

**DECLARATION OF JUDGE TUJILANE ROSE CHIZUMILA
ORDER**

HOUNGUE ERIC NOUDEHOUEYOU V. REPUBLIC OF BENIN

02 December 2021

APPLICATION N° 032/2020

1. Pursuant to Rule 70(3) of the Rules of the Court, I hereby declare that I disagree with the majority ruling of the Court that "i. Dismisses the requests for provisional measure relating to obstacles to medical care and protection; ii. Dismisses the requested provisional measure to unfreeze the Applicant's bank account and to remove obstacles to his presence before the Cotonou Court".
2. I have read the dissenting opinion of Judge Ben Kioko concerning the Court's dismissal of the above-mentioned request and I agree entirely with it.
3. I believe that the Ruling of the Court has ignored substantial evidence submitted by the Applicant which was more than sufficient in terms of Article 27(2) of the Protocol to grant the Applicant medical care and protection and the request to unfreeze his bank accounts and remove obstacles to his presence at the hearing listed for hearing before the Cotonou Court on 2 December, 2021.
4. Judge Kioko cites all these facts in his dissenting opinion. With this dissenting opinion, I am expressing my dissent and endorsing and supporting the opinion of my distinguished colleague.



Judge Tujilane Rose Chizumila

Done in Dar es Salaam, 02 December 2021

