

Aka Yao and Sanogo v Côte d'Ivoire (joinder of cases)  
(2019) 3 AfCLR 739

Applications 046/2019, 048/2019, *Aka Yao Bossin Fidele and Zakaria Sanogo v Republic of Côte d'Ivoire*

Order (joinder of cases), 2 December 2019. Done in English and French, the French text being authoritative.

Judges: KIOKO, BEN ACHOUR, MATUSSE, MENGUE, MUKAMULISA, CHIZUMILA, BENSAOULA, TCHIKAYA, ANUKAM and ABOUD

Recused under Article 22: ORE

The Applicants had all been sentenced to twenty (20) years imprisonment for robbery, were represented by the same lawyer and made the same claims in relation to violations of the Charter. Having considered the similarity of the parties, causes of action, claims of the Applicants and the facts supporting the Applications, the Court ordered the joinder of the cases.

**Procedure** (joinder of cases, 7, 8)

1. Considering the Application N46/2019 dated 16 September 2019 received at the Registry of the Court on 2 October 2019 from Aka Yao Bossin Fidèle (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 48/2019 dated 16 September 2019 received at the Registry of the Court on 2 October 2019, from Zakaria Sanogo (hereinafter referred to as the "Applicant") filed against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State");
3. Considering Rule 54 of the Rules which provides that "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";
4. Considering that while the Applicants are different as stated above, 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 as they originate from the trial of the Applicants and their sentencing to twenty (20) years imprisonment by the Abidjan-Plateau Court of First Instance for theft and armed robbery, without having been

represented by a lawyer, and that the said sentence was upheld by the Abidjan Court of Appeal;

6. Considering that in both cases, the Applicants allege that the Respondent State has violated their rights to a fair trial, effective remedy, access to a Counsel, to justice and equality of arms, as enshrined 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;
7. Considering therefore that the facts supporting the Applications, the alleged violations and the prayers made are similar, and given that the identity of the Respondent State is the same.
8. As a consequence of the above, the 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.

### **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 046/2019 and 048/2019 – *Aka Yao Bossin Fidèle and Another v Republic of 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.