

15 April - 24 April 1997
Communication No. 65/92

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
Twenty-First Ordinary Session
15 April - 24 April 1997

LIGUE CAMEROUNAISE DES DROITS DE L'HOMME

v.
CAMEROON

DECISION

BEFORE: CHAIRMAN: Prof. Isaac Nguema VICE CHAIRMAN: Prof. Emmanuel V.O. Dankwa COMMISSIONERS: Mrs. Julienne Ondziel-Gnelenga, Mr. Youssoupha Ndiaye, Mr. Kamel Rezzag-Bara, Mr. Prof. U. Oji Umozurike, Dr. Hatem Ben Salem.

Citation: Ligue Camerounaise Des Droits De l'Homme v. Cameroon, Comm. 65/92, 10th ACHPR AAR Annex X (1996-1997)

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 67 (2002); Documents of the African Commission on Human and Peoples' Rights, at 562 (Malcolm D. Evans & Rachel Murray eds., 2001; (2000) AHRLR 61 (ACHPR 1997)

FACTS

- [1] The complaint is in two parts. The first, submitted by the Ligue Camerounaise des Droits de l'Homme, alleges a number of serious and massive violations in Cameroon committed by the present government. The Ligue alleges that the prison conditions in Cameroon constitute cruel, inhuman and degrading treatment and that many people have been arbitrarily arrested and detained in these conditions. Between 1984 and 1989 at least 46 persons were tortured and deprived of food in the Central Prison of Yaounde. Further violations consist in the repression of freedom of expression, creation of special tribunals, denial of fair hearing, ethnic discrimination, and massacres of the civil population.
- [2] The second part relates to the situation of Mr Joseph Vitine, an ex- police officer. He stated that he has been persecuted by his former colleagues since March 1990. Subsequent to this submission Mr. Vitine re-submitted his case as a separate communication, no. 106/93 [Vitrine v Cameroon (2000) AHRLR 55 (ACHPR 1994)].
- [3] The government responded orally that the allegations of the Ligue Camerounaise should be declared inadmissible. The government of Cameroon responded in writing that the case of Mr.

Vitine should be declared inadmissible because the author did not appear to be in possession of his full mental faculties. The government responded orally that the allegations of the Ligue Camerounaise should be declared inadmissible because they are posed in disparaging and insulting language

PROCEDURE

- [4] The communication is not dated but was received from the Ligue Camerounaise just before March 1992. The Commission was seized of the communication at the 11th Session.
- [5] The government of Cameroon was notified of the communication on 8 April 1992. No response was forthcoming. On 13 November 1992 another notification was sent.
- [6] As of the 19th session, no information had been received from the government. The Commission declared the communication as regards Mr. Vitine inadmissible.
- [7] On 17 May 1996 the Commission sent a letter to Mr. Vitine informing him that his communication had been declared inadmissible at the 19th session.
- [8] At the 20th session, a delegation of the government of Cameroon was present and submitted a written response to the communication, dealing with the portion of the communication submitted by Mr. Vitine, which had already been declared inadmissible. The government delegation made an oral presentation concerning the allegations of the Ligue Camerounaise. The Commission decided to request more information from both the government and the complainant, and to postpone a decision on the merits of the case. On 10 December 1996 the parties were informed of this decision.

LAW

ADMISSIBILITY

- [9] Article 55.2 of the Charter reads: "A communication shall be considered by the Commission if a majority of its members so decide."
- [10] This power of the Commission to consider communications naturally includes the lesser power to decline to hear them.
- [11] The allegations submitted by Mr. Vitine were in 1993 submitted separately to the Commission and registered as communication 106/93. The information in this communication did not give evidence of prima facie violations of the African Charter. For this reason the Commission declared the communication inadmissible.
- [12] Article 56.3 of the Charter reads:

"Communication relating to Human and Peoples' Rights referred to in Article 55 received by the Commission, shall be considered if they are not written in disparaging or insulting

language directed against the State concerned and its institutions or to the Organisation of African Unity."

[13] The allegations submitted by the Ligue Camerounaise are of a series of serious and massive violations of the Charter. The communication contains statements such as: "Paul Biya must respond to crimes against humanity", "30 years of the criminal neo-colonial regime incarnated by the duo Ahidjo/Biya", "regime of torturers", and "government barbarisms". This is insulting language.

[14] In addition to the requirements of form, the Commission has a clear precedent that communications must contain a certain degree of specificity, such as will permit the Commission to take meaningful action. (See the Commission's decision on communication 104/94, 109 - 126/94 Center for the Independence of Judges and Lawyers/Algeria et al.)

[15] FOR THESE REASONS THE COMMISSION declares the communication inadmissible.

[16] Taken at the 21st Ordinary Session, Nouakchott, Mauritania, April.