

25 October - 3 November 1994
Communication No. 86/93

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
Sixteenth Ordinary Session
25 October - 3 November 1994

M.S. CEESAY
v.
THE GAMBIA

DECISION

BEFORE: CHAIRMAN: Prof. Isaac Nguema
VICE CHAIRMAN: Dr. Mohamed H. Ben Salem
COMMISSIONERS: Prof. Emmanuel V.O. Dankwa, Mr. Sourahata B. Semega
Janneh, Mr. Robert H. Kisanga, Dr. Vera V.B.S. Duarte-Martins, Dr. Ibrahim A.
Badawi Ei-Sheikh, Prof. U. Oji Umzurike

Citation: Ceesay v. Gam., Comm. 86/93, 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 102 (2002); Documents of the African Commission on Human and
Peoples' Rights, at 390 (Malcolm D. Evans & Rachel Murray eds., 2001); (2000) AHRLR
101 (ACHPR 1995)

FACTS

[1] The complainant was a Corporal in The Gambia National Army and was on 14 June 1991 - according to the complainant - randomly selected as one of seven men to see the Commander in order to discuss the problems of the Contingent sent to Liberia under ECOMOG. When the seven men had gathered they were immediately surrounded by armed personnel who attempted to arrest them. They managed to flee to the State House but were arrested, subsequently suspended and discharged allegedly because of state mutiny but without charge or trial.

[2] According to the Attorney General, Mr. Ceesay and others were marching in the streets protesting because of lack of payment. The protesters were disrupting the peace and were charged with mutiny. A commission of Enquiry was set up to decide on the cases and the mutineers were eventually dismissed, the most inferior sanction available against mutiny.

COMPLAINT

[3] The complainant asks the Commission to order re-instatement or to compel the Gambian authorities to issue the complainant with a certificate of discharge.

DECISION

[4] The Government notified the Commission that the complainant had not had recourse to the local remedies. At its 16th Session the Commission declared the communication inadmissible.