



**PRESS RELEASE**  
**JUDGMENT SUMMARY**

**SEBASTIEN GERMAIN AJAVON v. REPUBLIC OF BENIN**

**APPLICATION NO. 013/2017**

**ORDER ON REPARATIONS**

**28 NOVEMBER 2019**

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

**Date of Press Release: 28 November 2019**

**Zanzibar, 28 November 2019** : The African Court on Human and Peoples' Rights (the Court) rendered its judgement on reparations in the matter of *Sébastien Germain Ajavon v. Republic of Benin*.

The Applicant, Sébastien Germain Ajavon, is a businessman and political figure of Benin nationality, and the Respondent State is the *Republic of Benin*.

In November 2016, the Respondent was prosecuted before the Cotonou Court of First Instance, First Class, on charges of international drug trafficking. He was acquitted of the charges on the benefit of the doubt by the said Court. Subsequently, he was tried *de novo* for the same offence, and sentenced to twenty (20) years in prison by the newly established Anti-Economic Crimes and Terrorism Court, *CRIET*. The Respondent then filed an Application with this Court, in which he alleged a number of violations of his rights by the Respondent State in the legal proceedings instituted against him and submitted claims for reparation of the damage flowing therefrom..

On 29 March 2019, the Court rendered its Judgement on the merits, in which it found that the Respondent State had violated the Applicant's rights guaranteed by Articles 3, 5, 7(1)(a)(b)(c) of the African Charter on Human and Peoples' Rights and Article 14(3)(d), 14(5) and 14(7)26 of the International Covenant on Civil and Political Rights.

Pursuant to Article 27(1) of the Protocol on the establishment of the African Court on Human and Peoples' Rights (the Protocol), the Court ordered the payment of compensation to the Applicant for the material and moral damage suffered directly, as well to his family members. . The Court also ordered the Respondent State to take measures to ensure the non-repetition of the violations noted.



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The Applicant submitted that since the commencement of the drug trafficking case, he has experienced a decline in the turnover of his companies, *COMON SA and SOCOTRAC SARL*, leading to a devaluation of his company shares and, thus, seeks payment of the amount of loss suffered.

In its Judgment on the merits, the Court noted a causal link between the violations found and the loss suffered by the Applicant in *COMON SA and SOCOTRAC SARL*. The Court awarded the Applicant the sum of Four billion three hundred and fifty-nine million six hundred and sixty-one thousand seven hundred and sixty-five (4, 359, 661, 765) CFA Francs, respectively for the loss of profit and depreciation of his company assets.

The Applicant further asserted that, as a result of the violation of his rights by the Respondent State, he lost the opportunity to invest in the oil sector, where he was to carry out projects, namely *BENIN OIL ENERGY* and *WAF ENERGY SA*, in partnership with *Philia Group Ltd*, and claims a compensation of one hundred and fifty billion (150,000,000,000) CFA Francs.

In the opinion of the Court, the likelihood of carrying out the said projects was real, given the agreement of 28 September 2016 between the Applicant and *Philia Group Ltd* and the fact that the requisite business licences had been obtained on 9 December 2016. Accordingly, the Court held that the Applicant was entitled to appropriate compensatory relief for loss of opportunity, for which the Respondent State incurs full responsibility.. The Court, however, considered that compensation for damage resulting from loss of opportunity is a lump sum that cannot be equal to the entire expected gain and, thus, awarded the Applicant a lump sum compensation of Thirty billion (30,000,000,000) CFA Francs.

The Applicant further prayed the Court to order the Respondent State to reimburse him all the costs incurred in proceedings before the national courts, those incurred before this Court, as well as the costs incurred during his stay in exile in France. In particular, the Applicant requested reimbursement with respect to the expenses he incurred in the preparation of documents, the fees for ten lawyers, their travel to Benin and Arusha, their subsistence allowance, the sending of documents via DHL and the fees for bailiff 's services.



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The Court dismissed Applicant's claim in respect of court costs, having noted that he did not submit any document in support thereof. The Court, however, ordered the reimbursement of the sum of Two million three hundred and twenty-two thousand nine hundred and ninety (2,322,990) CFA Francs to the Applicant, being the bailiff's fees, supporting documents of which had been provided.

As regards expenses incurred in exile, the Court noted that evidence of the said expenses is supported by the air tickets bought by the Applicant for himself and for members of his family and, accordingly, awarded him reimbursement of the sum of seven million nine hundred and nine thousand five hundred (7,909,500)CFA Francs.

The Applicant averred that he and his family members have suffered enormous personal moral damage as a result of the violation of his rights by the Respondent State. He submitted, *inter alia*, that the said violation tarnished his reputation and image as a businessman and political figure and that the living conditions and lifestyle of his family members have deteriorated considerably.

The Court noted that the Applicant and members of his family have experienced pain and suffering and psychological torture and, in this respect, granted compensation of 3,000,000,000 CFA Francs to the Applicant, 15,000,000 CFA Francs to the Applicant's wife and 10,000,000 CFA Francs to each of his three children.

The Court further ordered the Respondent State to take administrative and legislative measures to remedy the violations noted in the 29 March 2019 Judgment on the merits. In this connection, the court ordered : the immediate lifting of the seizures on the Applicant's accounts and those of his family members ; the immediate lifting of the ban on carrying out transactions in the bank accounts opened in the name of AGROPLUS ; the re-opening of SIKKA television channel, the SOLEIL FM radio broadcasting station and the SOCOTRAC SARL container terminal ; a review of the provisions of Sections 12 and 19(2) of Law No. 2018 establishing CRIET, so as to ensure compliance with Articles 3(2) of the African Charter and Article 14(5) of the ICCPR and to file a report thereon with the Court within one year.



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The Court, however, dismissed the claim for reparation in respect of the losses suffered by the Applicant in JLR SA, SGI L.ELITE, COMON SA and IDEAL PRODUCTION SARL for lack of supporting documents. The Court also declined to examine Applicant's new allegations that the Respondent violated his civil and political rights, as well as those of the leaders of opposition parties in Benin, on grounds that the said allegations fell outside the scope of this case.

The Court also considered as unfounded the Respondent State's counterclaim in which it prayed the Court to award it the sum of One billion five hundred and ninety-five million eight hundred and fifty thousand CFA Francs as damages.

For more information on this case, including the full Judgment of the African Court, visit the Website : [http://fr.african-court.org/index.php/47-pending-cases-details/307-requete-no-013-2017-Sébastien Germain Ajavon c. République du Bénin.](http://fr.african-court.org/index.php/47-pending-cases-details/307-requete-no-013-2017-Sébastien_Germain_Ajavon_c._République_du_Bénin)

For any other enquiries, please contact the Registrar of the African Court by email at [registrar@african-court.org](mailto:registrar@african-court.org).

*The African Court on Human and Peoples' Rights is a continental court established by African Countries to ensure protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to 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 more information, visit our Website [www.african-court.org](http://www.african-court.org).*