

LEHADY VINAGNON SOGLO V. REPUBLIC OF BENIN

APPLICATION NO. 011/2021

RULING ON JURISDICTION AND ADMISSIBILITY

7 NOVEMBER 2023

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS

Algiers, 7 November 2023. The African Court on Human and Peoples' Rights (the Court) has delivered a judgment in the case of *Lehady Vinagnon Soglo v Republic of Benin*.

On 25 March 2021, Mr Lehady Vinagnon Soglo (the Applicant) filed an Application against the Republic of Benin (the Respondent State).

The Applicant alleged a violation of his rights in connection with his suspension and removal from office as Mayor of Cotonou, and criminal proceedings against him before the Terrorism and Economic Crimes Court (CRIET). He alleged a violation of his rights protected by the African Charter on Human and Peoples' Rights (the Charter), namely, the right to have his case heard, the right to life and to physical and moral integrity, and the right to participate freely in the government of his country, guaranteed respectively by Articles 7, 4 and 13(1) of the Charter.

The Applicant prayed the Court to find that the Respondent State violated Articles 4, 7, 13(1) and 26 of the Charter, order the Respondent State to publicly acknowledge and accept liability and to restore his civil and civic rights, ensure his freedom of movement within his country, and to visit and assist his elderly and ailing parents. The Respondent State prayed the Court to declare the Application inadmissible, declare all the Applicant's provisional claims as unfounded and dismiss the Applicant's claims in their entirety.

JUDGMENT SUMMARY

The Respondent State raised no objection to the Court's material, personal, temporal and territorial jurisdiction. Nevertheless, the Court examined each of these elements and concluded that its jurisdiction was established.

The Respondent State raised two objections as to admissibility, one relating to failure to exhaust local remedies and the other to failure to file the Application within a reasonable time. Regarding the first objection, the Respondent State argued that the Applicant had the opportunity to seize the Constitutional Court with his complaints of human rights violations. The Applicant submitted that he had appealed to the Supreme Court's Administrative Chamber for annulment. He acknowledged that did not lodge an appeal against the CRIET's judgment on account of the arrest warrant that had allegedly been issued against him. The Court noted that the Applicant did not provide any evidence to substantiate either the existence or the outcome of the proceedings before the Supreme Court's Administrative Chamber. The considered that he could have appealed the CRIET's judgment and awaited its outcome. The Court considered that the Applicant did not exhaust domestic local and that it was superfluous to rule on whether the Applicant pursued and exhausted the remedy before the Constitutional Court. and to examine the other conditions of admissibility in relation to the Application. Accordingly, the Court declared the Application inadmissible.

The Court ruled that the request for provisional measures was moot.

The Court decided that each Party shall 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/0112021>

For 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 established 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



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rights instrument ratified by the States concerned. For more information, please visit our website www.african-court.org