


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
<b>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS</b> <b>COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</b>		

**THE MATTERS OF**  
  
**CHACHA WAMBURA**  
**V**  
**UNITED REPUBLIC OF TANZANIA**  
**APPLICATION NO. 011/2016**

**AND**

**MANG'AZI MKAMA**  
**V**  
**UNITED REPUBLIC OF TANZANIA**  
**APPLICATION NO. 012/2016**

**ORDER**  
**(JOINDER OF CASES)**

**21 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"),<sup>1</sup> Justice Imani D. ABOUD, President of the Court and a national of Tanzania, did not hear the Application.

In the Matters of:

Chacha WAMBURA

*Self-represented*

And

Mang'azi MKAMA

*Self-represented*

v.

UNITED REPUBLIC OF TANZANIA

*Represented by:*

- i. Mr. Boniphace Naliya LUHENDE, Solicitor General, Office of the Solicitor General;

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<sup>1</sup> Rule 8(2), Rules of Court, 2 June 2010.

- ii. Ms. Sarah Duncan Mwaipopo, Deputy Solicitor General, Office of the Solicitor General.

After deliberations,

*Renders the following Order:*

1. Considering that Application No. 011/2016 and Application 012/2016 were filed on 26 February 2016 by Chacha Wambura and Mang'azi MKAMA, respectively, (hereinafter, "the Applicants") against the United Republic of Tanzania (hereinafter referred to as "the Respondent State") and were served on the Respondent State on 21 March 2016;
2. Noting that the Applicants were co-accused in domestic courts where they were charged, convicted and sentenced simultaneously; and that the Applications are directed against the same Respondent State;
3. Considering that the Respondent State filed its Responses to the two Applications on 28 March 2017 and 31 May 2017, respectively;
4. Considering 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,<sup>2</sup> provided that such joinder must also be consonant with the imperatives of judicial economy;<sup>3</sup>

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

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

6. Considering that in the instant case, both Applications stem from the same cause of action, and raise substantially similar claims in relation to alleged violation of the right to fair trial under Article 7 of the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") of the Applicants;
7. Considering further that similar remedies are prayed for in both Applications, namely, to "restore justice where it was overlooked and to quash both conviction and sentence";
8. Considering that joining the two Applications would be congruent with the proper administration of justice and, in particular, with the demands of judicial economy;
9. Finding, therefore, that it is appropriate in fact and in law, pursuant to Rule 62 of the Rules, to join Application No. 011/2016 and Application No. 012/2016 which have been filed against the same Respondent State.

## **OPERATIVE PART**

10. For these reasons,

THE COURT,


Unanimously,


*Orders*

- i. The joinder of Application No. 011/2016 – *Chacha Wambura v. United Republic of Tanzania* and Application No. 012/2016 – *Mang'azi Mkama v. United Republic of Tanzania* and related pleadings;

- ii. That henceforth, the joined Applications shall be referred to as “Consolidated Applications No. 011/2016 and 012/2016 – *Chacha Wambura and Mang’azi Mkama v. United Republic of Tanzania*”, wherein *Chacha Wambura* will be referred to as “the First Applicant” and *Mang’azi Mkama* as “the Second Applicant” and together as “the Applicants”.
  
- 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 First Day of May in the Year Two Thousand and Twenty-Three, in English and French, the English text being authoritative.

