AFRICAN UNION		AFRICAN UNION
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COURS AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

XYZ

V.

REPUBLIC OF BENIN

APPLICATION NO. 057/2019

ORDER

(STRIKE-OUT)

6 FEBRUARY 2024

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
The Registrar
LE GREFFIER
ARUSHA TANZANIA
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

The Court composed of: Imani D. ABOUD, President; Modibo SACKO, Vice-President, Ben KIOKO, Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Chafika BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, Dumisa B. NTSEBEZA, Dennis D. ADJEI - Judges, and Robert ENO, Registrar.

In the matter of:

XYZ
Self-represented.

Versus

REPUBLIC OF BENIN
Represented by Mr. Iréné ACOMBLESSI, the Judicial Agent of the Treasury.

after deliberation,

pursuant to Rule 65(1) of the Rules,

Renders this order:

I. THE PARTIES

1. XYZ (hereinafter referred to as “the Applicant”) is a national of Benin. He requested anonymity, which was granted to him at the Fifty-third Ordinary Session of the Court. He alleges human rights violations in connection with judicial proceedings against Mr. Lionel Zinsou, former Prime Minister of the Republic of Benin.

2. The Application is filed against the Republic of Benin (hereinafter referred to as “the Respondent State”), which became a party to the African Charter

on Human and Peoples' Rights (hereinafter referred to as "the Charter") on 21 October 1986 and to 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") on 22 August 2014. Furthermore, on 8 February 2016, the Respondent State deposited the Declaration provided for in Article 34(6) of the said Protocol (hereinafter "the Declaration") by virtue of which it accepts the jurisdiction of the Court to receive applications from individuals and non-governmental organisations. On 25 March 2020, the Respondent State deposited with the African Union Commission the instrument of withdrawal of the said Declaration. The Court has held that this withdrawal has no effect on pending cases as well as new cases filed before 26 March 2021[1], which is the day on which the withdrawal took effect, being a period of one (1) year after its deposit.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. It emerges from the Application that in 2019, Lionel Zinsou, the former Prime Minister of the Respondent State, was accused and prosecuted by the Public Prosecutor's Office for misrepresentation of his 2016 presidential campaign accounts to the Audit Chamber of the Supreme Court.

4. On 2 August 2019, in the said proceedings, the Cotonou trial court found Lionel Zinsou guilty of forgery and overspending of electoral campaign funds, and sentenced him to six (6) months' suspended imprisonment and a fine of 50 million CFA francs. The trial court also declared him ineligible to run in any election for five (5) years. The said judgment was partially upheld on 18 February 2020 by the Court of Appeal of Cotonou.

[1] *Houngue Éric Noudehouenou v. Republic of Benin*, ACtHPR, Application No. 003/2020 Order of 5 2020 (provisional measures), §§ 4 to 5 and corrigendum of July 29, 2020

B. Alleged violations

5. The Applicant alleges a violation of the right to the recognition and enforcement by the State of the rights, duties and freedoms set out in the Charter, the right to the presumption of innocence and the right to a fair trial protected by Articles 1, 7(1)(b) and 7(1)(d) of the Charter, respectively.

III. PROCEDURE BEFORE THE COURT

6. The Application together with a request for provisional measures was filed on 6 August 2019. On 15 August 2019, the Application was served on the Respondent State for its response on the request for provisional measures and the merits within fifteen (15) and sixty (60) days, respectively.

7. On 2 December 2019, the Court issued an Order dismissing the requested for provisional measures and this Order was served on the Parties on 18 December 2019.

8. The Parties filed their submissions on the merits and on reparations.

9. On 18 October 2023, the Applicant submitted a letter of discontinuance, which was notified to the Respondent State on 2 November 2023 for its response within seven (7) days of receipt. The Respondent State did not file a Response.

IV. WITHDRAWAL OF PROCEEDINGS

10. The Court notes that Rule 65(1) of the Rules provides:

> The Court may at any stage of the proceedings decide to strike out an Application from its cause list where:
>
> a) An Applicant notifies the Court of his/her intention not to proceed with the case;

b) An Applicant fails to pursue his case within the time limit provided by the Court;

c) It, for any other reason, concludes that it is no longer justified to continue with the examination of the Application.

11. The Court notes, in the present case, that on 18 October 2023, the Applicant filed with the Registry a letter of discontinuance in respect of the present Application, evincing his intention not to pursue it.

12. Accordingly, the Court grants the Applicant's request and, pursuant to Rule 65(1)(a) of the Rules, decides to strike out this Application from its cause list.

13. The Court points out that the striking out of the Application does not affect the right of the Applicant to apply for the re-listing of the Application, in line with Rule 65(3) of the Rules.

V. OPERATIVE PART

14. For these reasons:

THE COURT,

Unanimously

- Grants the Applicant's request for withdrawal of the Application**;**
- *Strikes out* Application 057/2019 - *XYZ v. Republic of Benin* - from its cause list.

Signed by:

Imani D. ABOUD, President; 

and Robert ENO, Registrar

Done at Arusha, this sixth day of February in the year Two Thousand and Twenty-four, in English and French, the French text being authoritative.