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GRUPE D'ETUDE ET DE RECHERCHE SUR LA
DÉMOCRATIE ET LE DÉVELOPPEMENT
ECONOMIQUE ET SOCIAL EN AFRIQUE



STUDY AND RESEARCH GROUP ON
THE ECONOMIC
SOCIAL DEVELOPMENT IN AFRICA

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Press Release N° 005/05/20 by GERDDES-Africa on the independence of the Judiciary in Benin and the arrest of two Magistrates of the Prosecutor's Office in Kandi

GERDDES-Africa is following with emotion, the fate reserved to the magistrates of the Prosecutor's office in Kandi placed under detention warrant, in Benin

GERDDES-Africa wishes to recall the provisions of articles 634 and following of the criminal procedure code, which obliges, to call into question the responsibility of the Magistrate, to resort to a special procedure implying the Supreme Court.

Furthermore, for the Prosecutor's Office, "the expediency of prosecution is considered to be an exclusive domain of the notion of fault since it is based on double fiction: the quality of the author and the purpose assigned to him, namely general interest, would imply the irrefutable presumption of competence".

To this end, a decision by the magistrates of the public prosecutor's office to close a case without follow-up cannot entail any criminal sanction.

For the record, GERDDES-Africa is pointing out that the endless escalation between those obliged by the executive power is well known in our countries in general and in Benin in particular; the Boyiki case of bleak memory is there to remind us of that.

The Beninese judiciary does not deserve to be more fragile than it already is. GERDDES-Africa is calling on the Benin government to ensure legal respect for these rights of the judiciary.

For the survival of the rule of law in Benin, GERDDES Africa is calling for the support by all to uphold the little independence that remains in our judiciary.



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The Chairman
Sadikou Ayo ALAO