

UGANDA / JUDGMENT

Taudier and Others v Côte d'Ivoire (Application No. 17/2019; Application No. 18/2019; Application No. 19/2019) [2019] AfCHPR 57 (2 December 2019)

[2019] AfCHPR 57

COURT

African Court on Human and Peoples Rights

BEFORE

About J, Anukam J, Ben Achour J, Bensaoula J,
Chizumila J, Eno R, Kioko VP, Matusse J, Mengue J,
Mukamulisa J, Tchikaya J

CASE / FILE NUMBER

Application No. 17/2019 ; Application No. 18/2019 ;
Application No. 19/2019

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||| | --- | --- | --- | | AFRICAN UNION | ![Description: Description: Description: Description: AU Court logo](data:image/jpeg;base64...) | UNION AFRICAINE | | | UNIÃO AFRICANA | | AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES | |

MATTERS OF

1. GOH TAUDIER

V.

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 017/2019

AND

2. BAMBA LAMINE

V.

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 018/2019

AND

3. COULIBALY OUSMANE

V.

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 019/2019

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, ChafikaBENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM and Imani D. ABOUD - Judges; and Robert ENO, Registrar,

Pursuant to 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 ORE, a national of Côte d'Ivoire, did not hear the case.

In the Matters of

GOH TAUDIER

V*.*

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 017/2019

AND

BAMBA LAMINE

V*.*

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 018/2019

AND

COULIBALY OUSMANE

V*.*

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 019/2019

After deliberation,

Makes the following order:

1. Considering the Application dated 17 April 2019, received at the Registry of the Court on 23 April 2019 from Mr. Goh Taudier (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 17 April 2019, received at the Registry of the Court on 23 April 2019 from Mr. Bamba Lamine (hereinafter referred to as "the Applicant") filed against the Republic of Côte d'Ivoire (hereinafter referred to as the "Respondent State");
3. Considering the Application dated 17 April 2019, received at the Registry of the Court on 23 April 2019 from Mr. Coulibaly Ousmane (hereinafter referred to as "the Applicant") instituted filed against the Republic of Côte d'Ivoire (hereinafter referred to as the "Respondent State");
4. Considering that Rule 54 of the Rules provides that: "the 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 that, while the Applicants are different as above stated, the Applications are filed against the same Respondent State, namely, the Republic of Côte d'Ivoire;
6. Considering that the facts supporting the Applications are similar as they originate from the trial of the Applicants and their sentencing to twenty (20) years imprisonment for armed gang robbery, illegal possession of firearms and death threats; that on 25 February 2015, the three Applicants' appeal was dismissed by the Abidjan Court of Appeal which upheld the judgment and the sentences handed down against them;
7. Considering that in all three Applications, the Applicants allege that the Respondent State has violated their rights to a fair trial, the right to an effective remedy, the obligation to give reasons in a criminal trial, the right to respect for dignity, the adversarial principle and the principle of proportionality of sentence as set out in Article 7(1)(a)(b) and 7(2) of the African Charter on Human and Peoples' Rights and Article 10 of the Universal Declaration of Human Rights;
8. Considering that the three Applicants also made the same prayers, namely, for the Court to order the Respondent State to grant them presidential pardon, formally commute their 20-years prison sentence to a lesser penalty, release them on parole or accept an out-of-court settlement and award them financial compensation for the damage caused to them by the "unfair judicial decisions handed down by the national courts";
9. Considering that the facts supporting the Applications, the alleged violations and the reliefs sought are similar, and taking into account the fact that the Respondent State in the three Applications is the same;

10. 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 good administration of justice pursuant to Rule 54 of the Rules of the Court.

OPERATIVE PART

For these reasons,

The Court

Unanimously

Orders:

1. The joinder of the above referred Applications and related pleadings ;
2. That henceforth the Applications be referred to as “Consolidated Applications Nos. 017/2019, 018/2019 and No. 019/2019 - Goh Taudier and Others v. Republic of Côte d’Ivoire”;
3. That consequent upon the joinder, this Order and the pleadings relating 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, Two Thousand and Nineteen in English and French, the French text being authoritative.

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CASE PAGE <https://chat.esheria.ai/case-law/uganda/taudier-and-others-v-cote-divoire-application-no-172019-application-no-182019-application-no-192019-2019-afchpr-57-2-december-2019-unknown-topic-unkno>

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