


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

THE MATTER OF

HOUNGUE ÉRIC NOUDEHOUENOU

V.

REPUBLIC OF BENIN

APPLICATION No. 004/2020

RULING  
(PROVISIONAL MEASURES)

22 NOVEMBER 2021



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

In the Matter of:

Houngue Éric NOUDEHOUE NOU

*Represented by:*

Ms. Nadine DOSSOU SAKPONOU, Lawyer of the Benin Bar.

Versus

REPUBLIC OF BENIN

*Represented by:*

Mr. Irene ACLOMBESI, Judicial Agent of the Treasury

*after deliberation,*

*renders the following Ruling:*

## **I. THE PARTIES**

1. Mr. Houngue Éric Noudehouenou, (hereinafter referred to as "the Applicant") is a national of the Republic of Benin. He is seeking orders for provisional measures with respect to the Judgment of 25 July 2019 of the Court for the Repression of Economic Crimes and Terrorism (hereinafter referred to as "CRIET").
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. The Respondent State further deposited the Declaration provided for in Article 34(6) of the said Protocol (hereinafter referred to as "the Declaration") on 8 February 2016, by virtue of which it accepted the jurisdiction of the Court to receive applications from individuals and Non-governmental Organisations. On 25 March 2020, the Respondent State deposited with the Chairperson of the African Union Commission, an instrument of withdrawal of its Declaration. The Court held that this withdrawal had no bearing on pending cases or new cases filed before the withdrawal came into effect, that is, one year after its filing, on 26 March 2021.<sup>1</sup>

## II. SUBJECT OF THE APPLICATION

3. On 21 January 2020, the Applicant filed the Application on the merits together with a first request for provisional measures. He alleged the violation of his rights during criminal proceedings initiated against him before the CRIET. On 6 May 2020, the Court issued a Ruling on this request for provisional measures.
4. On 19 July 2021 and 10 August 2021, the Applicant filed two new requests respectively, for provisional measures in relation to the Judgment of 25 July 2019 of the CRIET which "sentenced him to ten (10) years' imprisonment for abuse of office and unauthorised use of title, issued a warrant of arrest and ordered him to pay the sum of CFA Francs one billion two hundred and seventy seven million, nine hundred and ninety five thousand, four hundred and seventy four (1,277,995,474 CFA) to CNCB as compensation for the prejudice that they had suffered". By the Ruling on provisional measures issued on 6 May 2020, the Court ordered the Respondent State to stay execution of the said judgment.

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<sup>1</sup> *Houngue Éric Noudehouenou v. Republic of Benin*, ACtHPR, Application No. 004/2020, Order of 6 May 2020 (provisional measures), § § 4- 5 and corrigendum of 29 July 2020.

5. The Applicant claims that in spite of the Ruling of 6 May 2020, he has been forced to go into hiding.
6. He specifically states in the request for provisional measures of 19 July 2021 (hereinafter referred to as the "19 July 2021 request") that his health is continuously and dangerously deteriorating. He states that he is unable to adequately meet his medical needs, as he risks arrest and imprisonment by virtue of a decision that violates his rights. The Applicant further submits that he risks being killed, since he has already escaped an assassination attempt on 31 October 2018.
7. In addition, he avers, that although he was able to obtain some medication with difficulty, from September 2020, to ease the pain resulting from the ailments he suffers from; the pain has been increasingly persistent and the anxiety attacks have become more severe, together with insomnia, vomiting, persistent headaches, indigestion and gastric reflux, abdominal and neurological pain.
8. He claims that his state of health requires thorough medical consultations and analyses, hospitalisation for closer observation and specialised medical care, which he is unable to obtain because of the obstacles posed by the Respondent State, notably the arrest warrants resulting from the CRIET Judgment in disregard of the Ruling on provisional measures issued by this Court on 6 May 2020.
9. In the Request for provisional measures of 10 August 2021 (hereinafter referred to as " the Request of 10 August 2021"), the Applicant submits that in execution of the CRIET's Judgment of 25 July 2019, his bank accounts were frozen and from November 2021, he will no longer have the financial resources to meet his family's basic needs and cover his own health costs
10. The Applicant also submits that, he cannot appear personally at a real estate legal proceeding pending before the Cotonou Court, whereas the



said Court requires his presence at the hearing of 2 December 2021, failing which, a decision will be entered against him.

11. It is in this context that the Applicant requests the Court to issue a Ruling on provisional measures, ordering the Respondent State to remove the impediments to his medical care, to stay the arrest warrants issued against him, to disclose an expert report, and to issue a public apology. He also requests for provisional measures to unfreeze his bank accounts, issue identity documents and preserve his rights.

### **III. ALLEGED VIOLATIONS**

12. The Applicant alleges the violation of:

- i. his right to be tried by a competent tribunal, equality of all before the courts, to an impartial tribunal, to a reasoned decision respecting the principle of adversarial proceedings, to protection against arbitrariness and to legal certainty, all protected under the Charter and Articles 10 of the Universal Declaration of Human Rights (UDHR) and 14(1) of the International Covenant on Civil and Political Rights (ICCPR);
- ii. his rights to defence, including in particular equality of arms, to be defended by counsel, to facilities necessary for the organization of his defence, to the notification of the indictment and the charges, to participate in his trial, to the adversarial principle, to present evidence and arguments, to cross-examine prosecution witnesses, to be present at his trial, protected under Articles 14(3) of the ICCPR and 7(1)(c) of the Charter;
- iii. his right to appeal against judgments protected under Articles 10 of the (UDHR), 7(1)(a) of the Charter and 2(3) of the ICCPR;
- iv. his right to have his conviction and sentence reviewed under Article 14(5) of the ICCPR;
- v. his right to the presumption of innocence protected under Article 7(1) of the Charter;
- vi. his rights to paid work, to property and an adequate standard of living, protected under Articles 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 15 and 14 of the Charter and 23 of the UDHR;

- vii. his right to reputation and dignity, not to be subjected to inhuman and degrading treatment protected under Articles 7 of the ICCPR and 5 of the Charter, and his right to freedom of movement, protected by Articles 12, 14(5) and 17 of the ICCPR.

#### **IV. SUMMARY OF THE PROCEDURE BEFORE THE COURT**

13. On 21 January 2020, the Applicant filed the Application on the merits together with a request for provisional measures. These were served on the Respondent State on 18 February 2020.
14. On 6 May 2020, the Court issued a Ruling on provisional measures ordering the Respondent State to “stay the execution of the judgment of 25 July 2019 delivered by the Court for the Repression of Economic Crimes and Terrorism against the Applicant, Houngue Eric Noudehouenou, until the final decision of this Court”. The Order was transmitted to the Parties on 6 May 2020.
15. On 20 July and 10 August 2021, the Applicant filed two further requests for provisional measures. They were served on the Respondent State on 2 August 2021 and 23 August 2021 respectively, to submit its Response within fifteen (15) days of receipt.
16. On 17 August 2021, the Respondent State filed its Response on the Request for provisional measures of 20 July 2021. It however, did not respond to the Request of 10 August 2021 within the time-limit.
17. The Court notes that both requests for provisional measures are related to the CRIET's judgment of 25 July 2019. It therefore decides to join them and issue a single Ruling.

## V. **PRIMA FACIE JURISDICTION**

18. The Applicant asserts, on the basis of Article 27(2) of the Protocol and Rule 51(1) of the Rules, in matters of requests for provisional measures, the Court does not have to satisfy itself that it has jurisdiction over the merits of the case but simply that it has *prima facie* jurisdiction.
19. Referring further to Article 3(1) of the Protocol, the Applicant submits that the Court has jurisdiction insofar as the Respondent State has ratified the Charter and the Protocol, and has also filed the Declaration provided for in Article 34(6) of the Protocol. He alleges that although the Respondent State withdrew the said Declaration on 25 March 2020, the Court has already held that “this withdrawal can only take effect from 26 March 2021 and has no bearing on cases filed before the Court before that date.”
20. The Applicant further alleges that the Respondent State has violated his rights protected by human rights instruments to which it is a party. He asserts that, the Court has *prima facie* jurisdiction to hear the requests for provisional measures.
21. The Respondent State did not respond to this point.

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22. The Court notes that the rights which the Applicant alleges to have been violated, are all protected by the Charter and human rights instruments to which the Respondent State is a party.<sup>2</sup> The Court further notes that the Respondent State is a party to the Protocol and has deposited the Declaration provided for in Article 34(6) of the Protocol. The Court recalls that, in the Ruling of 6 May 2020<sup>3</sup>, it decided that the withdrawal of the Declaration by the Respondent State does not affect its personal jurisdiction in this case.

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<sup>2</sup> *Ingabire Victoire Umuhiza v. Republic of Rwanda* (jurisdiction) (3 June 2016) 1 AfCLR 585, § 67.

<sup>3</sup> *Houngue Éric Noudehouenou v. Republic of Benin*, ACTHPR, Application No. 004/2020, Order of 6 May 2020 (provisional measures), §§ 4-5 and corrigendum of 29 July 2020.

23. The Court further clarifies that although the requests for provisional measures were filed after the withdrawal came into force on 26 March 2021, this does not affect its personal jurisdiction in the present case either, since the said requests are related to the Application on the merits filed on 21 January 2020 before the said withdrawal.
24. The Court, therefore, concludes that it has *prima facie* jurisdiction to hear the requests for provisional measure.

## **VI. PROVISIONAL MEASURES REQUESTED**

25. In the Request of 19 July 2021, the Applicant requests the following provisional measures:
- i. Request the Respondent State to take all appropriate measures, first, to remove all obstacles to his right to health, including obstacles to obtaining his file at the CNHU without let or hindrance and all obstacles to medical consultations, medical examinations, hospitalization, medical reviews, and to his surgical operation that he has been awaiting since 2018, and secondly, to ensure that his doctors are effectively protected against any prosecution and any arrest, failing that, to provide him with the means and a host country where he will receive adequate health care without being hindered by the Respondent State;
  - ii. Request the Respondent State to suspend arrest warrants and detention orders and deprivation of liberty until the final decision of this Court on the merits and reparations;
  - iii. Request the Respondent State to apologise to the Court for having persistently invented and used twenty-four (24) imaginary and false facts before the CRIET and before this Court.
  - iv. Request the Respondent State to produce, without delay, and "through the Registry of the Court," especially the entire report of the judicial expert written by Mr. ASSOSSOU Pedro d'Assomption and mentioned in the judgment of CRIET;
  - v. Request the Respondent to implement the above listed measures within three days of notification of the Court's Ruling; and to report to the Court

on the implementation of this Ruling within fifteen days of the date of notification of this Ruling;

26. In the request of 10 August 2021, the Applicant requests the following provisional measures:

- vi. unfreezing of his bank accounts and removal of obstacles to him appearing before the Cotonou Tribunal on 2 December 2021;
- vii. Issuance of valid identity document in accordance with paragraphs 1123.xiv and 123.xv of the Judgment of 4 December 2020, Application No. 003/2020;
- viii. Request the Respondent State, by virtue of Articles 2(3) and 14(1) of the ICCPR, Article 8 of the UDHR, Articles 7 and 14 of the Charter, to take all appropriate measures to guarantee the Applicant, the effective enjoyment of his right to a ruling in his case concerning his right to property, his right to an effective remedy, to legal certainty and to a fair trial before the Cotonou Court at the hearing of 2 December 2021 and subsequent days notwithstanding his absence given the presence of his counsel, the fact that he has made submissions on the merits since 27 October 2017.

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27. The Court notes that Article 27(2) of the Protocol provides that: “in cases of extreme gravity or urgency, and when necessary to avoid irreparable harm to persons, the Court shall adopt such provisional measures as it considers necessary.”

28. It notes that it has the duty to decide, in each individual case whether, in the light of the particular circumstances of the case, it should exercise the jurisdiction conferred on it by the above provision.

29. The Court recalls that urgency, consubstantial with extreme gravity, means a “real and imminent risk that irreparable harm will be caused before it renders its final judgment.”<sup>4</sup>

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<sup>4</sup> *Ajavon Sébastien v. Republic of Benin*, ACtHPR, Application No. 062/2019, Order for provisional measures, 7 April 2020, § 61.

30. It emphasizes that the risk in question must be real, which excludes the purely hypothetical risk and justifies the need to repair it immediately.<sup>5</sup>
31. With regard to irreparable harm, the Court considers that there must exist a “reasonable probability of materialization” having regard to the context and the personal situation of the applicant <sup>6</sup>

**i) On the obstacles to medical care and protection**

32. The Applicant argues that by not implementing the Court’s Order for provisional measures, the Respondent State has made it impossible for him to receive proper health care in his own country, for fear of arrest or assassination. He further argues that his medical providers, housekeeper and family members would be deprived of their liberty for harbouring a criminal if they continue to hide him and provide him with care in such a situation.
33. In this respect, he submits that there is an urgent need to address the worsening headaches, abdominal pain and lower limb pain caused by blood circulation problems.
34. He avers that the growth in the inner tissue of his abdomen, which is in an advanced stage, causes him great pain, prevents him from sitting properly and that he therefore requires surgery.
35. With regard to irreparable harm, the Applicant states that if he is unable to acquire medication and receive proper care as soon as possible, he will suffer irreversible damage to his health and even death.

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<sup>5</sup> *Ibid*, § 62.

<sup>6</sup> *Ibid*, § 63.

36. The Respondent State argues that the only way for a sick person to seek treatment is to go to a hospital to receive appropriate treatment, and not to seek injunctions from a court.

37. The Respondent State further argues that nothing prevents the Applicant from going to the hospital if he is really ill, which demonstrates the absence of urgency and irreparable harm.

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38. The Court notes that the Applicant alleges that he is currently suffering from serious health problems requiring urgent treatment and that he is under the care of a personal physician. However, the Applicant has not provided the Court with any evidence of his poor health other than mere assertions. He therefore has not sufficiently demonstrated the urgency and irreparable harm he faces, as required by Article 27 of the Protocol.

39. The Court therefore considers that there is no basis to order the measure requested.

**ii) On the stay of the arrest warrant issued in accordance with the CRIET's judgment of 25 July 2019.**

40. The Applicant argues, as a matter of urgency, that his arrest and deprivation of liberty as a result of the warrants issued against him following the CRIET's judgment of 25 July 2019, may occur at any moment before the Court rules on the merits. He argues that there is a compelling reason for him not to be arbitrarily detained as a result of a judgment rendered in violation of his rights.

41. With regard to irreparable harm, the Applicant argues that in the absence of a stay of execution of the warrants, he is deprived of the means of livelihood since he cannot work, and is unable to receive proper medical care. This situation, he argues is causing his health to deteriorate, and may occasion his death.

42. He also avers, that he is also unable to travel in person to the human rights courts to plead the cases he has instituted.

43. The Respondent State did not respond to this point.

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44. The Court notes that the CRIET's judgment of 25 July 2019 sentenced the Applicant to ten (10) years' imprisonment for abuse of office and "unauthorised use of title", issued a warrant of arrest and ordered him to pay the sum of CFA francs one billion, two hundred and seventy-seven million, nine hundred and ninety-five thousand, four hundred and seventy-four (CFA 1,277,995.474) to the CNCB as reparation for prejudice suffered;

45. The Court recalls that on 6 May 2020 it issued a Ruling on provisional measures as follows:<sup>7</sup>

Orders the Respondent State to stay execution of the judgment of 25 July 2019 rendered by the Court of the Repression of Economic Crimes and Terrorism against the Applicant, Houngue Éric Noudehouenou, until the final decision of the Court.

46. In this regard, since the stay of execution pronounced by the Ruling of 6 May 2020 concerns the arrest warrant that is still in force, and the Respondent State is obliged to implement it, the Court considers that there is no need to grant the same measure again.

47. Accordingly, the Court dismisses the requested measure.

### **iii) On the apology by the Respondent State**

48. The Applicant argues in the Application on the merits, that the Respondent State based its arguments on twenty-four (24) false and imaginary facts,

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<sup>7</sup>*Idem.*



publicly described the decisions of the Court to be grossly incongruous, as such, in the interests of justice, the Respondent State should be ordered to adduce proof of its allegations, and failing that, it should apologise to the Court and the Applicant.

49. He claims that these lies have created mistrust in the business and labour community concerning him. He further submits that the Respondent State should apologise as a matter of urgency to avoid irreparable damage to his livelihood and his right to work.

50. The Respondent State did not respond to this point.

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51. The Court finds that this issue lacks urgency, and therefore cannot be examined at the stage of provisional measures.

52. Accordingly, the Court dismisses the requested measure.

**iv) Request to produce the expert report referred to in the CRIET judgment**

53. The Applicant alleges that he was convicted by the CRIET on the basis of a number of documents including an expert report drafted by Mr. Assossou Pedro d'Assomption which implicated him and estimated the loss suffered by the Respondent State as a result.

54. He maintains that to date the Respondent State has not disclosed these documents to him, thereby violating his right to a remedy and a fair trial.

55. He believes that there is urgency because this Court can rule at any time and there will be irreparable harm if the Application is dismissed on the merits.

56. The Respondent State argues in response that there is no urgency in disclosing the expert report. It argues further, that the Court is not a court

of appeal from the CRIET and can therefore not rule on the irregularities pleaded against the procedure followed before that court.

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57. The Court notes that the Applicant seeks an order to instruct the Respondent State to provide him with the expert report, claiming that the Respondent State's failure to disclose it during the proceedings before CRIET violated his rights.

58. The Court observes that the Respondent State does not contest the allegation of failure to disclose the expert report, nor does it question the importance attached to it by the Applicant in the CRIET proceedings in respect of which the Applicant alleges a violation of rights.

59. The Court therefore considers that disclosure of the report is necessary for the Applicant to assert his rights before it and the failure to disclose the report is likely to cause him irreparable harm. Since his Application is under consideration by the Court, submission of the report requires urgent action by the Respondent State. In these circumstances, the Court finds that the measure sought is justified.

60. Accordingly, the Court orders the Respondent State to disclose to the Applicant or his Counsel the expert report referred to in the CRIET's judgment of 25 July 2019.

**v) Enforcement of the Ruling and to report on the enforcement**

61. The Applicant submits that all the provisional measures requested herein relate to his fundamental rights, including health and life. Therefore, he submits that the implementation of this Ruling is urgent and should be done within a short time.

62. The Respondent State did not respond to this request.

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63. The Court notes that the provisional measures it orders are of immediate effect, as such, the measure sought is unnecessary.

64. The Court observes that the measure ordered in the present Ruling to produce the expert report relied upon in the proceedings against the Applicant before the CRIET fulfils the requirements of Article 27(2) of the Protocol as regards urgency and therefore requires immediate implementation. Therefore, the Respondent State should report on the implementation of that ruling as soon as possible.

65. Accordingly, the Court orders the Respondent State to report back within fifteen (15) days from the date of notification of this Ruling.

**vi) Request to unfreeze bank accounts and remove obstacles to his presence at the hearing**

66. The Applicant contends that on the basis of the CRIET Judgment of 29 July 2019, all the accounts to which he is a signatory were blocked and arrest warrants issued against him, whereas by the Ruling on provisional measures of 6 May 2020, this Court had ordered a stay of execution of the said judgment.

67. He argues that his bank accounts should be unfrozen urgently to enable him have the financial resources to meet the basic needs of his family and his health care. He explains that without his resources which are blocked, from November 2021, he and his family will be exposed to irreparable harm of indigence leading to an irreversible impact on the future and the full development of his children who are minors.

68. He further argues that failure to appear at the hearing of 2 December 2021 before the Court of Cotonou in relation to a real property belonging to him,

and in which the judge requires his presence, he may irreversibly forfeit ownership of the said property.

69. The Respondent State did not respond to this request.

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70. The Court notes that, on 6 May 2020 in the present Application No. 004/2020, it issued an order to stay execution of the Judgment of 25 July 2019 of CRIET.

71. The Court observes that the CRIET Judgment issued an order to freeze the Applicant's bank accounts. It further notes that the Applicant did not provide evidence that his bank account was blocked in execution of the CRIET judgment.

72. Regarding the obstacles to his presence in court as a result of the CRIET judgment, the Court notes that since the stay of execution of the 10-year sentence ordered by the Ruling of 6 May 2020 remains effective, the Court considers that there is no need to issue the same order again.

73. Accordingly, the Court dismisses this request.

**vii) Issuance of an identity document**

74. The Applicant submits that since he is wanted by the Respondent State in execution of the CRIET Judgment of 7 July 2019, he cannot be issued a valid identity card, pursuant to Inter-Ministerial Decree No. 023/MJL/DC/SGM/DACPG/SA 023SGGG19 dated 22 July 2019, which is still valid as long as the Respondent State has not repealed it as ordered by the Court in the Judgment of 4 December 2020, Application No. 003/2020, rendered in his favour.

75. He posits that without this document, it is impossible for him to access his bank accounts in the event of unblocking of said accounts.

76. He argues that it is an emergency because from November 2021, he will no longer have financial resources, a situation which is likely to irreversibly prejudice their existence since he would no longer be able to meet his needs or those of his family.

77. The Respondent State did not respond to this request.

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78. The Court notes that on 4 December 2020 it rendered a judgment in Application No. 003/2020, *Houngue Eric Noudehouneou v. Republic of Benin*, ruling that “the Respondent State has violated the right “to use public property and services in strict equality of all persons before the law as provided for under Article 13(3) of the Charter” and ordered the Respondent State “to take all measures to repeal Inter-Ministerial Decree No. 023MJL/DC/SGM/DACPG/SA 023SGG19 dated 22 July 2019.”<sup>8</sup>

79. The Court notes that the Applicant’s inability to obtain the national identity card is due to the Respondent State’s failure to comply with the provisional measures ordered in the judgment of 4 December 2020.

80. The Court observes that this situation causes prejudice to the Applicant to the extent that, without a valid identity document, it is impossible for him to carry out banking operations related to his bank account.

81. The Court considers that there is a real possibility that the Applicant may not be able to access his account, and that irreparable harm may result from this.

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<sup>8</sup>*Houngue Éric Noudehouenou v. Republic of Benin*, ACTHPR, Application No. 003/2020, Judgment of 4 December 2020 (merits and reparations), § 123 (x) and (xv).

82. Accordingly, the Court grants the request for issuance of the national identity card.

**viii) Respect of rights by the Cotonou Tribunal**

83. The Applicant avers that at the hearing of 15 July 2021 in the context of a real estate procedure between him and one Elbaz David, despite the regular presence of his Counsel before the Cotonou Tribunal, the judge requires his physical presence at the hearing of 2 December 2021, failing which, a decision will be rendered against him.

84. He argues that the intention of the Cotonou Court is to violate, at the hearing of 2 December 2021, his fundamental rights protected by Articles 2(3) and 14(1) of the ICCPR, Articles 7 and 14 of the Charter and Article 8 of the UDHR, hence the urgent need for this Court to avert such violations.

85. Regarding the irreparable harm, he maintains that the court's decision will result in the definitive loss of the disputed real property and consequently the loss of the rental income of the said property.

86. The Respondent State did not respond to this request.

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87. The Court notes that the requested provisional measure is based on potential violation of rights protected by the Charter, ICCPR and UDHR by the Cotonou Court.

88. The Court observes that the Applicant pre-empts the decision of the Cotonou Court. The Court further observes that the Applicant did not provide any evidence to show that the Cotonou Court will violate the alleged rights.

89. Accordingly, the Court dismisses the provisional measure requested.

90. For the avoidance of doubt, this Ruling is provisional in nature and in no way prejudices the decision the Court may take on its jurisdiction and the admissibility and merits of the Application.

## **VII. OPERATIVE PART**

91. For these reasons,

**The COURT,**

*By a majority of Seven (7) in favour and Four (4) against, Judge Ben KIOKO, Judge Rafaâ BEN ACHOUR, Judge Tujilane R. CHIZUMILA and Judge Chafika BENSAOULA Dissenting,*

- i. *Dismisses* the requests for provisional measure relating to obstacles to medical care and protection ;
- ii. *Dismisses* the requested provisional measures to unfreeze the Applicant's bank account and to remove obstacles to his presence before the Cotonou Court;

*Unanimously,*

- iii. *Dismisses* the request to stay execution of the arrest warrant pursuant to the CRIET's judgment of 25 July 2019;
- iv. *Dismisses* the request for a public apology;
- v. *Dismisses* the request regarding observance of the Applicant's rights by the Cotonou Court;
- vi. *Orders* the Respondent State to disclose to the Applicant or his Counsel the expert report referred to in the CRIET judgment of 25 July 2019;
- vii. *Orders* the Respondent State to take all measures to issue a valid national identity card to the Applicant;
- viii. *Orders* the Respondent State to report to the Court on the implementation of the measures ordered in (vi) and (vii) above, within fifteen (15) days of notification of this Ruling.

**Signed:**

Imani D. ABOUD, President;



Robert ENO, Registrar;



In accordance with Article 28(7) of the Protocol and Rule 70 of the Rules, the Dissenting Opinion of Justice Ben KIOKO, and Declarations of Judge Rafaâ BEN ACHOUR, Judge Tujilane R. CHIZUMILA and Judge Chafika BENSAOULA are appended to this Ruling.

Done at Dar es Salaam, this Twenty-Second Day of November in the year Two Thousand and Twenty-one, in English and French, the French text being authoritative.

