


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		

**IN THE MATTERS OF
CHACHA JEREMIAH MURIMI**

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 039/2019

AND

METHEW JEREMIAH DAUD

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 040/2019

AND

PASCHAL LIGOYE MASHIKU

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO.041/2019

ORDER FOR JOINDER OF CASES AND PLEADINGS

26 SEPTEMBER 2019



The Court composed of: Sylvain ORE, President, Ben KIOKO, Vice President, Rafaâ BEN ACHOUR, Angelo V. MATUSSE, Suzanne MENGUE, M-Thérèse MUKAMULISA, Tujilane R. CHIZUMILA, Chafika BENSOUOLA, Blaise TCHIKAYA, Stella I. ANUKAM-Judges, and Robert ENO, Registrar.

In accordance with Article 22 of 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") and Rule 8(2) of the Rules of Court (hereinafter referred to as "the Rules"), Justice Imani D. ABOUD, member of the Court and a national of Tanzania, did not hear the Application.

In the Matters of:

CHACHA JEREMIAH MURIMI

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO.039/2019

AND

METHEW JEREMIAH DAUD

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 040/2019

AND

PASCHAL LIGOYE MASHIKU

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO.041/2019

After deliberation,

1. Considering the Application dated 22 July 2019 and received at the Court on 7 August 2019, from Mr Chacha Jeremiah Murimi (hereinafter referred to as “First Applicant”) filed against the United Republic of Tanzania (hereinafter referred to as “Respondent State”);
2. Considering the Application dated 22 July 2019 and received at the Court on 7 August 2019, from Mr Methew Jeremiah Daud (hereinafter referred to as “Second Applicant”) filed against the Respondent State;
3. Considering the Application dated 22 July 2019 and received at the Court on 7 August 2019, from Mr Paschal Ligoye Mashiku (hereinafter referred to as “Third Applicant”) filed against the Respondent State;
4. Pursuant to Rule 54 of the Rules of Court provides “[t]he Court may at any stage of the pleadings either on its own volition or in response to an application by any of the parties, order the joinder of interrelated cases and pleadings where it deems it appropriate, both in fact and in law.”;
5. Considering the Applications have been filed differently against the same Respondent State by the above named Applicants;
6. Considering, the First, Second and Third Applicants state in their respective Applications that they were co-accused during the trial and appeals on charges of murder arising from the same facts in Criminal Case No. 231 of 2014 at the High Court of Tanzania and Criminal Appeal No. 551/2015 at the Court of Appeal of Tanzania, and they have raised the same allegations of violations of their rights by the Respondent State;
7. Considering that the facts supporting the Applications are similar as they originate in the trial of the Applicants for murder of one Aron s/o Nongo, a

person with albinism and their sentencing to death by the High Court Criminal Case No. 231 of 2014 on 16 October 2015, which judgment was upheld by the Court of Appeal of Tanzania on 4 April 2019;

8. Considering that the Applicants claim the judges of the Court of Appeal erred in their decision, and they are all challenging the procedure in relation to the recording of their caution and in addition they allege that their visual identification was not proper and that the reliefs sought are similar in nature;
9. Considering therefore that the facts supporting the Applications, the alleged violations and prayers made are similar, and given the identity of the Respondent State.
10. Mindful of all the above, a joinder of cases and pleadings in relation to these Applications is appropriate in fact and in law and for the good administration of justice pursuant to Rule 54 of the Rules of the Court.

OPERATIVE PART

For these reasons:

The Court

Unanimously

Orders:

- i. The joinder of cases and pleadings in the Applications filed by the Applicants against the Respondent State.
- ii. That the Applications henceforth be referred to as Consolidated Applications No.039/2019 , 040/2019 and 041/2019 Chacha Jeremiah Murimi and 2 Others v. United Republic of Tanzania.

- iii. That consequent upon the joinder of the two matters, the order and the pleadings relating thereto shall be served on all parties.

Signed:

Sylvain ORÉ, President



and Robert ENO, Registrar.



In accordance with Article 28 (7) of the Protocol and Rule 60 (5) of the Rules, the Separate Opinion of Justice Chafika Bensaoula is attached to this Order.

Done in Arusha this Twenty Sixth Day of September of the year Two Thousand and Nineteen in English and in French, the English text being authoritative.

