21 October 1986 and to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol") on 10 February 2006 and deposited the Declaration required under Article 34(6) of the Protocol on 29 March 2010, by which it accepted the jurisdiction of the Court to receive cases from individuals and Non-Governmental Organizations. On 21 November 2019 it deposited with African Union Commission, an instrument of withdrawal of the said Declaration. The Court has held that this withdrawal has no bearing on pending cases and new cases filed before the day on which the withdrawal took effect which was on 22 November 2020, being a period of one year after its deposit.

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the Matter**

3. The Applicant states that he was charged and convicted of trafficking drugs contrary to Section 16 (b) (i) of the Drug and Prevention of Illicit Traffic Drugs Act, and was sentenced to life imprisonment by the High Court of Tanzania in Mbeya in Criminal Session No. 54 of 2015 on 16 December 2016.
4. The Applicant states that being dissatisfied with the conviction and sentence from the High Court, he appealed to the Court of Appeal at Mbeya in Criminal Appeal No. 15 of 2017 which dismissed the appeal in its entirety on 30 August 2019.

### **B. Alleged violations**

5. The Applicant alleges that the Respondent State has violated his fundamental rights guaranteed in Articles 3(1) and 3(2); 5 and 27 (1) of the Charter.

## **II. PRAYERS OF THE APPLICANT**

6. The Applicant prays the court to:
  - i. Order the Respondent State to compensate him due to him being affected by the decision of its courts.
  - ii. Order his release from prison.
  - iii. Order the quashing and setting aside of the life imprisonment sentence.