

**IN THE AFRICAN COURT OF HUMANS AND PEOPLES RIGHTS
AT ARUSHA**

APPLICATION NO. 015 OF 2016

**C/F COURT OF APPEAL PF TANZANIA AT MWANZA
IN CRIMINAL APPEAL NO.179 OF 2007**

C/F THE HIGH COURT OF TANZANIA AT BUKOBA

ORIGINAL CR. SESSION CASE NO.34 OF 2002

BETWEEN

1. HABIYALIMANA AUGUSTINO }APPLICANTS
2. MIBURO ABDULKARIM @ NEPO }

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.12 OF THE COURT PRACTICE DIRECTIONS.

We, the above named applicants, submit into the Court this executive summary as follows:-

1. That, we are prisoners at Butimba Central Prison Mwanza Tanzania who had been convicted by the above named High Court on the 31/05/2007 for offence of murder contrary to section 196 of the Penal Code, cap 16 and sentenced to death penalty.

2. That, we had appealed in the mentioned court of appeal against the High Court decision wherein the appeal was dismissed on the 02/03/2012.
3. That, on our observation that the Court of Appeal judgment has manifest errors which are miscarriages of justice against us thus we applied an application in the Court of Appeal through the Prison on the 07/04/2012 for review of the judgment. But the application which was registered by No.05 of 2012 is still listed for hearing up to now. Hence we are applying this application in this Court.
4. That, the both courts (H/Court and Appeal Court) had convicted us by the evidence and exhibits whose not proved by any way under standard level of the law. Further err the trial court conducted the hearing by unknown language to us regarding that we complained early that we don't know Swahili language.
5. That, we attach into this application manufacturing copy of the review application which is/was submitted on reply our complaint as annexure HA.01, a copy of the judgment as annexure HA.02 and the court record as annexure HA.03.
6. That, we request to this honouable court to re-analyse the entire evidence on record and exhibits and restore justice where it was overlooked by the courts and let the applicants be free from custody.
7. That, this court may grant any other order(s) or relief(s) that may deem fit in the circumstance of the application.

VERIFICATION: We hereby verify that what was stated herein above in paragraphs 1-7 is true to the best of our knowledge and belief. Verified at Mwanza this^{23rd}.....day of^{FEBRUARY}.....20..16

(Rtp) 1st APPLICANT  (Rtp) 2nd APPLICANT..... 

CERTIFICATION: Hereby certified that the executive summary has been prepared and signed by the above named applicants and endorsed before me on TUESDAY this 23rd day of FEBRUARY 2016

(SGD)
FOR: OFFICER IN CHARGE
BUTIMBA C. PRISON
BUTIMBA MW NZA

Lodged at the Registry office of the African Court on Humans and People's Rights. P.O Box 6274, Arusha -Tanzania, thisday of20.....

(SGD)
REGISTRY OF THE COURT
AFCHPR

Drawn and filed by:
Habiyalimana Augustino and
Miburo Abdulkarim @ Nepo
C/O O I/C Butimba C. Prison,
P.O Box 38,
Mwanza - Tanzania.

23.02.2016
...Applicants 

Copy to be served upon:
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