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## **UNIVERSAL PERIODIC REVIEW**

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**BENIN**

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# Report about political repression in Benin

## INTRODUCTION

1. After the instauration of democracy in 1991 with the election of Nicéphore Soglo as its first president, the sub-Saharan state of Benin went through a vibrant political life for about 25 years.
2. In 2016, things started to change for the worse when President Talon, a 63-year old cotton magnate, took office. In 2018 his government introduced new rules for fielding candidates and raised the cost of registering. The electoral commission, packed with President Talon's allies, barred all opposition parties from the parliamentary election in 2019 for allegedly failing to follow the new rules closely enough. This resulted in a parliament made up entirely of his supporters.

There were huge protests to which security forces responded with live ammunition. Four people were killed and many more injured. The Constitutional Court, headed by Mr Talon's former personal lawyer, waved the results through. Amnesty International said post-election "repression reached disturbing levels" after four people were killed during the demonstrations.

3. The parliament subsequently changed election laws in such a way that presidential candidates need to have the approval of at least 10% of Benin's MPs and mayors. As parliament and most mayors' offices are controlled by Talon, he has control over who can run for president. These changes have drawn condemnation from international observers and led to the United States government partially terminating development assistance to the country.
4. Since coming to power, President Talon has jailed most of his rivals or forced them to take refuge abroad. His former personal lawyer is now in charge of Benin's constitutional court. Moreover, he created a special court named CRIET (Economic Crime and Terrorism Court) which is instrumentalized by the President to neutralize and prosecute his political rivals. A CRIET judge who fled Benin said to RFI (Radio France International), a French state broadcaster, that the court gets "instructions" from political leaders in some politically sensitive cases.
5. The persecution of opposition figures is only part of a more general anti-democratic trend which includes the muzzling of the media. In the most recent Global Press Freedom Index by Reporters sans Frontières, published this month, the country has fallen to the 121st place. In 2016, before Talon took office, Benin was still in 78th place and ten years earlier even in the top 25, one place behind Germany and a few places ahead of the United Kingdom.
6. Benin has also seen the introduction of the Digital Code, a set of laws and regulations officially aimed at providing a secure environment for all kinds of digital activities. However, the reality for journalists and ordinary citizens, is that they must show extreme caution with everything they publish online, including on social media. Even

sharing a link can lead to prosecution. This inevitably has an impact on those who attempt to oppose the current regime in Benin.

7. In April 2021, Benin's electoral commission declared incumbent Patrice Talon the winner of the country's presidential election with 86 percent of the votes in the first round of a ballot boycotted by some opposition parties.
8. The elections were widely condemned, with the Economist describing how almost all opposition leaders were blocked from standing, with others exiled.
9. An association of civil society groups, which deployed more than 1,400 election observers, said in its preliminary statement that "attempts to pressurise, intimidate, threaten, corrupt or harass voters were observed across the entire country".
10. In the run-up to the election, two people were killed when troops fired live rounds into the air to break up an opposition protest blockading a major route in the central city of Save.

#### **MASSIVE ARRESTS OF PROTESTERS, POLITICAL OPPONENTS AND PARTY LEADERS**

During the presidential election, there were numerous reports about arrests of political opponents. From January to September 2021, approximately 200 non-violent individuals were reportedly arrested for politically motivated reasons, with most of them awaiting trial in preventative detention. The nongovernmental *Organization for the Defense of Human and Peoples' Rights* reported there were political prisoners at the Cotonou, Parakou, Abomey, and Akpro-Misserete Prisons.

Several opposition leaders were sentenced to heavy prison terms on fabricated charges before or just after the April 2021 presidential election. Their sham trials which were politically motivated were also the consequence of the lack of independence of the judiciary.

The two most prominent opposition leaders and presidential aspirants were Reckya Madougou and Joël Aivo.

In 2021, their defense attorneys accused Cotonou and Akpro-Misserete prison officials of subjecting their clients to harsh detention conditions.

#### **Reckya Madougou: arbitrary arrest, fabricated charges and sham trial**

In December 2021, a court in Benin convicted and sentenced Reckya Madougou to 20 years in prison for allegedly financing terrorism. She had been arrested in March 2021 in Porto-Novo, the capital of Benin, and accused of wiring thousands of dollars to a military officer for the purpose of killing unnamed authorities. Her candidacy had earlier been rejected by the electoral commission.

Reckya Madougou was the leader of the largest opposition party, *Les Démocrates*, and a presidential candidate. She is the mother of a 9-year-old daughter and a 14-year-old son. She was a Harvard alumni who received a Woman of Courage award from the US Government.

In 2004, she launched a civil society campaign — “Don’t touch my constitution” — that rallied against leaders seeking to extend their rule under the guise of constitutional reform. The movement spread across West Africa, gaining her a high profile.

Madougou served in governmental positions from 2008 to 2013. Her first appointment was as Minister of Microfinance, Youth and Women's Employment. The programs she developed helped over two million beneficiaries, mostly women, youths, small entrepreneurs, and farmers. Then, she became Minister of Justice. She next worked as a special adviser to neighboring Togo’s government before returning to Benin.

“There was no justice in her case,” Essowe Batamoussi, the judge who fled Benin in April 2021 and has applied for asylum in France, said in an interview. “The charges were ‘phony,’ ‘tragic’ and ‘entirely politically motivated.’ We received an empty file and a threat: If we did not put her in jail, we were in danger.”

President Talon pressured the judicial system to knock out all threats to his rule, Batamoussi said. He sent The Washington Post a list of 43 people — activists, academics, aspiring politicians — who were all been jailed during Talon’s tenure.

“I couldn’t take it anymore,” the judge said. “We were supposed to be independent, but the opposite was true. The president did not tolerate serious candidates, and Reckya was one of them.”

“Without witnesses, without documents, without evidence, Madam Reckya Madougou was sentenced to 20 years in prison by three government henchmen," said one of her attorneys, Antoine Vey, in a statement. "Her crime: Embodying a democratic alternative to the regime... We dreaded it: There is no justice in Benin.”

Vey left the courtroom in protest after less than an hour. The judges, he said, gave him only five minutes to mount a defense.

Shortly before she was convicted, Madougou addressed the court, according to a post on her Facebook page: "I offer myself up for democracy and if my sacrifice allows you, Mr. President (of the court) and your colleagues to recover your independence from the executive, then I will not have suffered in vain."

Concerns were also raised over the conditions in which Madougou was detained between her arrest and her sentencing. She spent those nine months behind bars in a high-security cell, her legal team said, with “no fresh air, no radio, no phone calls — nothing but rats.” Madougou’s attorneys claimed that she experienced weight loss, psychological distress, and respiratory problems due to filthy prison conditions.

The Washington Post reported that since her arrest in March 2021, her mother had visited the prison three times each week, dropping off meals of grilled fish and rice but she was not allowed to speak to her.

## **Joël Aivo**

In December 2021, the controversial Economic Crime and Terrorism Court (CRIET) sentenced Joël Aivo to 10 years in prison for plotting against the state and laundering money.

Aivo is a law professor who challenged Talon in the 2021 election.

He was held for eight months ahead of sentencing and pleaded not guilty to the charges of plotting against the state and money laundering.

“It is not for criminal justice to arbitrate on political differences,” Aivo told the judge before he was sentenced. “I have decided to give myself to this country. You are also children of this country. Do as you want with me.”

It was “a sham of a trial, to sideline him from politics,” Sosthene Armel Gbetchehou, a former student of the condemned opponent, told Agence France Presse.

Media reported Aivo contracted COVID-19 while in prison due to being confined in a cell with 38 other inmates.

## **The fate of some other political opponents**

**Former Prime Minister Lionel Zinsou** was the first runner-up in the 2016 election. He was handed a suspended 6-month jail term over alleged campaign breaches and was banned from campaigning for five years. He now lives in France and holds French citizenship.

**Sébastien Ajavon, a law professor** having voiced his ambitions for the presidential role in the 2021 election, escaped to France after a court sentenced him to 20 years in prison on alleged drug charges.

**Former President Thomas Boni Yayi** left Benin in June 2019, ostensibly for medical treatment, after being kept under de-facto house arrest for criticizing one-sided parliamentary elections that sparked bloody street protests. Benin’s former president Thomas Boni Yayi went to Togo having left effective house arrest in his homeland for health reasons.

## **Latest moves**

On 3 August 2021, President Talon pardoned 203 prisoners charged with minor criminal offenses or misdemeanors to reduce overcrowding, but not opposition leaders.

A meeting on 13 June 2022 between President Patrice Talon and Thomas Boni Yayi appears to have resulted in the president agreeing to temporarily release 17 detainees from among those imprisoned for politically motivated reasons in Benin. However key opponents Reckya Madougou and Joël Aivo were not on the list. The omission of Madougou and Aivo demonstrates that there is no intention from the Talon regime to allow real and meaningful opposition within Benin. The international community must apply serious pressure.

## Human Rights Without Frontiers recommends that President Talon releases

### Reckya Madougou and Joël Aivo

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