


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		

THE MATTERS OF

REUBEN JUMA

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION No. 015/2017

AND

GAWANI NKENDE

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION No. 011/2018

ORDER

(JOINDER OF CASES)

22 MAY 2023



The Court composed of: Modibo SACKO, Vice-President; Ben KIOKO, Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Chafika BENSOUOLA, Blaise TCHIKAYA, Stella I. ANUKAM, Dumisa B. NTSEBEZA, Dennis D. ADJEI – 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 9(2) of the Rules of Court (hereinafter referred to as "the Rules"),¹ Justice Imani D. ABOUD, President of the Court and a national of Tanzania, did not hear the Application.

In the Matters of:

Reuben JUMA

Self-represented

Gawani NKENDE

Represented by:

Dr Daniel WALYEMERA, Walyemera & Company

Versus

UNITED REPUBLIC OF TANZANIA

Represented by:

- i. Dr Boniphace Nalija LUHENDE, Solicitor General, Office of the Solicitor General;
- ii. Ms Sarah Duncan MWAIPOPO, Deputy Solicitor General, Office of the Solicitor General;

¹ Rule 8(2), Rules of Court, 2 June 2010.

- iii. Ms Caroline Kitana CHIPETA, Director of Legal Unit, Ministry of Foreign Affairs and East African Cooperation;
- iv. Ms Nkasori SARAKEYA, Assistant Director, Human Rights, Principal State Attorney, Attorney General's Chambers;
- v. Ms Aidah KISUMO, Senior State Attorney, Attorney General's Chambers; and
- vi. Ms Blandina KASAGAMA, Legal Officer, Ministry of Foreign Affairs and East African Cooperation.

After deliberation,

Renders this Order:

1. Considering that Application No. 015/2017 was filed on 2 May 2017 by Reuben Juma against the United Republic of Tanzania (hereinafter referred to as "the Respondent State") and it was served on the Respondent State on 22 June 2017, to which the Respondent State filed its Response on 21 August 2017;
2. Considering also, that Application No. 011/2018 was filed on 8 May 2018 by Gawani Nkende and it was served on the Respondent State on 27 June 2018, to which the Respondent State filed its Response on 28 June 2019;
3. Noting that Applications Nos. 015/2017 and 011/2018 are filed against the same Respondent State;
4. Noting further that Rule 62 of the Rules provides that: "The Court may, at any stage of the proceedings, either on its own accord or upon an application by any of the parties, order the joinder or disjoinder of cases and pleadings as it deems appropriate";
5. Observing that the Court may exercise its discretionary power to join two or more cases where it is in the interest of the proper administration of justice

to hear and determine them at the same time,² provided that such joinder must also be consonant with the imperatives of judicial economy;³

6. Considering that the two Applications herein are both in relation to alleged violations of Articles 2, 3 and Article 7 of the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter);
7. Considering further that similar remedies are prayed for in both Applications especially since the Applicants therein are requesting the Court to "restore justice where it was overlooked ..." and to quash both their convictions and sentences;
8. Considering that joining the two Applications would be congruent with the proper administration of justice and the demands of judicial economy;
9. Concluding, from the foregoing, that the joinder of these two Applications is appropriate in fact and in law, pursuant to Rule 62 of the Rules and is consistent with the principles governing the proper administration of justice;
10. Finding, therefore, that it is appropriate in fact and in law, pursuant to Rule 62 of the Rules to order the joinder of Application No. 015/2017 and Application No. 011/2018 which have been filed against the same Respondent State.

OPERATIVE PART

11. For these reasons,

THE COURT,

² *Elie Sandwidi v. Burkina Faso and 3 Others* (joinder) (26 June 2020) 4 AfCLR 203, § 5.

³ *Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* (Joinder of Proceedings) 17 April 2013, § 18.

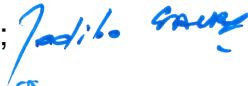
Unanimously,

Orders

- i. The joinder of Application No. 015/2017 – *Reuben Juma v. United Republic of Tanzania* and Application No. 011/2018 – *Gawani Nkende v. United Republic of Tanzania* and related pleadings;
- ii. That henceforth, the joined Applications shall be referred to as “Consolidated Applications No. 015/2017 and 011/2018 – *Reuben Juma and Gawani Nkende v. United Republic of Tanzania*”, wherein Reuben Juma will be referred to as “the First Applicant” and Gawani Nkende as “the Second Applicant”;
- iii. That consequent upon the joinder, this Order shall be duly notified to the Parties.

Signed:

Modibo SACKO, Vice President;



And Robert ENO, Registrar.



Done at Arusha, this Twenty-Second Day of May in the Year Two Thousand and Twenty-Three, in English and French, the English text being authoritative.

