

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

MUTHUTHURIN NJOKA

v.
KENYA

DECISION

Citation: Njoka v. Kenya, Comm. 142/94, 8th ACHPR AAR Annex VI (1994-1995)
Publications: IHRDA, Compilation of Decisions on Communications of the African Commission On Human and Peoples' Rights Extracted from the Commission's Activity Reports 1994-2001, at 140 (2002); Documents of the African Commission on Human and Peoples' Rights, at 398 (Malcolm D. Evans & Rachel Murray eds., 2001); (2000) AHRLR 132 (ACHPR 1995)

FACTS

1. The communication was submitted by Muthuthirin Njoka, who alleges that he was illegally admitted to Mathare Mental Hospital through Police duress and pressure. He alleges the wrong implementation of the Police Act 1961 and Mental Treatment Act 1949, which were both enacted by the colonial government. He also alleges wrongful detention and torture, the wrongful imprisonment of his sons and other members of his family, the harrasment of the members of his family and the confiscation of family property.
2. The communication was originally submitted in 1991 an designated No. 56/91. On 12 October 1993, the Commission decided that the communication was inadmissible because Kenya was not party to the African Charter on Human and Peoples' Rights at the time it was submitted.
3. Mr. Njoka was accordingly intimated but was also informed that he could re-submit his communication since Kenya had subsequently ratified the Charter. This, he did.

APPLICABLE LAW

4. The complainant alleges violations of his rights under Articles 5, 6, 7 and 21 of the Charter.

RECOMMENDATION

5. The cause of the complaint arose at a time when Kenya was not a party to the Charter. There is no evidence of a continuing damage in breach of the Charter.

6. The communication is incoherent in several respects:

a) The author alleges in a letter of 14 June 1994 to the Registrar of the High Court of Kenya that his suits had been pending in Court for 9 years. One was against Kenya claiming the sum of 7.5 b. Kenyan shillings for the wrongful implementation of colonial statutes and another claiming 12.5 b. British shillings for wrongfully passing those legislations.

b) A letter of 20 March 1991 addressed to the World Health Organization is enclosed. The letter wants "the definition of mental capacity and the position of a living being".

c) A letter of 31 May 1993 addressed to the Secretary of the OAU requires the Organization "to intercept this matter and ... quash the sentences imposed on my sons and set them free".

7. The author is incoherent and his complaints are vague. The communication is inadmissible.

8. For these reasons, the Commission declares the communication inadmissible.