


049/2019

02-12-2019

(000-108-000104)BS

000108

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		

MATTERS OF

1. AGUEHI OGOU FRANÇOIS

V.

REPUBLIC OF CÔTE D'IVOIRE

APPLICATION No. 049/2019;

AND

2. SYLLA IBRAHIM

V.

REPUBLIC OF CÔTE D'IVOIRE

APPLICATION No. 050/2019

AND

3. KINDA IBRAHIM

V.

REPUBLIC OF CÔTE D'IVOIRE

APPLICATION No 052/2019

ORDER FOR JOINDER OF CASES

2 DECEMBER 2019



The Court composed of: Ben KIOKO, Vice-President; Rafaâ BEN ACHOUR, Ângelo V. MATUSSE, Suzanne MENGUE, M-Thérèse MUKAMULISA, Tujilane R. CHIZUMILA, Chafika BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, Imani D. ABOUD – 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"), Judge Sylvain ORÉ, member of the Court and national of Côte d'Ivoire, did not hear the case.

In the matters of:

AGUEHI OGOU FRANÇOIS
V.
REPUBLIC OF CÔTE D'IVOIRE
APPLICATION No. 049/2019

AND

SYLLA IBRAHIM
V.
REPUBLIC OF CÔTE D'IVOIRE
APPLICATION No. 050/2019

AND

KINDA IBRAHIM
V.
REPUBLIC OF CÔTE D'IVOIRE
APPLICATION No. 052/2019

After deliberation,

Makes the following order:

1. Considering the Application dated 16 September 2019 received at the Registry of the Court on 2 October 2019, from Aguehi Ogou François (hereinafter



referred to as the "Applicant") against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State");

2. Considering the Application dated 16 September 2019, received at the Registry of the Court on 2 October 2019, from Sylla Ibrahim (hereinafter referred to as the "Applicant") against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State ");
3. Considering the Application dated 16 September 2019, received at the Registry of the Court on 11 October 2019, from Kinda Ibrahim (hereinafter referred to as the "Applicant") against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State ");
4. Considering that Rule 54 of the Rules of Court provides: "the Court may at any stage of the pleadings, either on its 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 in fact and in law";
5. Considering that, while the Applicants are different as above stated, they are represented by the same lawyer and are filed against the same Respondent State;
6. Considering that the facts supporting the Applications are similar, as they originate from the same trial and their sentencing to twenty (20) years imprisonment on 3 March 2013 by the Yopougon Court of First Instance following conviction for theft and armed robbery with violence in criminal case No. 2615/2013; and that the said twenty (20) years imprisonment sentence was commuted to ten (10) years by the Court of Appeal of Abidjan Court in Judgment No. 1183 of 23 July 2014;
7. Considering that in these Applications, the Applicants allege that the Respondent State violated their rights to a fair trial, an effective remedy, access to a judge and to justice, and equality of arms, as protected in the African Charter on Human and Peoples' Rights, the International Covenant on Civil and



Political Rights and in the Universal Declaration of Human Rights, and that the reliefs sought are similar in nature; and

8. Considering therefore that the facts supporting the Applications, the alleged violations and the prayers made are similar, and given the fact that the identity of the Respondent State is the same;
9. As a consequence of the above, a joinder of cases and pleadings in relation to the above referenced Applications is appropriate in fact and in law, and for the proper administration of justice, in accordance with Rule 54 of the Rules of Court.

OPERATIVE PART

For these reasons,

THE COURT,

Unanimously,

Orders:

- i. The joinder of the above referred Applications and related pleadings;
- ii. That henceforth the Applications be referred to as "Consolidated Applications Nos. 049/2019, 050/2019 and 052/2019 - *Aguehi Ogou François and Others v Republic of Côte d'Ivoire*";
- iii. That consequent upon the joinder, this Order and the pleadings related to the above referred matters shall be served on all the Parties.



Signed:

Ben KIOKO, Vice President;



Robert ENO, Registrar.



Done at Zanzibar, this Second Day of December Twenty Nineteen, in English and French, the French text being authoritative.