


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

APPLICATION NO. 001/2018

THE MATTER OF

TEMBO HUSSEIN.....APPLICANT

V.

**UNITED REPUBLIC OF
TANZANIA.....RESPONDENT**

CASE SUMMARY

I. THE PARTIES

1. Tembo Hussein (hereinafter referred to as “the Applicant”) filed an application at the African Court on Human and Peoples’ Rights (hereinafter referred to as the “Court”) against the United Republic of Tanzania (hereinafter referred to as “the Respondent State”). At the time of filing the Application he was on death-row at Uyui Central Prison, Tabora, having been tried, convicted and sentenced to death by hanging for the offence of murder. He alleges the violation of his rights during the proceedings before the Respondent State’s national courts.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

2. From the record, it emerges that the Applicant was arrested on 27 September 2006 at Masumbwe village within Kahama District in Shinyanga region and charged with the murder of one Angelina Hungwi by inflicting on her multiple cuts with a machete. He was convicted of murder and sentenced to death by hanging by the Respondent State’s High Court sitting at Tabora on 11 October 2013.
3. The Applicant filed an appeal before the Respondent State’s Court of Appeal sitting at Tabora which was dismissed on 15 March 2014.
4. An application for review of the Court of Appeal’s decision filed by the Applicant, before the Court of Appeal, was dismissed on 7 August 2017.
5. The Application was filed before this Court on 19 February 2018.

B. Alleged Violations

6. The Applicant alleges that the Respondent State violated his rights, as follows:
 - i. The right to a fair trial, guaranteed under Article 7 of the Charter.
 - ii. The right to equality before the law and to equal protection of the law guaranteed under Article 3(1) and (2) of the Charter.

C. Applicant's Prayers

7. The Applicant prays the Court to:
 - i. Restore justice where it was overlooked and quash both the conviction and the sentence imposed on him and set him at liberty; and
 - ii. Grant any other order that it may deem fit and just to grant in the circumstances of the complainant.