

JUDGMENT SUMMARY

LANDRY ANGELO ADELAKOUN AND OTHERS V. REPUBLIC OF BENIN

APPLICATION NO. 012/2021

RULING ON JURISDICTION AND ADMISSIBILITY

4 DECEMBER 2023

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Algiers, 4 December 2023. The African Court on Human and Peoples' Rights (the Court) has delivered a judgment in the case of *Landry Angelo Adhlakoun and others v. Republic of Benin*.

On 22 March 2021, Landry Angelo Adhlakoun and others (the Applicants) filed an Application with the Court against the Republic of Benin (the Respondent State).

The Applicants alleged a violation of Beninese citizens' right to freedom of opinion and expression, which includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers, as protected by Article 19 of the Universal Declaration of Human Rights (UDHR), as a result of the Government shutting down the internet on 28 April 2019, the day of the legislative elections.

The Applicants prayed the Court to rule that shutting down the internet during the said elections was a human rights violation. The Respondent State did not file any submissions on the Application.

Although no objections were raised, the Court examined its material, personal, temporal and territorial jurisdiction and found that it had jurisdiction.

The Court also examined whether the admissibility requirements in respect of the Application were met. In this regard, the Court first examined the requirements under Rules 50(2)(a), 50(2)(b), 50(2)(c) and 50(2)(d) of the Rules and found that they were met. With regard to the requirement of exhaustion of local remedies under Rule 50(2)(e) of the Rules, the Court noted the Applicants'

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arguments that they should be exempt from this requirement on account of the habitual lengthy proceedings before the Constitutional Court and the lack of impartiality and independence of its judges. Regarding the first argument, the Court considered that, going by the time-limit provided for in Article 33(1) of Law No. 91-009 of 4 March 1991 pertaining to the Organic Law on the Constitutional Court, as amended by the Law of 31 May 2001, the procedure before the Constitutional Court was expeditious. With regard to the second argument, the Court noted that the Applicants provided no evidence in support of their assertion that the judges of the Constitutional Court lack independence and impartiality. The Court therefore dismissed the Applicants' arguments justifying their failure to pursue local remedies and held that they should have exhausted them before filing their application. The Court thus considered that the Application did not meet the requirement of exhaustion of local remedies under Rule 50(2)(e) of the Rules. Consequently, it declared the Application inadmissible.

Finally, 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 at <https://www.african-court.org/cpmt/fr/details-case/0122021>

If you have any further 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 submitted to 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 State concerned. For more information, please visit our website www.african-court.org