

JUDGMENT SUMMARY

MAMA SEIDOU SAMIRATOU V. THE REPUBLIC OF BENIN

APPLICATION N° 054/2019

RULING ON JURISDICTION AND ADMISSIBILITY

5 SEPTEMBER 2023

JUDGMENT OF THE AFRICAN COURT ON HUMAN AND PEOPLES'S RIGHTS

On 5 September 2023, the African Court on Human and Peoples' Rights (the Court) rendered a Ruling in the case of *Mama Seidou Samiratou v. Republic of Benin*.

On 18 October 2019, Mrs Seidou Samiratou (the Applicant) filed an Application instituting proceedings against the Republic of Benin (Respondent State).

The Applicant alleged violation of rights following the repression of the demonstrations held in Cotonou on 1 and 2 May 2019, which allegedly led to the death of her father Assoumana MAMA SEÏDOU (the victim). The violations relate to: the right to freedom of assembly and demonstration protected by Article 21 of the International Covenant on Civil and Political Rights (ICCPR), the right to life protected by Articles 4 of the Charter and 6 of the ICCPR, the right to respect for the principle of non-retroactivity of criminal law, protected by Article 7(2) of the Charter.

The Applicant requested the Court to: Declare that it has jurisdiction, declare the application admissible; declare that the Respondent State failed to protect its citizens during the demonstrations relating to the legislative elections of 28 April 2019; declare that the victim was subjected to extrajudicial execution by the Beninese army and that the Government of Benin is responsible for the execution; declare that the Respondent State violated his freedom to demonstrate, since the offence of unarmed assembly is a measure that curtails the freedom of peaceful assembly and demonstration...; order the Respondent State to cease involving the army in peaceful public demonstrations; to press charges against its officers in the armed forces who were involved in the murder of the victim; to repeal the law on the penal code with respect to the offence of unarmed assembly; to release all persons arrested and imprisoned in connection with the events surrounding the legislative elections of 28 April 2019; to report back to the Court within a period of time to be determined by the Court, and to order the Respondent State to pay her the sum of 200,000,000 CFA francs in damages and costs. The Respondent State requested the Court to declare the Application inadmissible, to find that it had not committed any fault and that the amount claimed by the

JUDGMENT SUMMARY

Applicant was not based on any criteria. The Respondent State therefore requested that these claims be dismissed.

The Respondent State did not challenge the Court's material, personal, temporal and territorial jurisdiction. The Court nevertheless considered these aspects and held that it had jurisdiction.

The Respondent State raised two objections to admissibility, firstly that Applicant had no locus standi to bring the case before the Court since she had not received a mandate to that effect, and secondly that she had not exhausted the local remedies. In connection with the first objection, the Applicant argued that the only requirements for an individual to bring an application against a State before the Court were the State's ratification of the Charter and Protocol, and the filing of the Declaration. The Court dismissed this objection. With regard to the exhaustion of local remedies, the Applicant submitted that they were inaccessible and ineffective. The Court dismissed this objection on the grounds that local remedies were available and effective. Consequently, it declared the Application inadmissible.

The Court ordered each Party to bear its own costs.

Further information:

Further information on this case, including the full text of the African Court's Judgment is available on the website: <https://www.african-court.org/cpmt/details-case/0542019>

If you have any other questions, please contact the Registry by e-mail at registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental court created by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes brought before 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, please visit our website www.african-court.org