

**Taudier and others v Côte d'Ivoire (joinder of cases) (2019)
3 AfCLR 722**

Applications 017/2019, 018/2019, 019/2019, *Goh Taudier and others v 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 were sentenced to twenty (20) years imprisonment for armed gang robbery in the same trial. They were represented by the same lawyer and made the same claims and prayers in relation to violations of the Charter. The Court decided to join the cases according to its Rules.

Procedure (joinder of cases, 9, 10)

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”) 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:

- i. The joinder of the above referred Applications and related pleadings;
- ii. That henceforth the Applications be referred to as "Consolidated Applications 017/2019, 018/2019 and 019/2019 – *Taudier and others 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.