

AFRICAN UNION		AFRICAN UNION
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

THE MATTER OF

HOUNGUE ÉRIC NOUDEHOUEYOU

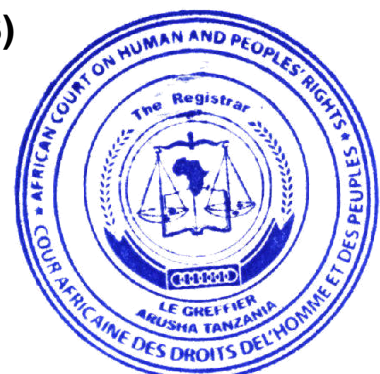
V.

REPUBLIC OF BENIN

APPLICATION NO. 004/2020

RULING
(PROVISIONAL MEASURES)

15 AUGUST 2022



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

In the Matter of:

Houngue Éric NOUDEHOUEYOU

Represented by:

Nadine DOSSOU SAKPONOU, Advocate at the Benin Bar

Versus

REPUBLIC OF BENIN

Represented by:

Mr Iréné ACLOMBESI, Judicial Officer of the Treasury

After deliberation,

Renders the following Ruling:

I. THE PARTIES

1. Mr. Houngue Éric Noudehouenou, (hereinafter referred to as "the Applicant") is a Benin national. He seeks provisional measures in connection with the July 25, 2019 judgment of the Court of Repression of Economic and Terrorist Offenses (hereinafter referred to as "CRIET") which found him guilty of the offenses of abuse of office and usurpation of title.
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 Organisations. On 25 March 2020, the Respondent State deposited with the African Union Commission the instrument of withdrawal of the said Declaration. The Court has ruled that this withdrawal has no effect on pending cases and on new cases filed before the withdrawal came into effect, that is, on 26 March 2021.¹

II. SUBJECT OF THE APPLICATION

3. On January 21, 2020, the Applicant filed an application together with an initial request for provisional measures. He alleged the violation of his rights in criminal proceedings initiated against him before the CRIET. Indeed, the CRIET delivered, on 25 July 2019, a judgment which sentenced him on the one hand, to ten (10) years' imprisonment with a warrant for his arrest, and on the other, to the payment of the sum of One billion two hundred and seventy-seven million nine hundred and ninety-Five Thousand Four Hundred and Seventy-Four (1.277,995.474) CFA francs to the National Shippers' Council of Benin (CNCB) as reparation for the damage suffered.
4. On 6 May 2020, the Court issued an order for provisional measures, suspending the said judgment.
5. In the present request for provisional measures, the Applicant avers that despite the above order, he is forced to go into hiding, which prevents him from personally appearing at judicial proceedings initiated against him and from getting proper treatment for his serious health problems that started

¹ *Houngue Éric Noudehouenou v. Republic of Benin*, ACtHPR, Application No. 004/2020, Order of 06 May 2020 (provisional measures), §§ 4- 5 and corrigendum of 29 July 2020.

during his detention in 2018 during which he suffered serious physical and moral abuse. He also notes that he was scheduled to undergo surgery in late October 2018, but it did not take place due to the assassination attempt against him on 31 October 2018.

6. He further states that his state of health requires extensive medical consultations and tests, hospitalization for increased surveillance and specialized medical care, which he is unable to obtain due to the impediments posed by the Respondent State, including arrest warrants, in disregard of the provisional measures ordered by this Court on 6 May 2020. Furthermore, the Applicant avers that he no longer remembers the treatment prescribed to him during his detention, insofar as his medical records and treatment apparatus were confiscated by the Respondent State. He further states that the few pharmacies that were willing to provide him with medication to relieve his pain now refuse to do so.
7. The Applicant further contends that the Respondent State has confiscated his property, which has left him destitute and unable to support his family.
8. The Applicant therefore seeks provisional measures in relation to his health and well-being and that of his family, pending the decision on the merits.

III. ALLEGED VIOLATIONS

9. In the Application, the Applicant alleges a violation of:
 - i. His right to be tried by a competent court, to equality of all before the courts, to an impartial tribunal, to a reasoned decision consistent with the adversarial principle, to protection against arbitrariness and to legal certainty, all of which are protected by the purpose of the Charter and Articles 10 of the Universal Declaration of Human Rights (UDHR) and 14 (1) of the International Covenant on Civil and Political Rights (ICCPR);
 - ii. His rights of defence, including equality of arms, to legal representation, to the facilities necessary for the organisation of his defence, to be notified

- of the indictment and the charges, to participate in his trial, to the principle of adversarial proceedings, to present evidence and make submissions, to cross examine witnesses against him, and to be present at his trial, protected by Article 14 (3) of the ICCPR and article 7 (1) (c) of the Charter;
- iii. His right to appeal against judgments protected by Article 10 of the UDHR, Article 7-1(a) of the Charter and Article 2-3 of the ICCPR;
 - iv. His right to have his conviction and sentence reviewed, protected by Article 14 (5) of the ICCPR;
 - v. His right to the presumption of innocence protected by Article 7-1 of the Charter;
 - vi. His rights to gainful employment, property and an adequate standard of living, protected by Articles 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 15 and 14 of the Charter and Article 23 of the UDHR;
 - vii. His rights to reputation and dignity, to be free from inhuman and degrading treatment protected by Article 7 of the ICCPR and Article 5 of the Charter and his right to freedom of movement protected by Articles 12, 14 (5) and 17 of the ICCPR.

IV. SUMMARY OF THE PROCEEDINGS BEFORE THE COURT

10. On 21 January 2020, the Applicant filed the Application together with a request for provisional measures. These were served on the Respondent State on 18 February 2020.
11. On 6 May 2020, as a provisional measure, the Court ordered the Respondent State to "stay the execution of the 25 July 2019 judgment of the Court of Repression of Economic Offences and Terrorism against the Applicant, Houngue Éric Noudehouenou, pending the final decision of this Court ". The Order was served on the Parties on the same day.
12. On July 20 and August 10, 2021, the Applicant filed two additional requests for provisional measures. On November 22, 2021, the Court ruled on the said requests by a single order, the operative part of which is as follows:

- i. Dismisses the requests for provisional measure relating to obstacles to medical care and protection;
- ii. Dismisses the requested provisional measures to unfreeze the Applicant's bank account and to remove obstacles to his presence before the Cotonou Court.
- iii. Dismisses the request to stay execution of the arrest warrant pursuant to the CRIET's judgment of 25 July 2019;
- iv. Dismisses the request for a public apology;
- v. Dismisses the request regarding observance of the Applicant's rights by the Cotonou Court;
- vi. Orders the Respondent State to disclose to the Applicant or his Counsel the expert report referred to in the CRIET judgment of 25 July 2019;
- vii. Orders the Respondent State to take all measures to issue a valid national identity card to the Applicant;
- viii. Orders the Respondent State to report to the Court on the implementation of the measures ordered in (vi) and (vii) above, within fifteen (15) days of notification of this Ruling.

13. The Order was served on the Parties on 30 November 2021.

14. On 27 May 2022, the Applicant filed a request for provisional measures which was notified to the Respondent State on 20 June 2022 for its observations within fifteen (15) days of receipt.

15. On 4 July 2022, the Respondent State filed its observations on the request for provisional measures. The observations were duly notified to the Applicant.

V. **PRIMA FACIE JURISDICTION**

16. The Applicant asserts, based on Article 27(2) of the Protocol and Rule 51(1) of the Rules, that in matters of provisional measures the Court does not have to establish that it has jurisdiction on the merits of the case, but merely that it has *prima facie* jurisdiction.

17. Referring further to Article 3(1) of the Protocol, the Applicant submits that the Court has jurisdiction insofar as the Respondent State has ratified the Charter and the Protocol and has also deposited the Declaration under Article 34(6) of the Protocol. He contends that although the Respondent State withdrew the said Declaration on 25 March 2020, the Court has already held that "this withdrawal can only have effect from 26 March 2021 and has no bearing on cases brought before the Court before that date".
18. The Applicant further alleges that the Respondent State violated his rights under human rights instruments to which it is a party. He concludes that the Court has *prima facie* jurisdiction to hear requests for provisional measures.
19. The Respondent State did not submit on this point.

20. The Court notes that the rights whose violation the Applicant alleges are protected by the Charter and the human rights instruments to which the Respondent State is a party². The Court further notes that the Respondent State is a party to the Protocol and has deposited the Declaration under Article 34(6) of the Protocol. The Court recalls that in the Order of 6 May 2020³ rendered in the instant case, it held that the withdrawal of the Declaration by the Respondent State does not affect the Court's personal jurisdiction in the instant case.
21. The Court states that although the request for provisional measures was filed after the withdrawal came into effect on 26 March 2021, this does not affect its personal jurisdiction in the instant case either, insofar as the said request is related to the Application filed on 21 January 2020 prior to the said withdrawal.

² The Respondent State became a party to the ICCPR and ICESCR on 12 March 1992.

³ *Houngue Éric Noudehouenou v. Republic of Benin*, ACtHPR, Application No. 004/2020, Order of 06 May 2020 (provisional measures), §§ 4- 5 and corrigendum of 29 July 2020.

22. Accordingly, the Court finds that it has *prima facie* jurisdiction to hear the request for provisional measures.

VI. PROVISIONAL MEASURES REQUESTED

23. The Applicant seeks the following provisional measures:
- order the Respondent, through its competent organs, to return to him his medical file and health care materials both the part seized by the Respondent State from the *Centre National Hospitalier Universitaire* (CNHU) in the Applicant's hospital room on 31 October 2018 when the Applicant's 7 year-old child, his wife and his adoptive mother were illegally detained (first measure), as well as those held by the CNHU (second measure), so that the Applicant can produce his entire medical record before the Court, and use it for the purpose of his health care ;
 - Order the Respondent to take all appropriate measures on the one hand to remove all impediments to his right to health, in particular the impediments to obtaining his medical file from the CNHU in total freedom, and all impediments to medical consultations, medical examinations to be carried out by the Applicant, hospitalization, medical follow-ups of the Applicant, and the surgery he has been awaiting since 2018;
 - Order the Respondent State, through all the pharmacies on its territory, in accordance with the right to health, the right to life and human dignity, to remove all impediments so that the Applicant may be sold all the medicines and health products he needs for his good health;
 - Order the Respondent State to immediately remove all impediments to the rights to health of his brother, and to those of the Applicant to take care of his brother HOUNGUE Louis Gbèmavo, to have him access to adequate health care and follow-up, at the Applicant's own expense, and to report to the Court within fifteen (15) days of notification of the Court' decision.
 - Order the Respondent State to remove all impediments to his rights to work, pay and a normal family life and to the rights of his family and children and to report to the Court within fifteen days;
 - Order the Respondent to produce all incriminating evidence used against him and evidence of their discussion to which the Respondent has alluded

in his submissions of 30 April 2020, and in particular to make the following available to the Applicant and his counsel and to this Court:

- The Inspectorate General of the Ministry of Transport audit report referred to in the CRIET judgment in support of the proceedings against the Applicant;
- The CNCB audit report indicating to the Court the parts which incriminate the Applicant as well as proof of the facts and figures mentioned by the said auditors;
- Documents proving the status of "tax advisor to the CNCB assigned to the Applicant" as stated in the Respondent State's submission;
- Documentary proofs of the 1,300,000,000-tax adjustment the existence of the Tax Consult mentioned in the CRIET judgment, the amount of 600,000,000 that the CRIET judgment affirms was paid to the Applicant's firm, the amount of 300,000,000 paid in respect of the above tax adjustment mentioned in CRIET's judgment of 20 March 2019;
- Documentary evidence of the Applicant's advice to the CNCB, documentary proof of the irregularity of the payments made and documentary proof of the damage caused to the CNCB by the Applicant's tax advice and which warranted its conviction;
- Documentary proof that he used the title of Certified Public Accountant in the contract between the CNCB and Fisc Consult Sarl;
- The minutes of the hearing proving that all of the above documents were discussed as alleged by the Respondent State;
- The full July 25, 2018 CRIET ruling; and
- Evidence that there was no impediment to the local remedies he exercised in June and July 2019;
- Order the Respondent State to indicate to the Court as well as to the Applicant and his Counsel, within fifteen days, the concrete measures taken by the Respondent State and its organs to ensure his effective protection against all acts of inhuman and degrading treatment by the Beninese police and the Respondent State's agents during his appearance before the Court of Cotonou in August 2022 and subsequent days;
- Order the Respondent to execute the above measures within three days of notification of the Court's order; and to report on the execution of this order to the Court within fifteen (15) days of the date of service of this order;

24. The Court notes that Article 27(2) of the Protocol provides: "In cases of extreme gravity and urgency, and when necessary to avoid irreparable harm to persons, the Court shall adopt such provisional measures as it deems necessary.
25. It observes that it is for it to decide in each individual case whether, in light of the particular circumstances of the case, it should exercise the jurisdiction conferred on it by the above provisions.
26. The Court recalls that urgency, which is consubstantial with extreme gravity, means that a "real and imminent risk that irreparable harm will be caused before it renders its final judgment."⁴ .
27. It underlines that the risk in question must be real, which excludes the purely hypothetical risk and justifies the need to repair it immediately.⁵
28. With regard to irreparable harm, the Court considers that there must be a "reasonable probability of occurrence" having regard to the context and personal circumstances of the Applicant.⁶

i) Removal of impediments to accessing medical care, obtaining medical records and the return of medical equipment

29. The Applicant contends that by failing to enforce the Court's order for provisional measures of 6 May 2020, the Respondent State made it impossible for him to properly access his health care in his own country, for fear of arrest or assassination. He further claims that the Respondent State is obstructing the return of his medical health care equipment and medical records held by the *Centre National Hospitalier et Universitaire* (CNHU) of Cotonou. According to the Applicant, his medical file contains all information

⁴ *Ajavon Sébastien v. Republic of Benin*, ACtHPR, Application No. 062/2019, Provisional Measures Order of 17 April 2020, § 61.

⁵ *Ibid*, § 62.

⁶ *Ibid*, § 63.

in respect of his state of health, including its evolution and all the care prescribed.

30. In this regard, he notes that there is an urgent need for action in view of the worsening headaches, abdominal pain and pain in the lower limbs due to blood circulation problems.
31. He further avers a tumor in his abdomen, which is in an advanced stage, causes him great pain and prevents him from sitting properly, so that he must undergo surgery.
32. With regard to irreparable harm, the Applicant contends that if he is unable to acquire medication and receive adequate care as soon as possible, he will suffer irreversible deterioration of his health or even die.
33. The Respondent State submits that the Applicant provides no evidence that public service doctors have been instructed not to attend to him or that a system is put in place to prevent him from accessing health care, or from buying medicines in pharmacies for himself or for his family members.
34. It further submits that, in a hospital setting, documents containing the results of medical examinations are not kept in the patient's medical file, which is why the Applicant produced copies of the results of the brain scan and the proctoscopy.
35. It states that, with regard to the return of his medical apparatus, the Applicant also fails to prove his ownership of the apparatus.
36. The Respondent State concludes that the Applicant's insistence on awaiting the return of his medical records and equipment before accessing treatment means that there is no urgency or irreparable harm and therefore no need to order the measures requested.

37. The Court notes that the Applicant has produced documents issued in 2018 by doctors at the CNHU of Cotonou relating to his physical health. Regarding the brain scan report dated 27 June 2018, Doctor Lokossou Andréa and Professor Olivier Biauou concluded that the Applicant suffers from acute right maxillary sinusitis. On 30 October 2018, Professor J. L. Togbe diagnosed him with an external hemorrhoid. Finally, on August 02, 2018, Dr. Martin Sokpon, after proctoscopy, concluded that he had a stage 3 hemorrhoidal prolapsed intra-rectal Fecaloma.
38. The Court holds that although the documents submitted by the Applicant date back to 2018, all of these elements constitute conclusive evidence of his poor state of health which is likely to worsen for want of adequate medical care, thus endangering his life.
39. The Court notes moreover, that the Respondent State does not dispute the fact that the Applicant underwent medical examinations at the CNHU of Cotonou and that doctors practicing at the medical centre made diagnoses concerning him. It follows that the CNHU of Cotonou holds a medical file on the Applicant which contains all information relating his state of health. The Court considers that all this medical information in the file, as long as it concerns the patient and is part of this medical file, must be brought to his knowledge and made available to him if he so requests.
40. With regard to the medical care equipment, the Court notes that the Applicant has not specified the nature of the equipment or details about it, let alone prove his ownership thereof.
41. The Court finds, therefore, that the Respondent State should be ordered to remove all impediments to the Applicant's access to medical care and to provide him with a copy of his medical file held by the CNHU.

ii) Removal of impediments to his brother's access to medical care

42. The Applicant submits that his brother, Houngue Louis Gbémavo, who has been paralysed since 2019, was found unconscious in December 2020, which forced him to live at their sister's home in the territory of the Respondent State.
43. He further alleges that he is his brother's sole breadwinner but can no longer afford to pay for his brother's medical expenses due to the freezing of his assets by the Respondent State. He thus considers that the Respondent State is fully responsible for his brother's poor health.
44. The Applicant further asserts that his brother's health continues to deteriorate and that without adequate health care, he may die in 2023 or no later than 2024 so that there is manifest urgency and irreparable harm.
45. The Applicant therefore requests the Court to order the Respondent State to immediately remove all impediments to his brother's access to health care.
46. The Respondent State submits in response that the Applicant does not provide evidence that public or private hospitals in Benin and pharmacies have refused to provide care and sell medication prescribed for his brother, so that the request should be rejected.

47. The Court notes the Applicant's assertion that his brother currently suffers from serious health problems requiring urgent treatment. It observes that there is no link between the Application and the alleged situation of the Applicant's brother, especially as none of the violations alleged therein specifically relates to the latter.

48. Furthermore, the Applicant does not provide the Court with any evidence of his brother's poor health or of the impediments that prevent him personally from accessing health care. The Court considers that the Applicant's brother is therefore free to seek medical treatment, especially as he is in the territory of the Respondent State. The Applicant therefore has failed to provide the Court with elements that sufficiently demonstrate the urgency and irreparable harm facing his brother, as required by Article 27 of the Protocol.

49. The Court therefore considers that there are no grounds for ordering the measure sought.

iii) Removal of obstacles to work, remuneration and a normal family life for the Applicant and his family

50. The Applicant states that he is no longer able to meet his family's expenses since he no longer has any professional activities or financial resources. He maintains, to this end, that all the companies in which he and his family have economic interests, including Fisc Consult, Hen & Associés, Hémoss SA, Groupe Hémoss-CIAT, Tax Expertise, Afrique Finances Consulting, have had their contracts arbitrarily terminated and are subject to legal proceedings. He also claims that the Respondent State has closed all his bank accounts as well as those of the said companies.

51. He avers that in these circumstances it is important that he has a job and resources in order to meet the needs of his family. He further affirms that all this is impossible for him owing to the impediments imposed by the Respondent State, namely the failure to issue him the National Identity Card and the freezing of his bank accounts by virtue of the CRIET judgment of 25 July 2019. He further expresses his fear of not being able to resume his teaching profession as he lacks freedom of movement by virtue of the conviction against him. He concludes that there is an urgent need to avoid irreparable harm, including violations of his and his family's right to a decent life and to protection.

52. The Respondent State counters that the situation complained of by the Applicant is of his own making as it is the consequence of his escape from hospital.

53. The Court notes that on 22 November 2021, in the present case, it ordered the Respondent State, as provisional measure, " Orders the Respondent State to take all measures to issue a valid national identity card to the Applicant".

54. The Court therefore considers that there are no grounds for ordering the same measure again.

55. With regard to the bank accounts, the Court observes that the Applicant does not provide evidence of the freezing of his bank account in execution of the July 25, 2019 CRIET judgment.

56. Finally, as regards the resumption of teaching, the Court notes that it has issued on 6 May 2020 in this Application No. 004/2020 an order staying the execution of the 25 July 2019 judgment of the CRIET.

57. The Court therefore considers that since the stay of execution ordered by the Order of 6 May 2020 remains in effect and the Respondent State is under an obligation to implement it, there is no need to reorder the same measure.

58. Accordingly, the Court dismisses the measures sought.

iv) Submission of evidence

59. The Applicant contends that in the present case on the merits, the Respondent State filed its Reply brief dated 30 April 2020 in which it referred to certain documents that served as the basis for his conviction by the CRIET, including the Inspectorate General of the Ministry of Transport

audit report, the report of the auditor of the CNCB, proof of his status as tax advisor to the CNCB, tax reassessment and payments made to Cabinet Fiscal Consul, as well as the minutes of investigation.

60. He contends that the Respondent State did not notify to him of any of these information of the judicial file, or any evidence that was relied upon at all stages of the proceedings before the domestic courts, let alone before this Court. He submits that this failure to notify him violated his rights and that the Court cannot render its decision without examining the contents of the judicial file at the domestic level.
61. He submits that it is therefore necessary for the Court to order the Respondent State to produce evidence in support of its allegations in order to prevent the Respondent State from using non-existent facts to obtain convictions before the courts and to win its case before this Court.
62. The Applicant states that there is an urgency to this requested measure insofar as the Court may rule at any time and that there is irreparable harm as the Application may be dismissed on the merits.
63. The Respondent State argues that the Applicant has no one to blame but himself, since he chose to deprive himself of the right to defend himself before the courts of his country by escaping from the hospital, which escape is the cause of the situation he complains about.

64. The Court notes that the Applicant requests that the Respondent State provide him with the audit report of the General Inspectorate of the Ministry of Transport, evidence of his status as tax advisor to the CNCB, the tax adjustment, the payments made to Cabinet Fiscal Consul, and the minutes of the investigation.

65. The Court observes that in cases pending before the Court, documents are not notified directly between the parties but by the Registry in accordance with its rules. It is therefore for the Registry to send a notice to the Respondent State requesting it to produce the documents to be notified to the applicant by the same means.

66. Accordingly, the Court dismisses the requested measure.

v) Protection against inhuman and degrading treatment during his hearing before the Cotonou court

67. The Applicant states that in the case against Elbaz David, despite the regular presence of his counsel before the Cotonou Court, the judge adjourned the case severally by requiring his physical presence at the hearing and that the said judge could use his absence as a pretext to wrongfully strike out the case.

68. He alleges that if he goes to the said court, there is no assurance that he will be effectively protected and therefore fears that he will be abused or worse.

69. The Applicant further submits that the intention of the Cotonou Court and the Respondent State is to violate his fundamental rights under Articles 2(3) and 14(1) of the ICCPR and Articles 7 and 14 of the Charter.

70. He argues that there is an urgent need for the Court to order the requested measure since the hearing starts in August and there is a risk that he will suffer irreparable harm through inhuman and degrading treatment when he appears before the Cotonou court.

71. The Respondent State replies that it is committed to human rights, including the African Charter on Human and Peoples' Rights. It further states that, in accordance with its Code of Civil Procedure, it ensures that the parties to a hearing are treated with dignity during proceedings.

72. Finally, the Respondent State notes that the Applicant has not provided any evidence in support of his allegations.

73. The Court notes that the provisional measure requested is predicated on a possible violation by the Cotonou Tribunal of rights protected by the Charter and the ICCPR.

74. The Court observes that the Applicant has not provided evidence of the violation of his rights by the Tribunal.

75. Accordingly, the Court dismisses the provisional measure requested.

iv) On the implementation of the Order and the implementation report

76. The Applicant submits that all the measures sought relate to his fundamental rights, including the rights to health and life. Therefore, he submits that it is very urgent that this order be executed within a short period of time.

77. The Respondent State did not submit on this request.

78. The Court observes that the measures ordered in this Order meet the requirements of Article 27(2) of the Protocol and must therefore be implemented as a matter of urgency. Accordingly, the Respondent State should report in a timely manner on the implementation of this Order.

79. Accordingly, the Court orders the Respondent State to report back within fifteen (15) days from the date of service of the Order.

80. For the avoidance of doubt, the Court makes it clear that this Order is provisional in nature and in no way prejudices any decisions it may take regarding its jurisdiction, admissibility and the merits of the Application.

VII. OPERATIVE PART

81. For these reasons,

The COURT,

Unanimously,

- i. *Orders* the Respondent State to take all measures to remove all impediments to the Applicant's access to medical care and to provide him with a copy of his medical file held by the *Centre National Hospitalier Universitaire de Cotonou*;
- ii. *Orders* the Respondent State to report to the Court on the implementation of the measures ordered in (vi) above, within fifteen (15) days of the service of this Order.
- iii. *Dismisses* the others measures requested.

Signed by:

Imani D. ABOUD, President;

And Robert ENO, Registrar;



Done at Arusha, this fifteenth day of the month of August in the year two thousand and twenty-two, in English and French, the French text being authentic.