

Nondo v Tanzania (joinder of cases) (2021) 5 AfCLR 148

Application 040/2020, *Abdul Omary Nondo v United Republic of Tanzania and;*

Application 043/2020, *Rweyemamu & Another v United Republic of Tanzania*

Order, 30 March 2021. Done in English and French, the English text being authoritative.

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

Recused under Article 22: ABOUD

Taking into account the fact that the two separate Applications brought by the three Applicants were against the same Respondent and were similar challenges against the electoral laws of the Respondent State, the Court exercised its discretion and ordered a joinder of the cases.

Procedure (joinder of cases, 4-8)

After deliberation:

1. Considering the Application No. 040/2020 filed on 19 November 2020 by Abdul Omary Nondo (hereinafter referred to as “the First Applicant”) against the United Republic of Tanzania (hereinafter referred to as “the Respondent State”).
2. Considering also, Application No. 043/2020 filed on 19 November 2020 by Deusdedit Valentine Rweyemamu (hereinafter referred to as the Second Applicant) and Paul Revocatus Kaunda (hereinafter referred to as the Third Applicant) against the Respondent State.
3. 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.”
4. Observing that it follows from Rule 62 that the Court may exercise its discretionary power to order the joinder of 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.¹ Further observing

¹ *Elie Sandwidi v Burkina Faso, Republic of Benin and Republic of Côte d’Ivoire, Republic of Mali; and Burkinabè Movement for Human and Peoples’ Rights v Burkina Faso and three other states* ACtHPR Applications No. 014/2020 and No. 017/2020, Order on Joinder of Cases, 15 July 2020 § 5.

that such joinder must be consonant not only with the principle of the sound administration of justice but also with the imperatives of judicial economy.²

5. Noting that Applications Nos. 040/2020 and 043/2020 are filed against the same Respondent State.
6. Noting also that both Applications are raising broadly similar challenges against the electoral laws of the Respondent State more especially the consonance between the electoral laws and provisions of the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights.
7. Noting further that in both Applications, the Applicants pray that the Respondent State be ordered to amend its constitutional and legal framework.
8. Considering that it follows from the foregoing that the joinder of these two cases 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.
9. Finding, therefore, that it is appropriate to order the joinder of Application No. 040/2020 and Application No. 043/2020 which have been filed against the same Respondent State

I. Operative part

10. For these reasons,
The Court,
Unanimously,
Orders:

- i. The joinder of Application No. 040/2020 *Abdul Omary Nondo v United Republic of Tanzania* and Application No. 043/2020 *Deusdedit Valentine Rweyemamu and Paul Recovatus Kaunda v United Republic of Tanzania* and related pleadings.
- ii. That henceforth, the joined Applications shall be referred to as "Consolidated Applications No. 040/2020 and 043/2020 – *Abdul Omary Nondo and others v United Republic of Tanzania*".
- iii. The consequent upon the joinder, this Order shall be duly notified to the Parties.

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