


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 NO. 009/2020

XYZ

V.

REPUBLIC OF BENIN

CASE SUMMARY

## **I. THE PARTIES**

1. On 13 November 2020, XYZ (hereinafter referred to as 'the Applicant'), a national of Benin who has requested anonymity for reasons of personal safety, lodged an application with the Court against the Republic of Benin (hereinafter referred to as 'the Respondent State').

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the Matter**

2. It emerges from the Application that the parliamentary elections of 28 April 2019 gave rise, in April and May 2019, to demonstrations contesting the results of the elections on the territory of the Respondent State.
3. The Applicant states that these demonstrations were brutally repressed by the forces of law and order, who used weapons causing the death of at least four people. He states that this repression was condemned, in particular by Amnesty International, which called on the Respondent State to bring all those responsible for the killings to justice and for the immediate release of those arbitrarily arrested and detained during the demonstrations.
4. It states that the investigation opened against X in July 2019 before the 4th Investigating Office of the Cotonou Court of First Instance of First Class for intentional homicide, it resulted in an order of dismissal on 24 October 2019 after an investigation full of shortcomings.
5. The Applicant adds, moreover, that on 31 October 2019 the Respondent State's parliament adopted Law No. 2019-39 granting amnesty for all acts constituting crimes, misdemeanours or contraventions committed in connection with the organisation, conduct and outcome of the legislative elections of 28 April 2019, during the months of April, May and June 2019.

This law was subsequently declared constitutional by Constitutional Court decision DCC 19-503 of 6 November 2019 and promulgated by the President of the Republic.

## **B. Alleged Violations**

6. The Applicant alleges the violation of the following rights: The right for the State to recognise and apply the rights, duties and freedoms enshrined in the Charter; the right to life, the right to dignity, the right for one's cause to be heard, protected respectively under Articles 1, 4, 5 et 7 de la Charter.

## **III. PRAYERS OF THE APPLICANT**

7. The Applicant prays the Court to:
  - i. Declare that it has jurisdiction;
  - ii. Declare the application admissible;
  - iii. Find that the Respondent State violated the victim's rights for his cause to be heard by national courts, guaranteed under Article 7 of the Charter, by failing to act with due diligence in the search, trial, conviction and sentence of the culprits of atrocities perpetrated during the April 2019 legislative elections held throughout the country;
  - iv. Hold that the Respondent State violated Articles 4 and 5 of the Charter by violating the right to life and the right not to be subject to inhuman, cruel and degrading treatment by the action of its armed forces which fired life bullets at hundreds of demonstrators on 1st and 2<sup>nd</sup> of May 2019 at Cadjéhoun, in the 12<sup>th</sup> Sub Division of the Cotonou Council;
  - v. Find that the Respondent State violated Articles 1 and 7(1) of the Charter by adopting Law N°2019-39 of 07 November 2019 on amnesty for crimes, offences and infractions committed during the April 2019 legislative elections;
  - vi. Order the repeal of Law N°2019-39 on amnesty for crimes, offences and contraventions committed during the 2019 legislative elections as it absolves perpetrators of human rights violations of all responsibilities thereby violating the rights of the victims to efficient remedy;

- vii. Order the Respondent State to establish an independent commission of enquiry to investigate the causes of the killings which took place in April to June 2019 at Kilibo, Banté, Cadjéhoun (Cotonou), Savé, Tcharou and Kandi and to bring to justice those who issued the orders, the culprits and accomplices of these violations, identify the victims of the pre and post electoral violence and grant them just and fair compensation;
- viii. Order the Respondent State to pay the sum of one hundred million (100 000 000) CFA francs in terms of damages and interest for the moral prejudice suffered;
- ix. Report to the Court within a time frame set by the Court on measures taken to implement expeditiously the judgment on the merits;
- x. Order the Respondent State to bear the costs.