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The Court is composed of D. ABOUD, President of the Court of Benin, Ben KIOKO, Rafaâ BEN ACHOUR, Suzanne MENGUE, T. BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, ADJE Judges; and ENOBE Registrar.

In the matter of

Landry Angelo ADELAKOUN AND OTHERS,
Set represented

Versus

REPUBLIC OF BENIN
Represented by OMBESSEUR Iréné AC
Legal Representative of the

After deliberation,
Renders this Judgment:

I. THE PARTIES

1. Messrs Landry Angelo Adhlakoun, Romaric Miguéle Houeto (hereinafter referred to as the Applicants) of Benin. They allege that the Government of Benin has violated their right to freedom of expression by shutting down the website of the National Election Committee on 28 April 2019.
2. The Applicant also names the Republic of Benin as the Respondent, which is a party to the African Charter on Human and Peoples' Rights.

Human and Peoples (hereinafter referred to as the "African Charter") and the Protocol to the African Charter on Human and Peoples Rights (hereinafter referred to as the "Protocol") of 1984 as amended. The Respondent State has not accepted the jurisdiction provided for in Article 34(6) of the Protocol. On March 2020, the Respondent State deposited its Declaration of Acceptance of the jurisdiction of the Commission (Annex I) with the Commission. The Respondent State has not accepted the jurisdiction of the Commission in the cases or on the grounds mentioned in the Declaration. On March 2020, the Respondent State deposited its Declaration of Acceptance of the jurisdiction of the Commission (Annex I) with the Commission. The Respondent State has not accepted the jurisdiction of the Commission in the cases or on the grounds mentioned in the Declaration.

II. SUBJECT OF THE APPLICATION

A. Facts of the case

3. In the present case, the Respondent State has held legislative elections in which the opposition parties were not allowed to participate. The Respondent State has also entered into agreements with the various opposition parties to ensure the free and fair conduct of the elections.
4. The Applicant claims that the Respondent State has violated his or her rights under the African Charter and the Protocol. The Applicant claims that the Respondent State has failed to provide a fair and equitable hearing to the Applicant. The Applicant claims that the Respondent State has failed to provide a fair and equitable hearing to the Applicant.

¹ *Houngue Eric Noredpeuhboluiecn, ou AfvBPR, Application No. 003/2020 (provisional) and (s) of 29 July 2020*

B. Allegations

5. The Applicants allege violation of the expression, which is right to hold opinions with the right to seek, information and receive it across borders through any media protected by Article of Human Rights (UDHR)

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

6. The Application was filed on 22 March 2021, requesting provisional measures.

7. On 28 September 2021, the Respondent requested for provisional measures and a stay of execution of the judgment for fifteen (15) days. The Respondent requested to submit the list of its reparations to the Court within ninety (90) days.

8. On 20 October 2021, the Respondent requested for provisional measures and a stay of execution of the judgment. On 24 March 2022, the Court dismissed the Respondent's request for provisional measures and a stay of execution of the judgment.

9. The Respondent filed its pleadings in response to the Application on 11 February 2022.

10. Pleadings were filed on 20 February 2023 and the Court's decision was issued on 20 February 2023.

IV. PRAYERS OF THE PARTIES

11. The Applicant prays that the Court to determine that down during April 2019 legislative Respondent's situation rights violation

12. The Respondent files its counterclaims.

V. ON DEFAULT BY THE RESPONDENT STATE

13. Rule 3(1) of the Rules provides:

Whenever a party does not appear before the court in a case within the period prescribed by the Rules or within any other period specified in the Application or on its own motion after it has satisfied itself that it has served with the Application and all other proceedings

14. The Court notes that Rule 3(1)(b) vests out the power for a judgment by default, the Applicant's motion for default judgment by one party request made by the court.

15. With regard to the notification of the defaulting Party, the Court notes that the Respondent's September 2021 request for its observations in ninety days that the Applicant's Respondent State.

ii Temporal jurisdiction, alleged violations of Respondent State by the Charter, and as indicated paragraph 23.

iv Territorial jurisdiction, insofar as Applicants occurred on the territory

23. Consequently, the Court has jurisdiction to

VII. ADMISSIBILITY

24. Under Article 6(2) "[t]he Court shall examine the admissibility of cases taking into account the provisions of the Charter

25. Pursuant to Rule 50(1) of the Rules, as to the admissibility of an Application filed before the Charter, Article 6(2) of the Protocol and

26. Rule 50(2) of the Rules provides that as of the provisions

Applications filed with the Court shall comply with

- a) Indicate their authors even if the latter are anonymous;
- b) Are compatible with the Constitutive Act of the Charter;
- c) Are not written in disparaging or insulting terms against the State concerned and its institutions or its population;
- d) Are not based exclusively on domestic law;
- e) Are sent after exhausting local remedies, if any, unless it is shown that this procedure is unduly prolonged;
- f) Are submitted within a reasonable time after the event on which the alleged violation of the Charter is based.

exhausted or from the Court's data sheet by the close of the time limit within which it shall
g) Do not deal with cases which have been
in accordance with the principles of
the Constitution or the provisions

27. As earlier proceedings, it is not necessary for the Court to satisfy itself that all admissions are made in accordance with the provisions

28. The Court notes that the Applicant has clearly
requirements (2)(a)

29. The Court notes that the Applicant's conduct is not in conformity with the objectives of the African Charter, especially the protection of human rights and the promotion of
incompatible with the Constitution. The Court's
Application is compatible with the Charter's
meet the requirements (2)(b) of the Rules.

30. The Court further notes that the Applicant's conduct is not in conformity with the objectives of the African Charter, especially the protection of human rights and the promotion of
for the African Union's joint communiqué. The Court's
50(2)(c) of the Rules.

31. The Court notes that the Application is not based on information disseminated by the Respondent State. The
of the Court's findings.

32. As regards the requirement of exhaustion of local remedies, the Respondent submits that the Constitutional Court has held that the exhaustion of local remedies is a condition for the admissibility of an application to the African Commission on Human and Peoples' Rights. However, the Respondent submits that the exhaustion of local remedies is not a condition for the admissibility of an application to the African Commission on Human and Peoples' Rights and independent judges.

33. The Respondent submits that this issue

* * *

34. The Court recalls that in accordance with Article 50(2)(e) of the African Charter on Human and Peoples' Rights, local remedies must be exhausted, if any, unless the delay in the proceedings is unduly prolonged.

35. The Court is of the view that the exhaustion of local remedies is a condition for the admissibility of an application to the African Commission on Human and Peoples' Rights. However, the Respondent submits that the exhaustion of local remedies is not a condition for the admissibility of an application to the African Commission on Human and Peoples' Rights and independent judges.

36. The Court observes that the African Commission on Human and Peoples' Rights is a subsidiary organ of the African Union. The African Commission on Human and Peoples' Rights is a subsidiary organ of the African Union. The African Commission on Human and Peoples' Rights is a subsidiary organ of the African Union. The African Commission on Human and Peoples' Rights is a subsidiary organ of the African Union.

⁴Beneficiaries of the late Norbert Zongo, Aboulaye Nikiema and Burkina Faso Movement for Human and Peoples' Rights (2015) D.C.E.A.H.R. 21/001/15, paras. 88-90.

⁵Article 117 of the Benin Constitution provides: "The Constitutional Court is the highest authority in the country in matters of constitutional law and public freedoms (...)" ; Article 122 of the Benin Constitution provides: "The Constitutional Court has jurisdiction to hear and determine any objection procedure invoked in a matter which concerns the constitutionality of laws, decrees, regulations, orders, and administrative acts."

set out in paragraphs 6 and 7 of Article 50(2)(5f0)((2a)) of the Rules.

44. In view of the foregoing, the Court decides as follows:

VIII. COSTS

45. None of the parties bears costs.

* * *

46. Rule 32(2) of the Rules shall apply. Each party shall bear its own costs, if applicable.

47. The Court considers that these provisions are applicable. Consequently, the Court decides as follows:

IX. OPERATIVE PART

48. For these reasons

THE COURT

Unanimously,

On default

i. Delivers Judgment by default of the

On jurisdiction

i. Declares that has jurisdiction.

