

IN THE AFRICAN COURT ON HUMANS AND PEOPLE'S RIGHTS

AT – ARUSHA

APPLICATION NO. 002 OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.327 OF 2013

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO. 85 OF 2012

IN THE DISTRICT COURT OF TARIME AT TARIME

ORIGINAL CR.CASE NO. 110 OF 2006

BETWEEN

GEORGE MAILI KEMBOGE APPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA }RESPONDENT
ATTORNEY GENERAL }

EXECUTIVE SUMMARY OF THE APPLICATION

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

I, the above named applicant request this honourable court of Justice on Human and people's Rights to allow lodging a memorandum of complaints of violation of Human Rights and justice for the following grounds:-

1. **THAT**, the applicant was convicted and sentenced from the 14.08.2006 to serve in jail thirty (30) years with twelve strokes of the cane in above mentioned original case, then decision upheld in the above noted criminal appeals.
2. **THAT**, the Judgment of the court of Appeal which had been pronounced on the 30.10.2014 was procured by overlooking the court records and prejudiced defence of the applicant. According to the judgment, the court had been summarized grounds of appeal into three grounds, but it was decided to settle two of the grounds beside on determination underground that lack merit as they were raised for the first time in a second appeal.

3. **THAT**, the two grounds had already raised and decided by the first appellate court (High Court) within the petition of appeal. Thus the court of appeal had needed to determine the ground to decide them. Furthermore, it was required to store the interest of justice for the applicant than to be bound by the procedure.
4. **THAT**, It's obvious the applicant was isolated on procedure and decision of the court of appeal. The acts were violating the fundamental rights of the charter of the court Article 3(2) which required every individual to be entitled to equal protection of the law.
5. **THAT**, the applicant humbly begs that, this court to re-store justice where it was overlooked and quash both conviction and sentence imposed upon him and set him at liberty.
6. **THAT**, the applicant herein above on his own behalf wish to be granted reparation pursuant to Article 27(1) of the protocol of the court.
7. **THAT**, this court may grant any other order (s) or relief (s) sought that may deem fit in the circumstance of the complaint.
8. **THAT**, the application is intended to be supported by a submission of complaints of violation of Human Rights and justice accompanied by a copy of record of the court in the criminal appeal, together with a copy of the court of appeal judgment.

This Executive summary had been prepared by me, the applicant at Butimba central prison at Mwanza and signed by I my-self this^{3RD}..... day of NOVEMBER 2015.....



(RTP).....

APPLICANT

CERTIFICATION: I, hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this 3RD day of NOVEMBER 20 15

(SGD) John Kwaia sp

For. OFFICER INCHARGE
BUTIMBA CENTRAL PRISON

MWANZA, TANZANIA
K.J.L. MKUU WA BUREZA
BUTIMBA MW NZA

Lodged at the Registry office of the African court on Human and People's Rights
P.O. BOX 6274, ARUSHA – TANZANIA

This day of 20

(SGD)

REGISTRAR OF THE COURT
(ACHPR)

SERVED UPON:

THE UNITED REPUBLIC OF TANZANIA } RESPONDENT
ATTORNEY GENERAL'S CHAMBERS }
P.O. BOX 11492
DAR-ES-SALAAM, TANZANIA

DRAWN AND LODGED BY:

GEORGE MAILI KEMBOGE
C/O OFFICER INCHARGE
BUTIMBA CENTRAL PRISON
P.O. BOX 38,
MWANZA, TANZANIA



/ APPLICANT
03/11/15