


036-037/2019  
26/09/2019  
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| AFRICAN UNION   |  | UNION AFRICAINE |
| الاتحاد الأفريقي  |   | UNIÃO AFRICANA  |
| AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS<br>COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES |   |                 |

THE MATTER OF

KONATE KALILOU

V.

REPUBLIC OF CÔTE D'IVOIRE

APPLICATION NO. 036/2019

AND

DOUMBIA IBRAHIM

V.

REPUBLIC OF CÔTE D'IVOIRE

APPLICATION NO. 037/2019

ORDER FOR JOINDER OF CASES

26 SEPTEMBER 2019

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

Pursuant to Article 22 of the Protocol relating to the African Charter on Human and Peoples' Rights establishing an African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol") and Article 8(2) of the Rules of Procedure of the Court (hereinafter referred to as "the Rules"), Judge Sylvain ORE of Ivorian nationality, recused himself.

In the Matters of

**KONATE KALILOU**

**V.**

**REPUBLIC OF CÔTE D'IVOIRE**

**APPLICATION No. 036/2019**

**AND**

**DOUMBIA IBRAHIM**

**V.**

**REPUBLIC OF CÔTE D'IVOIRE**

**APPLICATION No. 037/2019**

After deliberations,

1. Considering the application dated 10 June 2019, received at the Registry of the Court on 22 July 2019, from Mr Konate Kalilou (hereinafter referred to as "the Applicant") filed against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State");

2. Considering the application dated 10 June 2019, received at the Registry of the Court on 22 July 2019, from Mr Doumbia Ibrahim filed against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State ");
3. Considering that Rule 54 of the Rules of Procedure of the Court, provides: "The Court may, at any stage of the pleadings, of its own volition or in response to an application of one of the parties, order the joinder where it deems it appropriate in fact and in law";
4. Considering that, while the Applicants are different as above stated, they are represented by the same lawyer, and the Applications are filed against the same Respondent State, which is the Republic of Côte d'Ivoire
5. Considering that the facts supporting the applications are similar, since they originate from the trial of Applicants and their sentences, without representation by counsel, to twenty (20) years imprisonment by the Divo Court of First Instance for ganging up to commit armed robbery with violence; this 20-year sentence was reduced after appeal to a fixed term of imprisonment of 15 years by judgment No. 141 of 21march2013 of the Second Criminal Chamber of the Daloa Court of Appeal, the judge of the second instance confirmed judgment No. 342 of 14 June 2012;
6. Considering that in both proceedings, the Applicants allege that the Respondent State has violated their rights to a fair trial, equality and dignity, the right of access to justice and the right to an effective remedy as set out in the African Charter, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights and that the reliefs sought are similar in nature;
7. Considering therefore that the facts in support of the applications, the alleged violations and the measures requested are similar and taking into account the identity of the Respondent State;

8. Mindful of all of 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 proceedings in the Application filed by the Applicants against the Respondent State;
- ii. That henceforth the Applications be referred to as "Consolidated Applications 036/2019 and 037/2019 - Konate Kalilou and Doumbia Ibrahim v. Côte d'Ivoire.
- iii. That consequent upon the joinder, this Order and the pleadings relating to the above referred Matters shall be served on all the Parties.

In accordance with Article 28(7) of the Protocol and Rule 60(5) of the Rules, the separate opinion of Judge Chafika BENSAOULA is attached to this order.

Done in Arusha, this Twenty Sixth Day of the month of September 2019 in English and French, the French text being authoritative

Signed:

Ben KIOKO, Vice-President;

and Robert ENO, Registrar.

