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JUDGMENT SUMMARY

IDA AFIAVI AJAVON, NEE GOUDJO, AND OTHERS v. THE REPUBLIC OF BENIN

APPLICATION NO. 063/2019

RULING ON
JURISDICTION AND ADMISSIBILITY

13 NOVEMBER 2026

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Arusha, 13 November 2026: the African Court on Human and Peoples' Rights (the Court) has issued a Ruling in the matter of *Ida Afiavi Ajavon, nee Goudjo, and Others v. Republic of Benin*.

On 29 November 2019, Mses Ida Afiavi Ajavon, nee Goudjo, Ludmila Isis Ayelé Ajavon and Evaëlle Jonella Noémie Ayoko Ajavon, and Mr Ronald K. Steeven Karen Ayité Ajavon (the Applicants), Beninese nationals residing in Paris (France) as political refugee, filed an Application with the Court against the Republic of Benin (the Respondent State). The Applicants alleged that the Respondent State, through its actions, violated their landed property after the Court for the Repression of Economic Offences and Terrorism (CRIET) sentenced Mr Sébastien Germain Marie Aïkoué Ajavon, managing director and shareholder of the COMON SA, to twenty years' imprisonment. They averred that their personal bank accounts were unlawfully seized and that, in their capacity as COMON SA shareholders, they were adversely affected by the abusive measures taken against the company.

They allege a violation of their right to property, protected by Article 14 of the Charter, and of their right to a fair trial, protected by Article 7 of the Charter.

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The Applicants prayed the Court to assume jurisdiction and to declare the Application admissible, to find that the Respondent State violated their rights, and to order it to pay each of them the sum of 170,000,000 CFA francs as damages. In an amended and supplementary Application dated 7 January 2020, they further sought compensation commensurate with their shareholdings in COMON, for the loss of opportunity in their partnership with PHILIA, as well as various sums for loss of profits, depreciation of their shares in COMON SA and SOCOTRAC, and loss of business opportunities relating to an oil project. They also sought an order for the Respondent State to pay all costs.

For its part, the Respondent State prayed the Court to decline jurisdiction and to declare the Application inadmissible. In the alternative, it prayed the Court to rule the Application unfounded and dismiss it.

On jurisdiction, the Respondent State raised an objection to the material jurisdiction of the Court on two grounds. It argued, first, that the Application was incompatible with the Constitutive Act of the African Union and the Charter and, second, that no human rights violations are alleged therein. With regard to the first ground, the Court noted that the compatibility of the Application with the Constitutive Act and the Charter is an admissibility requirement and not a matter of material jurisdiction. It therefore decided to examine it at the admissibility stage. As regards the second ground, the Respondent State contended that the mere fact of the Applicants holding shares in a commercial company does not in itself constitute a source of human rights violations attributable to a State.

The Court recalled its established jurisprudence that it has material jurisdiction provided that the Application alleges violation of rights guaranteed by the Charter or by any other relevant human rights instrument ratified by the State concerned, and noted that the Applicants alleged a violation of Articles 14 and 7 of the Charter. Accordingly, it dismissed the objection. As no objection was raised regarding the other aspects of jurisdiction, the Court satisfied itself that its personal, temporal and territorial

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jurisdiction was established. The Court therefore declared that it had jurisdiction to hear the Application.

On admissibility, the Respondent State raised objections the Admissibility of the Application in relations to admissibility requirements not provided for in the Charter and the Rules of Court, based, first, on the Application lacking subject-matter and on relative *res judicata* effect and, second, in relation to admissibility requirements provided for by the said instruments, owing to the Application being incompatible with the Constitutive Act of the African Union and the Charter, failure to exhaust local remedies, and the Application not being filed within a reasonable time.

On the issue of lack of subject-matter, the Respondent State contended that the judgment on reparations of 28 November 2019 in Application No. 013/2017 – *Sébastien Germain Ajavon v. the Republic of Benin,* already fully remedied the harm related to COMON SA, of which the Applicants are shareholders. The Applicants countered that the compensation awarded at that time only remedied the harm suffered by Mr Sébastien Germain Ajavon himself, and not theirs. The Court noted that the said compensation was awarded to Mr Ajavon personally in his capacity as the Applicant in that case and therefore could not be interpreted as having remedied the financial losses specific to the other shareholders. It held that the Application raised a separate issue, relating to the possible existence of financial losses specific to natural persons other than Mr Ajavon, and that the Applicants retained a current legal interest in having their claims examined. It therefore dismissed the objection.

On the issue of relative *res judicata*, the Respondent State argued that the judgment on reparations in Application No. 013/2017 could not benefit the Applicants, as they were not parties to those proceedings. The Applicants replied that they were not seeking to be afforded the benefits afforded by the operative part of that judgment, but were relying on it as evidence establishing the Respondent State's liability and the causal link between the violations already found and the harm that they suffered. Recalling that *res judicata* requires three cumulative conditions, namely identity of the

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parties, identity of requests and the existence of a first decision on the merits, the Court found that the Applicants were not the same in the two matters. In view of the cumulative nature of the admissibility requirements, it dismissed the objection without examining the other two requirements.

Regarding the objection based on the Application being incompatible with the Constitutive Act of the African Union and the Charter, the Respondent State argued that the Application did not contain individualised allegations of human rights violations, but rather constituted a mere private dispute between shareholders. The Court noted that the Applicants' claims sought to protect rights guaranteed by the Charter, that they contained no claim incompatible with the Constitutive Act, and that the Application satisfied the requirement of Rule 50(2)(b) of the Rules. It therefore dismissed the objection.

Regarding the objection based on failure to exhaust local remedies, the Respondent State argued that the Applicants did not bring the matter before any Beninese court, in particular the Constitutional Court. The Applicants argued that the Respondent State's persistent failure to implement the Court's judgments in Application No. 013/2017 demonstrated that local remedies were ineffective.

The Court reiterated its jurisprudence that it is not sufficient for a remedy to exist; it must also be effective, useful and offer prospects of success. The further notes that it is not enough for the Applicant to cast doubt on the effectiveness of local remedies without any evidence. He must take all necessary steps to exhaust, or at least attempt to exhaust, same. The Court examined the availability and effectiveness of local remedies in relation to each of the two types of alleged violations.

With regard to the harm suffered in their capacity as COMON SA shareholders, the Court noted that Articles 1382 and 1383 of the Respondent State's Civil Code and Article 48 of the Code of Civil, Commercial, Social, Administrative and Accounting

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Procedure afford any aggrieved person the right to bring an action for damages before a competent civil court. It considered that such an ordinary legal remedy, available even to shareholders of a company whose interests may have been impaired by the State's actions, was available and capable of providing redress, and that the Applicants failed to establish that they indeed exercised it, or even attempted to do so.

With regard to the seizure of their personal bank accounts, the Court noted that the OHADA Uniform Act on the Organisation of Simplified Recovery Procedures and Enforcement Measures establishes a specific remedy, which consists of challenging the measure before the president of the court that hears urgent matters (Article 49) and, in the case of the seizure of bank accounts, to bring proceedings before the competent court within one month of being notified of the seizure, with a view to have same lifted (Article 170). Recalling that the OHADA Uniform Acts procedures are incorporated into the judicial system of the Respondent State and that they constitute local remedies, the Court held that the remedy was available, accessible and capable of putting an end to the disputed measure. It noted that the Applicants did not establish either that they exercised it or that there were specific circumstances which prevented them from doing so.

The Court concluded that the Applicants had available and effective local remedies which they neither exhausted or even attempted to exhaust, so that it was no longer necessary to examine the argument relating to referral to the Constitutional Court. It found that the Application did not satisfy the admissibility requirement under Rule 50(2)(e) of the Rules.

Having found that the Application did not satisfy the requirement of Rule 50(2)(e) of the Rules, and recalling that the admissibility requirements cumulative, the Court held that there was no need to rule on compliance with the other admissibility requirements. Accordingly, it declared the Application inadmissible.

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The Court decided that each Party should bear its own costs.

Further information

Further information on this case, including the full text of the African Court's decision, is available on the website https://ajudata.african-court.org/details-case/0632019.

For any further enquiries, please contact the Registry by email at registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction to hear all cases and disputes brought before it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please visit our website at www.african-court.org