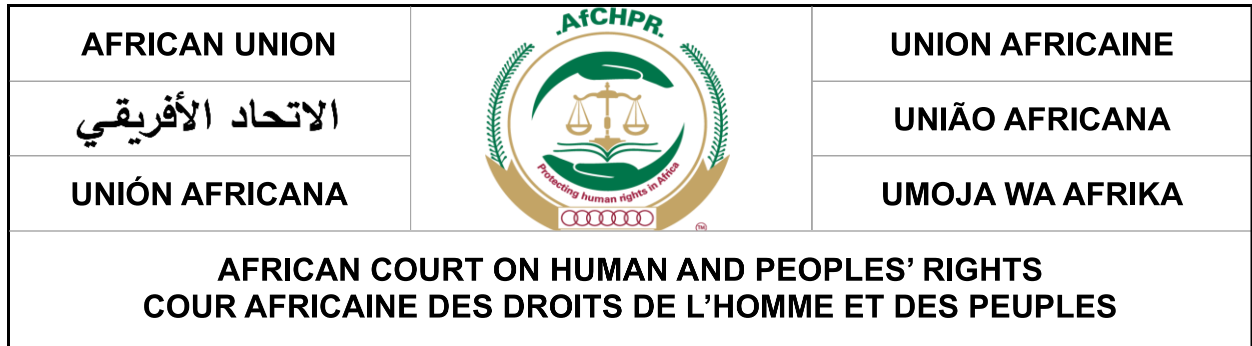

THE MATTER

HOUNGUE ÉRIC NOUDEHOUENOU

V.

REPUBLIC OF BENIN

APPLICATION NO. 020/2020

RULING

5 FEBRUARY 2025

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The Court, composed of: Imani D. ABOUD, President; Modibo SACKO, Vice-President, Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Chafika BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, Dumisa B. NTSEBEZA, Dennis D. ADJEI, Duncan GASWAGA - Judges, and Robert ENO, Registrar.

The Matter of:

HOUNGUE Éric NOUDEHOUENOU

Represented by Mrs. Nadine DOSSOU SOKPONOU, Advocate of the Benin Bar, Member of Professional Civil Society of Lawyers (SCPA) Robert M. DOSSOU.

Versus

REPUBLIC OF BENIN

Represented by Mr Iréné ACLOMBESSI, Legal Officer of the Treasury.

After deliberation,

Delivers this Ruling:

I. THE PARTIES

1. Mr Houngue Éric NOUDEHOUENOU, (hereinafter referred to as "the Applicant") is a national of Benin, an economist and tax specialist by training, sole owner and manager of the company, Tax Expertise Sarl (hereinafter referred to as "Tax Expertise"). He alleges violation of his rights in connection with legal proceedings by domestic courts following the non-performance of a tax assistance contract concluded with a State-owned company, *Société béninoise d'Energie électrique* (hereinafter referred to as

"SBEE") on the one hand, and for non-repayment of a loan from a civil servant of the Republic of Benin, on the other hand.

2. The Application is filed against the Republic of Benin (hereinafter referred to as "the Respondent State"), which became a party to the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") on 21 October 1986 and to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol") on 22 August 2014. On 8 February 2016, the Respondent State deposited the Declaration provided for in Article 34(6) of the said Protocol (hereinafter referred to as "the Declaration") by virtue of which it accepts the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organizations. On 25 March 2020, the Respondent State deposited with the African Union Commission an instrument withdrawing its Declaration. The Court has held that this withdrawal has no bearing on pending cases or new cases filed before the withdrawal comes into effect one (1) year after its deposition, in this case, on 26 March 2021.[1]

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. It emerges from the Application that on 29 July 2014, SBEE signed a tax assistance contract with Tax Expertise, the purpose of which was to enable SBEE to make savings on its tax obligations totalling Seven Billion, Three Hundred and Thirty-Four Thousand Million, One Hundred and Eighty-Two Thousand, Five Hundred and Ninety-Six (7,334,182,596) CFA Francs in respect of the 2013 tax year.

[1] *Houngue Eric Noudehouenou v. Republic of Benin,* AfCHPR, Application No. 003/2020 Order of 5 May 2020 (provisional measures), §§ 4- 5 and Corrigendum of 29 July 2020.

4. The Applicant further avers that following SBEE's failure to perform the contract, he sued it before the Cotonou Court of First Instance, which dismissed the suit by Judgment No. 070/17/3e of 22 December 2017 (hereinafter "the Judgment of 22 December 2017").[2] The Applicant further avers that he appealed the court's decision, however, at the time of filing this Application, the Cotonou Court of Appeal had still not handed down its decision rather, it had adjourned the case several times. The said judgment was only made available to his lawyer on 2 November 2020. He claims that his rights as protected by international human rights instruments were violated by the national courts in the course of these proceedings.

5. The Applicant further states, concerning another case, that he granted a loan of Ten Million (10,000,000) CFA Francs to one Edouard OUIN-OUROU, allegedly a civil servant of the Respondent State. He claims that the said Edouard OUIN-OUROU failed to pay the said sum despite numerous reminders, which, in his view, engages the responsibility of the Respondent State insofar as the events took place on its territory.

B. Alleged violations

6. The Applicant alleges the violation of the following rights and obligations:

   i. Violation of the right to a fair trial protected by Article 7 of the Charter and Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR);

   ii. Violation of the right to legitimate expectation of justice, protected by the Article 7 of the Charter, Articles 8 and 10 of the Universal Declaration of

[2] The operative part of the judgment reads as follows: *"Notes that tax assistance contract No. 961/14/SBEE/DG/CCMP/PRMP/DCB/SA was signed between the Beninese company SBEE and the firm TAX EXPERTISE. Notes that TAX EXPERTISE Sarl is not a liberal accounting professional. Consequently, dismisses the plea of inadmissibility raised by SBEE in all its claims. Receives the action from TAX EXPERTISE Sarl. Holds that the parties agreed on a fee rate of 1.5% excluding tax of the amount of savings achieved. Holds that the contract is not tainted by fraud. Further states that it has been performed as agreed between the parties. Consequently, dismisses TAX EXPERTISE Sarl of all its claims. Finds that SBEE's claim for damages for abuse of process is unfounded. Declares that there are no grounds for provisional execution. Orders TAX EXPERTISE Sarl to pay the costs.*

Human Rights (UDHR), Article 14 of the ICCPR and paragraph 3.2 of the Bangalore Principles of Judicial Conduct;

iii. Violation of the right to a remedy, protected by Article 7 of the Charter, 2(3) of the ICCPR, Articles 8 and 10 of the UDHR and Article 14(1) of the Covenant;

iv. Violation of the right to work and to remuneration, the right to property and the right to an adequate standard of living guaranteed by Articles 17 and 23 of the UDHR, Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Articles 4, 5, 14, 15 and 16 of the Charter;

v. Violation of the right not to be subjected to torture or cruel, inhuman or degrading treatment, protected by Article 5 of the Charter and Article 7 of the ICCPR;

vi. Violation of the obligations on working conditions set out in Articles 2, 6 and 7 of the ICESCR;

vii. Violation of the obligation to adopt legislative and other measures to give effect to the rights, duties and freedoms enshrined in Article 1 of the Charter.

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

7. On 4 June 2020, the Registry received the Application, which was served on the Respondent State on 14 July 2020 with a request to indicate the names and addresses of its representatives and for its response to the Application within thirty (30) days and sixty (60) days respectively from the end of the suspension of procedural time limits due to the Covid-19 pandemic, that is, 31 July 2020. The Respondent State filed its Response on 11 August and 18 September 2020 respectively.

8. On 29 September 2020, the Respondent State's Response was notified to the Applicant, who filed his Reply on 2 November 2020.

9. The Parties filed their pleadings on the merits and reparations within the stipulated time limits.

10. Pleadings were closed on 10 September 2023 and the Parties were duly notified.

11. On 15 December 2023, the Applicant filed a request to reopen pleadings and hold a public hearing. On 26 December 2023, the Registry notified the request to the Respondent State for its observations within 15 days of receipt. On 9 January 2024, the Respondent State filed its observations. By order of 6 June 2024, the Court dismissed the request for reopening of pleadings, which order was notified to the Parties on 13 June 2024.

IV. PRAYERS OF THE PARTIES

12. The Applicant prays the Court to:

    i. Declare that it has jurisdiction.
    ii. Find the Application admissible;
    iii. Find that the violations of his rights protected by Articles 1, 4, 5, 7, 14, 15 and 16 of the Charter, Articles 2(3), 7 and 14(1) of the ICCPR, Articles 8, 10, 17 and 23 of the UDHR and Articles 2, 6, 7 and 11 of the ICESCR are established, and that the Respondent State is liable for these violations;
    iv. Order the Respondent State to pay the Applicant, through its relevant structures, compensation for loss of property rights and/or a decent standard of living, in the amount of Five Billion, Fifty-Eight Million (5,058,000,000) CFA Francs, within one month of the delivery of the Court's decision, in accordance with the requirements of Chapter IX of United Nations Resolution 60/147 of 16 December 2005, and in line with the jurisprudence of this Court and the Permanent Court of International Justice, according to which "the State responsible for the violation must endeavour to "wipe out all the consequences of the unlawful act and re-establish the state which would probably have existed had the said act not been committed".
    v. Order the Respondent State to pay him interest on the damages for the loss of his right to property and/or his right to a decent standard of living,

at the annual rate of 12%, capitalised monthly from February 2015 until the date of full compliance with the Court's decision;

vi. Order the Respondent State to pay him the sum of Two Hundred and Fifty Million (250,000,000) CFA Francs as reparation for moral damage;

vii. Order the Respondent State to pay the Applicant's legal fees for the exercise of the rights of the defence in Benin and before this Court, as well as the costs incurred in respect of documents and of proceedings, upon submission of supporting documents;

viii. Order the Respondent State, in view of its failure to comply with previous decisions of the Court, to pay lump sum interest on the award in the amount of Three Hundred Million (300.000.000) CFA Francs per month for failure to comply with the Court's decision, from the date of notification of the said decision until the Respondent State has fully complied with the said decision;

ix. Order the Respondent State to pay costs.

13. For its part, the Respondent State prays the Court to:

i. Declare that it lacks jurisdiction;
ii. Declare the Application inadmissible;
iii. Find that all the Applicant's claims are unfounded;
iv. Dismiss all the Applicant's claims and order him to pay costs.

V. JURISDICTION

14. Article 3(1) of the Protocol provides:

> i. The jurisdiction of the Court shall extend to all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant Human Rights instruments ratified by the State concerned.
> ii. In the event of a dispute as to whether the Court has jurisdiction, the Court shall decide.

15. The Court further observes that pursuant to Rule 49(1) of the Rules, it "shall ascertain its jurisdiction […] in accordance with the Charter, the Protocol and these Rules."

16. On the basis of the provisions above the Court must, in each application, ascertain its jurisdiction and rule on any objections thereto, if any.

17. In the present case, the Respondent State raises an objection to the material jurisdiction of the Court, on which the Court shall rule (A) before considering the other aspects of jurisdiction, if necessary (B).

A. Objection based on material jurisdiction

18. The Respondent State argues that the Court's jurisdiction is governed by Article 3(1) of the Protocol and relates solely to human rights disputes.

19. The Respondent State submits that the present Application concerns contractual relations between the Applicant and SBEE, on the one hand, and, a civil servant on the other hand, which entities are legally distinct from the Respondent State.

20. The Respondent State contends, referencing the matter of *Lohe Issa Konaté v. Burkina Faso,* that the Court declared that it has no jurisdiction to assess the merits or otherwise of national judicial decisions and that it is not a *"court of appeal against decisions handed down by national courts"*.

21. The Applicant prays the Court to dismiss the objection. Referencing the Judgment *of 29 March 2019* in *Sébastien G. AJAVON v. Republic of Benin*, he submits that it is the nature of the fundamental rights violated that determines the Court's jurisdiction. He points out that in the Judgment of 20 October 2016 in *Eleftherios g. Kokkinakis - Dilos kykloforiaki A.T.E. v. Greece*, the European Court of Human Rights (ECHR) found human rights violations in relation to non-performance of a contract.

22. With regard to the alleged human rights violations committed by a civil servant of the Respondent State, the Applicant argues that the Respondent State is liable for the acts committed because it is responsible for any internationally wrongful act committed by an individual on its territory.

23. With regard to the Respondent State's argument that the Court lacks jurisdiction to assess the merits or decisions handed down by national courts, the Applicant contends that no decision of domestic courts is beyond the Court's scrutiny in determining fundamental violations.

***

24. The Court notes that the Respondent State's objection to its material jurisdiction is based on two grounds. Firstly, that the Application concerns contractual disputes between entities legally distinct from the Respondent State. Secondly, that the Court has no appellate jurisdiction over the decisions of domestic courts.

25. Regarding, the first objection, the Court reiterates its settled jurisprudence emanating from the application of Article 3 of the Protocol that it has material jurisdiction provided that the Applicant alleges violations of human rights protected by the Charter or by any instrument ratified by the Respondent State.[3]

26. The Court notes that although the present Application originates, *a priori,* from a contract performance dispute between persons distinct from the Respondent State, it is not filed against these natural persons. Indeed, the Applicant contends that the Respondent State is internationally responsible by reason of the violation of rights protected by the Charter,[4] the ICCPR[5] and the ICESCR,[6] instruments ratified by the Respondent State, in

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[3] *Sébastien Germain Ajavon*, (merits) (29 March 2019) 3 AfCLR 130, § 42; *Peter Joseph Chacha v United Republic of Tanzania* (admissibility) (28 March 2014) 1 AfCLR 398, § 114.
[4] The Respondent State became a Party to the Charter on 21 October 1986.
[5] The Respondent State became a Party to the ICCPR on 12 March 1992.
[6] The Respondent State became a Party to the ICESCR on 12 March 1992.

connection with proceedings before the domestic courts and the non-reimbursement of his claim.

27. Accordingly, the Court concludes that the argument relating to the contractual dispute between persons who are legally distinct from the Respondent State lacks merit.

28. In relation to the second objection, the Court has consistently held that it has jurisdiction to examine whether national judicial procedures comply with the standards laid down in the Charter or any other instrument ratified by the State concerned.[7]

29. Thus, the Court has held that "it does not have any appellate jurisdiction to receive and consider appeals in respect of cases already decided upon by domestic courts,"[8] but "it determines whether they are in accordance with the standards set out in the Charter or any other human rights instruments ratified by the State concerned".[9] Therefore, in the present case, if it were to examine the allegations of human rights violations raised by the Applicant, the Court would not be acting as an appellate body with respect to the decisions of the Cotonou Court of First Instance but within its own jurisdiction.

30. The Court thus finds that the second argument based on the Court exercising appellate jurisdiction also lacks merit.

31. In light of the foregoing, the Court dismisses the Respondent State's objection to jurisdiction and holds that it has material jurisdiction to hear the present Application.

---

[7] *Ernest Francis Mtingwi v. Malawi* (jurisdiction) (15 March 2013) 1 AfCLR 190, § 14; *Kennedy Ivan v. United Republic of Tanzania (*merits) (28 September 2017) 3 AfCLR 48, § 26; *Armand Guehi v. Tanzania* (merits and reparations) § 33; *Nguza Viking (Babu Seya) and Johnson Nguza (Papi Kocha) v. United Republic of Tanzania* (merits) (23 March 2018) 2 AfCLR 287, § 35.

[8] *Ernest Francis Mtingwi v. Malawi* (jurisdiction) (15 March 2013) 1 AfCLR 190, § 14.

[9] *Kennedy Ivan v United Republic of Tanzania* (merits and reparations) (28 March 2019) 3 AfCLR 51 § 26; *Armand Guehi v United Republic of Tanzania* (merits and reparations) (7 December 2018) 2 AfCLR 477, §§ 35 to 39; *Ingabire Victoire Umuhoza v Republic of Rwanda* (jurisdiction) (3 June 2016), 1 AfCLR 540, § 67.

B. Other aspects of jurisdiction

32. The Court notes that no objection has been raised to its personal, temporal and territorial jurisdiction. Nonetheless, in line with Rule 49(1) of the Rules, it must satisfy itself that all aspects of its jurisdiction are fulfilled before proceeding to consider the Application.

33. Having found that nothing on record indicates that it lacks jurisdiction, the Court finds that it has:

    i. Temporal jurisdiction, insofar as the alleged violations were committed after the entry into force of the above-mentioned instruments, in relation to the Respondent State.
    ii. Personal jurisdiction, insofar as the Respondent State deposited its Declaration before the present Application was filed. Subsequently, on 25 March 2020, it deposited an instrument withdrawing its Declaration. In this respect, the Court reiterates its position that the withdrawal of the Declaration has no retroactive effect and has no bearing on cases filed before the deposition of the instrument of withdrawal or on new cases filed before it comes into effect. Given that the withdrawal of the Declaration takes effect one year after the deposition of the instrument of withdrawal, in this case, on 26 March 2021, it does not have any effect on the present Application, which was filed on 25 March 2020.
    iii. Territorial jurisdiction, insofar as the alleged violations were perpetrated in the territory of the Respondent State

34. In light of the foregoing, the Court holds that it has jurisdiction to hear the present Application.

VI. ADMISSIBILITY

35. Under Article 6(2) of the Protocol "The Court shall rule on the admissibility of cases taking into account the provisions of Article 56 of the Charter".

36. Pursuant to Rule 50(1) of the Rules of Court "The Court shall ascertain the admissibility (…) in accordance with Article 56 of the Charter, Article 6 (2) of the Protocol and these Rules".

37. Rule 50(2) of the Rules, which restates in substance Article 56 of the Charter, reads as follows:

> Applications filed before the Court shall comply with all of the following conditions:
>
> a. Indicate their authors even if the latter request anonymity,
>
> b. Are compatible with the Constitutive Act of the African Union and with the Charter,
>
> c. Are not written in disparaging or insulting language directed against the State concerned and its institutions or the African Union,
>
> d. Are not based exclusively on news disseminated through the mass media,
>
> e. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,
>
> f. Are submitted within a reasonable time from the date local remedies were exhausted or from the date the Commission is seized with the matter, and
>
> g. Do not deal with cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the Charter.

38. The Court notes that the Respondent State raises an objection based on non-exhaustion of local remedies. The Court will first rule on this objection (A) before examining other conditions of admissibility, if necessary (B).

A. Objection based on non-exhaustion of local remedies

39. The Respondent State submits that the Applicant did not exhaust local remedies, insofar as the allegations raised in the Application have not been adjudicated at the national level. It asserts that the case concerning SBEE remain**s** pending before domestic courts and that it cannot be faulted for its undue prolongation, while the case concerning OUIN OUROU Edouard has not been subjected to any proceedings.

40. The Respondent State further submits that, in addition to the ordinary courts, the Applicant could have seized its Constitutional Court since it has jurisdiction to hear allegations of human rights violations.

*

41. The Applicant submits that this objection should be dismissed, arguing that the Cotonou Court of First Instance considered the SBEE case and handed down a judgment on 22 December 2017. Furthermore, that on 28 December 2017, he filed an appeal against the said judgment before the Cotonou Court of Appeal. However, as the copy of the judgment was not made available, the said court was unable to dispose of the appeal. The Applicant also asserts that he took all necessary steps to obtain the copy of the judgment but did not receive it until 22 October 2020, that is, three years after the judgment was handed down.

42. He insists that the undue delay was attributable to the Cotonou Court of First Instance and therefore to the Respondent State. In this regard, he points out that, in line with the jurisprudence of this Court, there is no need to exhaust local remedies where *'the prolongation of the proceedings before the national courts was largely caused by the actions of the Respondent Sate, including its numerous absences during the judicial proceedings and failure to defend its case in a timely manner."*

43. Lastly, the Applicant maintains that the remedy before the Constitutional Court is neither effective nor satisfactory.

***

44. The Court recalls that, in accordance with Article 56(5) of the Charter and Rule 50(2)(e) of the Rules of Court, applications must be filed after exhaustion of local remedies, if any, unless it is clear that the proceedings in respect of those remedies are unduly prolonged.[10]

45. The Court emphasises that the local remedies to be exhausted are judicial remedies, which must be available, that is, they must be capable of being exercised by the Applicant without hindrance, and must be effective and satisfactory in the sense that "it offers prospects of success, is found satisfactory by the complainant or is capable of redressing the complaint".[11]

46. The Court notes that the Applicant alleges violation of human rights in connection with the proceedings against SBEE, and those against Mr OUIN OUROU Edouard. The Court observes that as the two cases are not linked, it will examine their admissibility separately.

i. The case against SBEE

47. The Court emphasises that it was called upon to rule on two issues: firstly, whether the appeal proceedings brought against the Judgment of 22 September 2017 were unduly prolonged such that the Applicant was not required to await the outcome thereof, and secondly**,** whether the Applicant was required to seize Respondent State's Constitutional Court.

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[10] *Sébastien Germain Marie Ajavon v. Republic of Benin,* AfCHPR, Application 027/2020, Judgment of 2 December 2021 § 74; *Yacouba Traoré v. Republic of Mali,* ACtHPR, Application No 010/2018, Judgment of 25 September 2020, § 41.

[11] *Beneficiaries of Late Norbert Zongo, Abdoulaye Nikiema dit Ablassé, Ernest Zongo, Blaise Ilbouldo and the Mouvement burkinabè des droits de l'homme et des peuples v. Burkina Faso*, Judgment (merits) (28 March 2014), 1 AfCLR 219, § 68; *Lohé Issa Konaté v. Burkina Faso* (merits) (5 December 2014), 1 AfCLR 314, §108; *idem*, *Sébastien Germain Marie Ajavon* § 73.

a. Unduly prolonged appeal proceedings

48. On this point, the Court recalls that on 28 December 2017, the Applicant filed an appeal against the judgment of the Cotonou Court. At the time of filing this Application on 4 June 2020, that is, two years, five months and six days after, the Cotonou Court of Appeal had not yet delivered its judgment.

49. The Court has consistently held that whether or not proceedings in respect of local remedies are unduly prolonged must be assessed on a case-by-case basis and, therefore, depending on the circumstances of each case.[12]

50. On this point, the Court's analysis takes into account, in particular, the complexity of the case or the procedure thereof, the conduct of the Parties themselves and that of the judicial authorities to determine if the latter has been passive or clearly negligent.[13]

51. Regarding the first criterion, the Court emphasises that, in assessing the complexity of a case, it is necessary to take into account all the factual and legal aspects thereof,. In this context, the Court notes that the case before the national courts concerns a contractual dispute between two entities, namely Tax Expertise and SBEE. The main issue before the Cotonou Court of Appeal was whether SBEE had fulfilled all its contractual obligations towards Tax Expertise.

52. The Court observes that in examining the said case, the Court of Appeal was required to analyse the tax assistance contract and all other documents exchanged between the parties. The Court therefore considers that the above facts do not disclose any factual or legal issues that would render the case or the proceedings so complex as to warrant prolonging the proceedings. It follows that the case is not complex.

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[12] *Idem*, *Beneficiaries of Late Norbert Zongo,* § 92.

[13] *Kouma and Diabaté v. Mali*, (merits) (21 March 2018), 2 AfCLR 237, § 38; *Armand Guehi v. United Republic of Tanzania* (merits and reparations) (7 December 2018) 2 AfCLR 477, § 122; *Beneficiaries of Late Norbert Zongo et al. v. Burkina Faso* (merits) (28 March 2014) 1 AfCLR 219, §92-97.

53. In relation to the second criterion, the Court considers that expeditious proceedings require, *inter alia*, the necessary cooperation of the parties who must endeavour to produce all documents required by the courts.

54. In the present case, it is clear that the Court of Appeal adjourned the case on several occasions in order to obtain the trial court's judgment. The Applicant, who filed the appeal and who clearly had an interest in the outcome of the case, simply proffered mere assertions. He does not provide any evidence that he took the necessary steps either personally or through his lawyer, to obtain the said judgment from the registry of the Cotonou Court of First Instance.

55. Lastly, as regards the third criterion relating to the alleged unlawful conduct on the part of the national judicial authorities, the Court notes that the Applicant does not adduce any evidence of collusion between that court and the SBEE, or of any manifest and unjustified refusal on the part of the said authorities to deliver the judgment at issue, with a view to prolonging the proceedings. Consequently, the Court considers that the judicial authorities cannot be accused of unlawful conduct in the present case.

56. In the light of all the foregoing, the Court considers that the Applicant bears responsibility for the unduly prolonged appeal proceedings he alleges insofar as he does not adduce any evidence of collusion between that court and the SBEE, or of any unjustified refusal on the part of the said authorities to deliver the judgment at issue, with a view to prolonging the proceedings.

57. Accordingly, the Court dismisses the Applicant's allegation that the Respondent State unduly prolonged the appeal proceedings.

b. The remedy before the Constitutional Court

58. The Court emphasises that it has consistently held that remedy before the Constitutional Court of the Respondent State is an available, effective and satisfactory remedy.[14]

59. The Court therefore considers that despite the fact that the Applicant could have brought a case before the Constitutional Court for violation of human rights, nothing in the record demonstrates that the facts and violations alleged by the Applicant were brought before the said Court.

60. Consequently, the Court upholds the Respondent State's objection to the admissibility of the Application, and holds that local remedies were not exhausted with regard to the alleged violations in the case against SBEE.

ii. The case against Mr Edouard A. OUIN-OUROU

61. The Court recalls the Applicant's allegation that Mr Edouard A. OUIN-OUROU, an official of the Respondent State, owed him the sum of Ten Million (10,000,000) CFA Francs. For its part, the Respondent State asserts that the Applicant did not initiate any proceedings in this case.

62. The Court notes that the Applicant does not show that he pursued judicial remedies in connection with the present case, nor does he give any reasons why he did not do so.

63. The Court therefore finds that the allegations of human rights violation in the present case are inadmissible.

[14] *Landry Angelo Adelakoun et al v. Republic of Benin*, AfCHPR, Application No. 012/2021, Judgment of 4 December 2023, § 36; *Laurent Metongnon et al v. Republic of Benin*, AfCHPR, Application No. 031/2018, Judgment of 24 March 2022, § 63; *Conaïde Togla Latondji Akouedenoudje v. Republic of Benin*, AfCHPR, Application No. 024/2020, Judgment of 13 June 2023 (merits and reparations), § 39.

64. In light of all the foregoing, the Court holds that the Application does not meet the requirement under Rule 50(2)(e) of the Rules.

B. Other admissibility requirements

65. Having considered that the Application does not comply with Rule 50(2)(e) of the Rules, and given that the admissibility requirements[15] are cumulative, the Court does not need to rule on the admissibility requirements set out in Article 56(1), (2), (3), (4), (6), and (7) of the Charter and Rule 50(2)(a), (b), (c), (d), (f) and (g) of the Rules.[16]

66. The Court therefore declares the Application inadmissible.

VII. COSTS

67. Each of the parties prays the Court to order the other party to pay costs.

***

68. Rule 32(2) of the Rules provides that: "Unless otherwise decided by the Court, each party shall bear its own costs, if any."

69. In the present case, the Court decides that each Party shall bear its own costs.

VIII. OPERATIVE PART

70. For these reasons,

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[15] *Rutabingwa Chrysanthe v. Republic of Rwanda* (jurisdiction and admissibility) (11 May 2018), 2 AfCLR 361, § 48*; Collectif des anciens travailleurs ALS v. Republic of Mali*, ACtHPR, Application No. 042/2015, Judgment of 28 March 2019 (jurisdiction and admissibility), § 39.
[16] *Ibid.*

THE COURT,

Unanimously

On jurisdiction

i. *Dismisses* the Respondent State's objection to its material jurisdiction;
ii. *Declares* that it has jurisdiction.

On admissibility

iii. *Upholds* the Respondent State's objection based on non-exhaustion of local remedies;
iv. *Declares* the Application inadmissible.

On Costs

v. *Orders* each party shall bear its own costs.

Signed:

Imani D. ABOUD, President;

Modibo SACKO, Vice-President;

Rafaâ BEN ACHOUR, Judge;

Suzanne MENGUE, Judge;

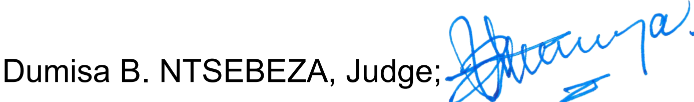
Tujilane R. CHIZUMILA, Judge;

Chafika BENSAOULA, Judge;

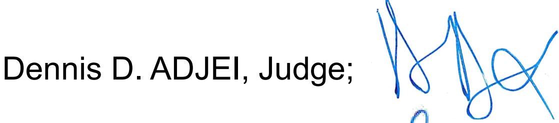
Blaise TCHIKAYA; Judge;

Stella I. ANUKAM, Judge;

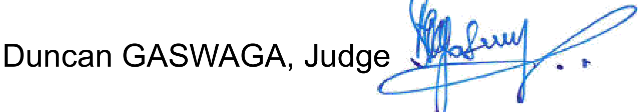
Dumisa B. NTSEBEZA, Judge;



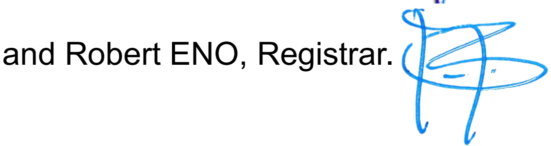
Dennis D. ADJEI, Judge;



Duncan GASWAGA, Judge



and Robert ENO, Registrar.



Done at Arusha, this Fifth day of February in the year two thousand and twenty-five, in English and French, the French text being authoritative.