



# Report on Human Rights and Political Repression in Benin





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# Introduction

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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 President 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.

Despite initially proposing a plan to limit individuals to a single presidential term, he has since undermined the democratic process to ensure his own ongoing position as president.

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 President 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. 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.
6. The persecution of opposition figures is only part of a more general anti-democratic trend which also includes the muzzling of the media. In the most recent Global Press Freedom Index by Reporters sans Frontières, the country has fallen to the 121st place. In 2016, before President 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.
7. In April 2021, Benin's electoral commission declared incumbent Patrice Talon the winner of the country's presidential election with 86% of the votes in the first round of a ballot boycotted by some opposition parties.
8. 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.
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. The elections were widely condemned, with the Economist describing how almost all opposition leaders were blocked from standing, with others exiled.
11. The 2021 report of the International Institute for Democracy and Electoral Assistance noted that Benin is no longer a democratic country and has now moved to a hybrid system which combines authoritarianism and oligarchy with questionable democratic practices."

# Massive arrests of protesters, political opponents and party leaders in 2021



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 non-governmental 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 the 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 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.”



## 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,” Sosthène 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.

On the eve of French President Emmanuel Macron’s visit to Benin in July, Human Rights Without Frontiers (HRWF) filed [a report](#) with the United Nations Universal Periodic Review (UPR) for Benin, in which the organisation outlined its deep concerns over human rights abuses in Benin, with particular regard to the continued detention of opposition figures Reckya Madougou and Joël Aivo.

### **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.

### **Political prisoners: latest moves**

On 3 August 2021, President Talon pardoned 203 prisoners charged with minor criminal offenses or misdemeanors to reduce overcrowding, but no political opposition leaders.

A meeting on 13 June 2022 between President Patrice Talon and his predecessor Thomas Boni Yayi resulted in the temporary release of 17 detainees from among those imprisoned for politically motivated reasons.

On the occasion of the visit of Benin by French President Emmanuel Macron at the end of July 2022, 30 political opponents arrested during the presidential election in April 2021 were released by the special Court for Economic and Terrorist Crimes (CRIET) and placed under temporary judicial supervision. Among those freed were leaders and youth activists of the opposition Democrats party.

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 President Talon to allow real and meaningful opposition within Benin.

**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.**

# The Judiciary and CRIET

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President Talon has progressively taken control of the judiciary to suppress any dissent.

In 2018 the National Assembly passed a bill creating the Court of Prosecution of Economic Crimes and Terrorism (CRIET). Observers within the judicial sector raised concerns that the bill establishing the CRIET may have violated judicial impartiality, the right of appeal, and due-process principles. The CRIET decisions could not be appealed to intermediate appeals courts --designed to correct errors such as a lack of jurisdiction, failure to provide a legal basis for a decision, or action by a court exceeding its authority-- but had to be filed directly with the Supreme Court. Intended in part to quell domestic and international criticism, the National Assembly revised the CRIET law to provide for appeals to be filed within the CRIET structure.

On 8 June 2018, President Talon appointed his former personal lawyer, **Joseph Fifamin Djogbenou**, as president of Benin's Constitutional Court although constitutional and public law were not part of his expertise. It is to be noted that the Constitutional Court is the highest court in Benin and the final arbiter on all legal issues including the resolution of election disputes.

Djogbenou also served as Minister of Justice and was responsible for establishing the notorious special Court for the Prosecution of Economic Crimes and Terrorism (CRIET). The official purpose of this institution is to prosecute financial crimes and terrorism. In reality, it has been mainly misused to have protestors and opposition figures or rivals in elections arrested by the Special Police Unit known as the Economic and Finance Brigade and prosecuted by the CRIET.

This special court has been responsible for numerous cases of judicial abuses for politically motivated purposes.

In 2018, after the publication of an INTERPOL Red Notice requested by the government of Benin, former Minister of Finance **Komi Koutche** was arrested during a stopover in Spain. In April 2019 a Spanish court rejected the Beninese government's request for the extradition. The court cited lack of evidence to substantiate the request, potential political motivation and CRIET's inability to provide for a fair trial due to its lack of independence from the government.

Koutche was tried in absentia, found guilty of embezzlement of public funds and abuse of office while head of the National Fund for Microcredit and sentenced to 20 years' imprisonment.

After months of investigation, INTERPOL concluded that the Beninese government had abused the international police for political ends. The illegal issuance of the Red Notice caused INTERPOL to cease accepting Red Notices from President Talon's regime, including warrants for legitimate threats involving terrorists and other security concerns. This breach of international trust has seriously tarnished the reputation of Benin and specifically the Talon administration.

In March 2018, **Sébastien Ajavon**, a businessman, launched his own political party with a view to run for president in April 2021. In October 2018, the CRIET surprisingly reopened a previous case concerning him that had been dropped in 2016 for lack of evidence: the discovery of 18kg of cocaine in a container belonging to company Cajaf Common, owned by Sébastien Ajavon at the Port of Cotonou. Benin issued an international arrest warrant against him but France granted him the [status of political refugee](#).

He was sentenced to 20 years in absentia and a 5m CFA fine.





In November 2019, the African Court of Human and Peoples' Rights (ACHPR) recognised the “violation of Sébastien Ajavon’s political rights” and condemned Benin action against him, rewarding him 36 billion CFA in damages from the state. In response, Benin withdrew from the ACHPR in 2020.

This was the beginning of a harassment campaign against Ajavon by the Talon government. In March 2021, he was again sentenced in absentia to 5 years imprisonment for fraud, with a fine of 2.4m CFA. Also recently he was fined 81 billion CFA for tax related matters and 60m CFA for non-tax related damages.

On 4 April 2021, **Essowé Batamoussi**, a judge at the CRIET who was in charge of the case of Reckya Madougou, informed [the media](#) that he had resigned from his post because he could no longer carry out his mission independently. He had indeed been instructed to prosecute her although there was no evidence that she had committed any crime. He fled Benin for fear of reprisals and found a safe haven in France.

In April 2021, he declared on [France 24](#) “We are under pressure from the Beninese executive. As for the case of Reckya Madougou, who has been charged with financing terrorism, the file is empty. It is a fantastic story, pure imagination of the public authorities. We have been instructed to follow the demands of the public prosecutor’s office to detain Ms Reckya Madougou.”

Her candidacy for the presidential election had previously been invalidated along with all but two lesser-known candidates.

# Detention conditions

According to the latest [Report of the US State Department on Human Rights Practices in Benin \(2021\)](#), there are harsh and life-threatening prison conditions in Benin. Prisons are overcrowded; detainees live in unsanitary conditions and 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 of Benin held approximately 9,000 inmates, significantly exceeding the normative capacity of 5,620 inmates.

Before her trial, **Reckya Madougou** spent nine months behind bars in a high-security cell. There was “no fresh air, no radio, no phone calls — nothing but rats,” her legal team said. Her 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.

Concerning **Joël Aivo**, media reported that he contracted COVID-19 while in prison due to being confined in a cell with 38 other inmates.

Due to the COVID-19 pandemic, prison authorities reduced visitors’ access to detention facilities but in July 2021 the government allowed representatives of Amnesty International, Social Change Benin, and the Beninese Human Rights Commission (an independent government entity) to visit victims of arbitrary arrests operated during and after the presidential campaign and to collect data about their alleged mistreatment.

When visits of detainees’ relatives were again allowed, prison officials sometimes charged them a fee that was substantial for the average citizen, according to some local NGOs’ reports.

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# Abuse of pretrial 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](#) concluded its consideration of the third periodic report of Benin 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 they were hampered by a number of obstacles and restrictions. For example, the civil society organizations had to renew their authorization and permits every three months.

Pre-trial detention remained an important problem as Benin seemed to resort to this measure quite often and rather abusively. The maximum length of pre-trial detention was five years for serious crimes and three years for misdemeanors, 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 UN Committee was particularly concerned about the high number of children in pre-trial detention, some of them being detained for months and even years.

Abusive pre-trial detention was also denounced in the 2021 Report of the US State Department on Human Rights Practices in Benin which did not notice any improvement two years later:

**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.**

**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.**

# Perspectives: Rogatien Biaou



HRWF asked former Foreign Minister of Benin, Rogatien Biaou, for his views on the challenges currently facing Benin.

**The international community has expressed concern that Benin, once a beacon of democracy in West Africa, has regressed since 2016. What is your view?**

In recent years we have been witnessing the demolition of the precious democracy that Benin had built up since 1990. The current regime has been using the justice system to attack political opponents. New electoral rules also allowed them to consolidate power in 2021. There has been deadly police violence used against protestors and activists have been arrested. There is also grave concern over the judicial body, known as CRIET, supposedly created to fight corruption and terrorism, but it is being abused to target political rivals. It does not end there. After the African Court on Human and Peoples' Rights repeatedly ruled against the administration's policies, the government prevented the court from hearing cases brought against them by individuals and

non-governmental organisations. Under these conditions, Benin cannot be anymore considered as a beacon of democracy in Africa.

**Is real political opposition possible in Benin at present?**

In the time since 2006 under President Yahi's rule, but in particular since 2016, we have seen the elimination of all possibility of legitimate opposition. President Talon and his government have detained people who post critically about them on Facebook, journalists have been jailed and prominent newspapers and broadcast stations have been closed. It is believed that of those he prosecutes for "corruption", most are in the opposition, and it is widely accepted that the charges are trumped up. When political opponents are imprisoned and platforms for the opposition to express themselves – whether traditional media, social media, or peaceful protest - are removed, it is not possible to have a real opposition. This is a key indicator of authoritarianism.



### **What is the situation for media now in Benin?**

There is no doubt that journalists' freedom of expression has been seriously undermined in Benin. Yes, perhaps we have more diverse media, but we suffer an absence of viable major news organizations after the closure of several large media outlets. The government has tightened its grip on the media sector and strongly influences appointment of the principal directors of government media and of the media regulatory agency. The ORTB, especially its television networks, are required to relay mostly the government's message, while media who are close to the opposition face a lot of pressure. The Information and Communication Code of 2015 is supposed to safeguard journalistic methods, and guarantee freedom of access to public information sources. But the legal framework is regularly by passed so as to attack journalists. Since 2018, the digital law is also used against news professionals who work online. An area of particular concern is the Digital Law, which since 2018, has been used as a tool for arbitrarily detaining journalists. Restoring conditions for a healthy, independent media must be a priority and is fundamental to rebuilding our democracy.

### **Do you believe the shift towards authoritarianism is a temporary problem? Will Benin's democracy bounce back?**

I do have strong faith that we will return to a truly democratic path. We really were a stable and committed democracy from 1990 until 2006, with peaceful, democratic transitions of power via elections in a multiparty system. We built that foundation for ourselves. But we must not underestimate the current challenge. The problems we are facing have become systemic since 2016. Whether we talk about the run-up to the 2019 legislative elections, when the regime-appointed electoral commission invalidated the candidacy of all but those who support the regime based on last-minute registration requirements. Or what happened when the new Parliament (National Assembly) in 2019 approved a new electoral law requiring candidates to receive sponsorships from sitting officials. This meant the ruling party had veto power over any candidate's ability to run for office.

It can be seen from these examples that what has been happening since 2016 has set down deep systemic roots that consolidate the regime's power. The same applies to the government withdrawing Benin from the African Court on Human and Peoples' Rights (ACHPR) when decisions went against them. The creation of the special court supposedly to prosecute terrorism and economic crimes (CRIET), but really to target the opposition is yet another example of the systemic abuses taking place. As is the new 2018 Digital Code that criminalises criticism of government officials. The tentacles of authoritarianism are everywhere, throughout the political system, the courts, and the media and that is our greatest challenge.

### **What solutions do you propose to put Benin back onto a democratic path?**

There is a clear first step. Benin urgently needs the organization of inclusive Assises Nationales (national meetings) to establish a transition for the refoundation of the Republic and the State, the restoration of democracy and the state of law, the reintegration and success of Benin internationally, the revaluation of African culture and national languages, and the influence of Pan-Africanism in all its dimensions. The Assises Nationales are where we must begin and put together all Benin's sons and daughters to build new hope and consolidate our way towards progress and development.

*Rogatien Biaou is a Beninese politician and diplomat. He is the President of the Alliance Patriotique Nouvel Espoir, an alliance of parties, fronts, movements, and political figures in Benin. He was the Foreign Minister of Benin from June 12, 2003, to February 16, 2006.*

# Freedom of the media

On 7 July 2021, Rémi Prosper Moretti, the president of Benin's High Authority for Broadcasting and Communication (HAAC), the country's media regulator, issued an order demanding that all online media outlets "without authorization" cease publication immediately or face sanctions. The order did not specify the type of sanction that could be applied to outlets.

The regulator previously threatened similar action against online outlets in 2017. The order alleged that unauthorized online media outlets violated Article 252 of [Benin's 2015 information and communication code](#). That article states the operation of "a website providing audiovisual communication and print media services intended for the public is subject to the authorization" of the regulator, but says the order does not apply to blogs.

On 7 December 2021, Hervé Alladé, the owner of Le Soleil Bénin Infos newspaper, and his editor Patrice Gbaguidi were charged under Benin's [digital code](#), convicted and sentenced to a six-month suspended prison sentence, fined 500,000 West African francs (US\$861) and then released.

At least three other reporters were behind bars at that time in Benin: **Gilbert Dagan**, **Anatole Adahou** and **Argos Adihounda**. Their arrests and convictions under the same digital code emphasize how the West African nation's 2018 law criminalizing expression online threatens press freedom.

Broadly worded, Article 550 of the digital code pertains to "harassment through electronic communications" and provides for up to two years in prison and/or fines of up to ten million West African francs (US\$17,196) for various crimes. Anyone who, for example, "initiates an electronic communication that coerces, intimidates, harasses or causes distress" or "initiates or relays false information against a person through social networks" may be charged.

In 2021, Dagan, Adahou, and Adihounda were arrested under Article 550 on 6 September and convicted on 22 September for posts shared through their personal social media accounts. The three were sentenced to six months in prison—three of them suspended—and released on 6 December having served that time.

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# Freedom of assembly and police violence

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Since President Talon took power, freedom to demonstrate has been dramatically curtailed.

However, Beninese citizens continue to resist the loss of their democratic rights through appeals to the courts, boycotts, and protests although they pay a high cost for it. At least 400 have been arrested and others have gone into exile. Protests following the 2021 presidential elections were met with live ammunition by ad hoc army units, killing at least two people. President Talon praised the security forces' response, denying that any demonstrators were killed, while dismissing the protestors as “manipulated children.”

According to Voice of America, protests in several cities turned violent before the election. Speaking to the local radio station, the mayor of the central town of Bante said some people were killed in gunfire there on 8 April 2021 as security forces fired warning shots, according to Reuters. The mayor did not say how many people were killed during protests.

Before the 28 April 2019 parliamentary election, security forces dispersed peaceful protests using tear gas and batons, and arrested opposition officials. At least one person died during clashes between protesters and members of the security forces in February in the northern town of Kilibo. This was related to the Electoral Commission's decision to authorize only two political parties – both from the presidential camp – to stand in the parliamentary elections and to exclude all opposition candidates' lists.

Quite a number of media outlets, such as Reuters, Al Jazeera or Africa News then denounced the growing wave of arrests and detentions in Benin, the banning of peaceful protests and the detention of those speaking up against the exclusion of opposition parties from the legislative election.

# Perspectives: The international community



## **Freedom House**

“Benin had been among the most stable democracies in sub-Saharan Africa, but President Patrice Talon began using the justice system to attack his political opponents after taking office in 2016, and new electoral rules and a crackdown on his political opponents enabled him to consolidate his power in 2021. Deadly police violence at political protests, arrests of activists, and other restrictions on civil liberties have become increasingly problematic in recent years.”

## **US Department of State**

“Significant human rights issues in Benin included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by government forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including censorship and the existence of criminal libel laws; substantial

interference with freedom of peaceful assembly and freedom of association.”

## **Reporters Without Borders**

“In recent years, journalists’ freedom of expression has severely weakened in Benin. The media landscape is diversified, but is marked by the absence of viable major news organizations.”

## **The Economist**

“Benin, a country of 12m people, had been a democratic beacon in west Africa. In 1991 the Beninois voted out Mathieu Kérékou, the long-time president who had taken power in a coup. It was the first time an incumbent president was peacefully voted out in mainland sub-Saharan Africa. Many hoped Benin’s vigorous democracy could inspire greater freedom in the region’s authoritarian regimes, such as Chad, which is also holding elections on April 11th. Instead it is Benin that is becoming more like Chad.”



# Benin, the African Charter and the African Commission on Human and Peoples' Rights

On 4 May 2021, the African Commission on Human and Peoples' Rights (the African Commission), adopted a [Resolution on the Human Rights Situation in Benin](#) (ACHPR/Res. 479, LXVIII, 2021 at its 68th Ordinary Session held virtually from 14 April to 4 May 2021.

In this Resolution, the African Commission declared it was:

**“Particularly concerned** by the restrictions on civic space and the crackdown on demonstrations by the army resulting in loss of lives, abuses and violations, attacks on the integrity of persons, and the destruction of public and private property;

**Concerned** about reports of people going into exile for fear of reprisal, as well as the repressive climate and undue restrictions on freedom of expression;

## The Commission

1. Condemns the crackdown on demonstrations by the army in violation of the principles set out in the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
2. Calls on the Beninese authorities to:
  - i. Ensure respect for and protection of the rights guaranteed by the African Charter and other relevant human rights instruments to which it is party;
  - ii. Protect journalists, bloggers, activists, human rights defenders as well as all citizens participating in public life, from acts of reprisal;
  - iii. Take the necessary measures to ensure full respect for the right to freedom of opinion and expression in accordance with the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa;
  - iv. Guarantee the right of every citizen to freely participate in the conduct of public affairs in accordance with the provisions of Article 13 of the African Charter;
  - v. Open an independent and impartial investigation into violations perpetrated by the army during the pre-election period;
  - vi. Protect and guarantee the right to freedom of peaceful demonstration in accordance with the Guidelines on Freedom of Association and Assembly in Africa.”

# Magnitsky act and EU sanctions

Once a beacon of democracy in Africa, Benin has experienced a backsliding of the democratic process under President Talon who has put in place an arsenal of powerful tools to control the judiciary and suppress any form of dissent.

The President has modified the electoral rules resulting in the exclusion of all the main opposition parties. These unlawful actions resulted in mass protests during the 2019 parliamentary election and the 2021 presidential election. The President responded with violence, including the shooting of protestors by the police and military. Deadly police violence at political protests, arrests of activists, and other restrictions on civil liberties have become increasingly problematic in recent years.

In 2018, Talon established a Special Court for the Prosecution of Terrorism and Economic Crimes (CRIET) which he uses to prosecute his main political rivals and exclude them from parliamentary and presidential elections on trumped up charges. Several opposition leaders have been sentenced to very long prison terms. Many opposition activists have been arrested for demonstrating against the manipulation of elections and put behind bars. Others sentenced in absentia have found a safe haven in France and other countries.

The former Minister of Justice and current head of the Constitutional Court, Joseph Fifamin Djogbénou, was formerly Talon's personal lawyer. In this capacity, he has the final say concerning any election issue. The electoral commission, packed with President Talon's allies, can bar all opposition parties from any election. This resulted in a parliament made up entirely of his supporters.

Freedom of expression is dramatically curtailed. Journalists, bloggers and people who criticize the regime on social media are arrested and put in prison. Prominent media are closed and silenced.

A 73-page research [report](#) on corrupt practices and human rights abuses of President Talon's government published by The New York Center for Foreign Policy Affairs (NYCFPA) has recommended the nomination of President Talon of Benin and his supporting associates for sanctions for human rights abuses under the Global Magnitsky Act in the United States.

Among the corruption schemes brought to light in the report, the NYCFPA stresses that President Talon has "moved to illicitly protect and advance his own financial interests by installing his personal accountant, Romuald Kossi Wadagni, as the Minister of Finance of Benin. This appointment further enabled the privatization of sectors of the economy to the explicit benefit of Talon owned companies."

The European Union is also concerned about the corruption and human rights situation in Benin.

Considering all the egregious violations of human rights by President Talon and his associates, Human Rights Without Frontiers in Brussels recommends their nomination for sanctions under the EU Global Human Rights Sanctions Regime.

# 12 Further reading

Benin opposition leader sentenced to 20 years in prison – Reuters  
[www.reuters.com/world/africa/benin-opposition-leader-sentenced-20-years-prison-2021-12-11](https://www.reuters.com/world/africa/benin-opposition-leader-sentenced-20-years-prison-2021-12-11)

Benin opposition leader Reckya Madougou sentenced to 20 years in prison - The Washington Post  
[www.washingtonpost.com/world/2021/12/10/benin-opposition-reckya-madougou](https://www.washingtonpost.com/world/2021/12/10/benin-opposition-reckya-madougou)

Benin court bans presidential rival Zinsou from polls for 5 years - Al Jazeera  
[www.aljazeera.com/news/2019/8/2/benin-court-bans-presidential-rival-zinsou-from-polls-for-5-years](https://www.aljazeera.com/news/2019/8/2/benin-court-bans-presidential-rival-zinsou-from-polls-for-5-years)

Sébastien Ajavon sentenced to 20 years - Le Monde  
[www.lemonde.fr/afrique/article/2021/03/03/au-benin-sebastien-ajavon-a-nouveau-condamne-et-deux-autres-opposants-incarceres\\_6071790\\_3212.html](https://www.lemonde.fr/afrique/article/2021/03/03/au-benin-sebastien-ajavon-a-nouveau-condamne-et-deux-autres-opposants-incarceres_6071790_3212.html)

Reckya Madougou and Joël Aivo, the forgotten releases ordered by Patrice Talon - Le Journal de l'Afrique  
[lejournaldelafrique.com/en/reckya-madougou-et-joel-aivo-les-oublies-des-liberations-ordonnees-par-patrice-talon](https://lejournaldelafrique.com/en/reckya-madougou-et-joel-aivo-les-oublies-des-liberations-ordonnees-par-patrice-talon)

Benin court sentences Joel Aivo to ten years – Agence France Presse  
[guardian.ng/news/benin-court-sentences-opposition-leader-to-10-years](https://guardian.ng/news/benin-court-sentences-opposition-leader-to-10-years)

[Interview] Essowé Batamoussi: “Madougou’s file is only a pure imagination of the power in place” - Le Journal de l'Afrique  
[lejournaldelafrique.com/en/interview-essowe-batamoussi-the-file-of-madougou-is-only-a-pure-imagination-of-the-power-in-place](https://lejournaldelafrique.com/en/interview-essowe-batamoussi-the-file-of-madougou-is-only-a-pure-imagination-of-the-power-in-place)

Benin ex-presidential candidate slams ‘stitch-up’ in cocaine case – RFI  
[www.rfi.fr/en/africa/20181019-benin-ex-presidential-candidate-slams-stitch-cocaine-case-ajavon](https://www.rfi.fr/en/africa/20181019-benin-ex-presidential-candidate-slams-stitch-cocaine-case-ajavon)

Opposition leader jailing damages Benin democracy – lawyer – BBC  
[www.bbc.com/news/world-africa-59628176](https://www.bbc.com/news/world-africa-59628176)

Benin’s democratic beacon dims | The Economist  
[www.economist.com/middle-east-and-africa/2021/04/08/benins-democratic-beacon-dims](https://www.economist.com/middle-east-and-africa/2021/04/08/benins-democratic-beacon-dims)

Patrice Talon is dismantling Benin’s democratic institutions. - The Washington Post  
[www.washingtonpost.com/politics/2021/05/07/benin-continues-slide-towards-autocracy](https://www.washingtonpost.com/politics/2021/05/07/benin-continues-slide-towards-autocracy)

The EU must stand for justice and democracy in Benin – Emerging Europe  
[emerging-europe.com/voices/the-eu-must-stand-for-justice-and-democracy-in-benin](https://emerging-europe.com/voices/the-eu-must-stand-for-justice-and-democracy-in-benin)

Benin in the most recent Global Press Freedom Index - Reporters sans Frontières  
[rsf.org/en/index](https://rsf.org/en/index)

Benin: Trial and Sentencing of Political Opponents - United States Department of State  
[www.state.gov/benin-trial-and-sentencing-of-political-opponents](https://www.state.gov/benin-trial-and-sentencing-of-political-opponents)

Detained and deported: Journalism has become a risky business in Benin - The Mail & Guardian  
[mg.co.za/africa/2022-06-09-detained-and-deported-journalism-has-become-a-risky-business-in-benin](https://mg.co.za/africa/2022-06-09-detained-and-deported-journalism-has-become-a-risky-business-in-benin)

Bénin : après la rencontre entre Patrice Talon et Boni Yayi, une vague de libérations – Jeune Afrique  
[www.jeuneafrique.com/1355158/politique/benin-apres-la-rencontre-entre-patrice-talon-et-boni-yayi-une-vague-de-liberations](https://www.jeuneafrique.com/1355158/politique/benin-apres-la-rencontre-entre-patrice-talon-et-boni-yayi-une-vague-de-liberations)

Amnesty International Report on Benin (2021)  
[www.amnesty.org/en/location/africa/west-and-central-africa/benin/report-benin](https://www.amnesty.org/en/location/africa/west-and-central-africa/benin/report-benin)

BTI 2022 Benin Transformation Index  
[BTI 2022 Benin Country Report: BTI 2022 \(bti-project.org\)](https://www.bti-project.org/)



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