


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		

APPLICATION FOR PROVISIONAL MEASURES NO. 003/2019

IN

MATTER OF

XYZ

V.

REPUBLIC OF BENIN

APPLICATION NO. 058/2019

 RULING ON PROVISIONAL MEASURES

2 DECEMBER 2019

058/2019

02-12-2019

(000061-000055)BS

The Court composed of: Sylvain ORÉ, President; Ben KIOKO, Vice President; Rafaâ BEN ACHOUR, Ângelo V. MATUSSE, Suzanne MENGUE, M-Thérèse MUKAMULISA, Tujilane R. CHIZUMILA, Chafika BENSOUOLA, Blaise TCHIKAYA, Stella I. ANUKAM, Imani D. ABOUD – Judges; and Robert ENO, Registrar,

In the matter:

XYZ

Self represented

versus

REPUBLIC OF BENIN

Represented by

Mr. Iréné ACLOMBESSI, Legal Representative of the Treasury

after deliberation,

makes the following Ruling:

I. THE PARTIES

1. On 03 August 2019, the Applicant (hereinafter referred to as “XYZ”), a national of Benin who requested anonymity, applied to the Court for provisional measures against the Republic of Benin. In the same application he also requested the Court to decide on the merits of the matter.
2. During its 53th Ordinary session, the Court granted the Applicant request for anonymity.

3. The Republic of Benin (hereinafter referred to as "the Respondent State") became a Party to the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") on 21 October 1986, 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. On 8 February 2016, the Respondent State also filed the Declaration provided for in Article 34(6) of the Protocol whereby it accepts the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organizations.

II. SUBJECT OF THE APPLICATION

4. The Applicant submits that on 22 July 2019, the Respondent State issued Inter-Ministerial Decree No. 023/MJL/DC/SGM/DACPG/SA/023SGG19 to prohibit the issuance of legal documents to certain persons sought by justice in the Republic of Benin.

5. Pursuant to the said decree, it is prohibited to issue legal documents for the benefit and on behalf of persons "whose appearance, hearing or interrogation is necessary for the purpose of a judicial police investigation, court of law or who is the subject of an enforceable decision of condemnation and who does not defer to a summons and to the injunction of the authorities".

6. According to the Applicant, "legal documents" means "extracts from civil status certificates, certificates of nationality, identity cards, passports, laissez-passer, safe-conducts, Residence Cards, Consular Card, Criminal Record No. 3, Residence Certificate, Collective Life Certificate, Certificate or Attestation of State Possession, Driver's License, Voter's Card, Tax Clearance Certificate."

7. The Applicant submits that the order concerns well-known members of the political opposition in exile, such as Sébastien Ajavon, former ministers including Komi Koutché and Valentin Djenontin, former Members of Parliament and Mayors.