**BENIN: Detention conditions and politically-motivated trials under President Talon**

According to the latest Report of the US State Department on Human Rights Practices in Benin (2021)[[1]](#endnote-1), there are harsh and life-threatening prison conditions in Benin. Prisons are overcrowded. Detainees live in unsanitary conditions, do not have access to adequate medical care and food, according to the NGO *Social Change Benin* and the *Benin Bar Association*.

In 2021, the 11 detention facilities held approximately 9,000 inmates, significantly exceeding the normative capacity of 5,620 inmates.

**Opposition leaders abusively detained**

During the year of the presidential election (2021), there were numerous reports of political prisoners or detainees. 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 spurious 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.[[2]](#endnote-2)

In 2021, the defense attorneys of opposition politicians and presidential aspirants Reckya Madougou and Joel Aivo, who were respectively detained in March and April, accused Cotonou and Akpro-Misserete prison officials of subjecting their clients to harsh detention conditions.

Madougou’s attorneys claimed that she experienced weight loss, psychological distress, and respiratory problems due to filthy prison conditions.

Madougou served in the government from 2008 to 2013. Her first appointment was as Minister of Microfinance, Youth and Women's Employment. The programs she began helped over two million beneficiaries, mostly women, youths, small entrepreneurs, and farmers. She then became Minister of Justice. She was arrested on 3 March 2021 during a meeting with another opposition politician in [Porto-Novo](https://en.wikipedia.org/wiki/Porto-Novo%22%20%5Co%20%22Porto-Novo). A government spokesman accused her of "planning to assassinate several political figures", but did not announce a trial date.

On 11 December 2021, Madougou was found guilty of "complicity in terrorist acts" by the Economic Crime and Terrorism Court in the capital [Porto-Novo](https://en.wikipedia.org/wiki/Porto-Novo%22%20%5Co%20%22Porto-Novo) and sentenced to 20 years in prison[[3]](#endnote-3). On 4 April 2021, a Beninese judge who had gone into [exile](https://en.wikipedia.org/wiki/Exile%22%20%5Co%20%22Exile) told [Radio France Internationale](https://en.wikipedia.org/wiki/Radio_France_Internationale%22%20%5Co%20%22Radio%20France%20Internationale) that Madougou's arrest was solely political.

Joel Aivo[[4]](#endnote-4), an academic and an opponent to President Talon, pleaded not guilty to the charges of plotting against the state and money laundering but was also sentenced to 10 years in prison the Economic Crime and Terrorism Court (CRIET).

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

The CRIET, set up in 2016, has often been accused by critics of being used by Talon’s regime to crack down on the opposition.

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

Once praised for its thriving multi-party democracy, critics say Benin has slipped steadily into authoritarian rule under Talon, a 63-year-old cotton magnate first elected in 2016. In 2021, he was re-elected with 86% of the votes.

**Monitoring of prison conditions**

Due to the COVID-19 pandemic, prison authorities reduced visitor access but beginning in July 2021 the government resumed permitting prison visits. Representatives of *Amnesty International*, *Social Change Benin*, and the *Beninese Human Rights Commission* (an independent government entity) used this opportunity to visit victims of arbitrary arrests during and after the presidential campaign and to collect data about alleged mistreatment. According to some NGO reports, prison officials sometimes charged visitors a fee that was substantial for the average citizen.

**Abuse of pre-trial detention**

Warrants authorizing pretrial detention are effective for six months and may be renewed every six months until a suspect is brought to trial. Detainees have the right to prompt judicial determination of the legality of detention and when they await judicial decisions, they may request release on bail and have the right to prompt access to a lawyer. These rights are however mainly theoretical.

In May 2019, the UN Committee against Torture this afternoon concluded its consideration of the third periodic report of Benin[[5]](#endnote-5) on measures taken to implement the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

According to the UN Committee, pre-trial detention seemed to be the rule rather than the exception, the UN Committee said.  The Sub-Committee on Prevention of Torture had found some 40 children in Cotonou prison and among them several had spent a very long time in pre-trial detention, which was illegal.

Civil society organizations were authorised to carry out monitoring visits to places of detention, but the visits was hampered by a number of obstacles and restrictions.  For example, the civil society organizations had to renew their authorization and permits every three months.

The Committee was very concerned about the prosecution and killing of children deemed to be “sorcerers” under traditional beliefs, which in some instances seemed to amount to infanticide.  The UN Committee stressed the responsibility of Benin to protect these children.

Pre-trial detention remained an important problem as Benin seemed to resort to this measure often and rather abusively.  The maximum length of pre-trial detention was five years for serious crimes and three years for infractions, but in reality, for a significant proportion of detainees, time spent in pre-trial detention was longer than the sentences they received.  In March 2019, 60 per cent of the 1,129 detainees in the Abomay prison were pre-trial detainees.  The Committee was particularly concerned about the high number of children in pre-trial detention; some children were detained for months and even years, and almost all the detained children (between 90 and 99 per cent) were awaiting judgement.  A visit to Cotonou prison by a non-governmental organization before the mission of the UN Committee had found that of the 41 detained children, only four were actually serving a sentence.

The Committee was greatly concerned about the inhuman and degrading conditions in which minors were detained, including violence against children in police stations.  A number of children stated that they had been handcuffed and beaten by the police, and most questioning took place without a lawyer present, which opened up the space for brutality and coerced confessions.  The age of criminal responsibility was 13 years, and despite recommendations by a number of human rights bodies, Benin had then not yet taken steps to apply international standards in this regard.

Abusivere-trial detention was also denounced in the 2021 Report of the US State Department on Human Rights Practices in Benin:

On 1 April 2021, the Constitutional Court ruled that the 2020 arrest and detention by police of Marina Adjoh on civil charges of failure to pay rent due to her landlord violated the arbitrary arrest and pretrial detention provisions of the country’s constitution and the African Charter on Human and Peoples’ Rights.

The law limits the maximum length of pretrial detention for felony cases to five years’ incarceration and for misdemeanors to three years’ incarceration. Approximately two-thirds of inmates were pretrial detainees. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The length of pretrial detention frequently exceeded the maximum sentence for conviction of the alleged crime. As of September 14, government opposition leaders Reckya Madougou, Joel Aivo, and Paulin Dossa remained in pretrial detention (see section 1.d.). Detainees held beyond pretrial limits may seek recourse from the Constitutional Court.

On 27 May, the Constitutional Court ruled that judicial officials had violated the pretrial detention limits of the criminal code and the African Charter on Human and Peoples’ Rights by authorizing the detention of a pretrial detainee, Dende Eriyomi, for more than seven years.

1. See <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/benin/> [↑](#endnote-ref-1)
2. <https://www.amnesty.org/en/location/africa/west-and-central-africa/benin/report-benin/> [↑](#endnote-ref-2)
3. See <https://www.france24.com/en/africa/20211211-benin-opposition-leader-reckya-madougou-sentenced-to-20-years-in-prison> [↑](#endnote-ref-3)
4. See <https://guardian.ng/news/benin-court-sentences-opposition-leader-to-10-years/> [↑](#endnote-ref-4)
5. See <https://www.ohchr.org/en/statements/2019/05/committee-against-torture-reviews-report-benin> [↑](#endnote-ref-5)