

23 October – 6 November 2000
Communication No. 230/99

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
Twenty-Eighth Ordinary Session
23 October – 6 November 2000

MOTALE ZACHARIA SAKWE
v.
CAMEROON

DECISION

BEFORE: CHAIRMAN: E.V.O. Dankwa
VICE CHAIRMAN: K. Rezag-Bara
COMMISSIONERS: A. Badawi El Sheikh, Isaac Nguema, N. Barney Pityana,
H. Ben Salem, Florence Butegwa, A. Raganayi Chigovera, Vera M. Chirwa,
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Citation: Motale Zacharia Sakwe v. Cameroon, Comm. 230/99, 14th ACHPR AAR
Annex V (2000-2001)

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 69 (2002); (2000) AHRLR 64 (ACHPR 2000)

RAPPORTEUR

25th Session: Commssioner Dankwa

26th Session: Commssioner Dankwa

27th Session: Commssioner Dankwa

28th Session: Commssioner Dankwa

SUMMARY OF FACTS

1. The Complainant is Motale Zacharia Sakwe, a citizen of Cameroon.
2. The complaint was received at the Secretariat of the Commission on 4th January 1999.

3. The complaint contains various information on the general state of human rights in Lobe Town Community between 30th December 1996 and 27th September 1998. In the relevant part however, the Complainant alleges that on 15th December 1996, at 1.30 a.m. in the night, he was abducted from his house by the Divisional Officer for Mbonge Sub-Division accompanied by well armed police and gendarmes officers. The same officers at the same time and in the same way and manner also abducted the Complainant's mother.

4. The Complainant also alleged that he was taken to the Police Post at Mbonge and subsequently detained for three days.

5. His aged mother was also detained at the Gendarme's Office for three days.

6. The Complainant alleges further that during the detention, he was tortured by being made to roll on the ground after being soaked with water and sleeping under the sun for 12 hours, while his aged mother was stripped naked and dumped into a pit.

7. The Complainant contends that as a result of the aforementioned treatments, he has severe pains in his eyes, on his ribs and acute headaches.

8. On 17th December 1996, the Complainant alleges that he was summoned to the Divisional Officer's office and asked to pay six thousand francs (6,000CFA) before being released, to which he complied.

9. Throughout the period of their detention, they were not informed of the nature of their offences, neither were they charged for the commission of any crime.

COMPLAINT

10. The Complainant alleges violation of Articles 5, 6 and 7 of the African Charter

PROCEDURE

11. At its 26th ordinary session in Kigali, Rwanda, the Commission decided to be seized of the communication and requested parties to furnish it with additional information on the issue of exhaustion of local remedies.

12. On 24th January 2000, the Secretariat informed parties of the above decision.

13. On 16th February 2000, the Secretariat received a Note Verbale from the Embassy of the Republic of Cameroon in Dakar, informing it that the Note Verbale and document attached had been forwarded to the Cameroonian Ministry of External Relations for due consideration.

14. At its 27th ordinary session held in Algeria, the Commission examined the case and deferred its further consideration to the 28th ordinary session to enable the competent authorities of Cameroon respond to its request for additional information on the issue of exhaustion of local remedies.

15. The decision was communicated to the parties on 12th July 2000.

16. On 28th August 2000, the Secretariat received a Note Verbale from the Embassy of the Republic of Cameroon in Dakar acknowledging receipt of the above letter, but pointing out that it would not

be able to meet the deadline for submission of the arguments on the admissibility of the case. It therefore appealed for the case to be adjourned to the next session.

17. On 30th August 2000, the Secretariat replied to the said Note Verbale pointing out that the request for such information had already been communicated to the competent authorities of Cameroon on two separate occasions, to which they had acknowledged receipt. Regarding their appeal for adjournment, it was indicated that it was the prerogative of the Commission to take such a decision, but promised to convey the request to the Commission accordingly.

LAW

ADMISSIBILITY

18. Article 56 (5) of the Charter provides: Communications...shall be considered if they: ... are sent after exhausting local remedies, if any, unless, it is obvious that this procedure is unduly prolonged.

19. On the surface of the complaint, it appears that the Complainant did not exhaust domestic remedies. The Commission noted further that the parties did not respond to its requests for additional information on the issue of exhaustion of local remedies, despite repeated reminders.

FOR THE ABOVE REASONS

The Commission declares the communication inadmissible.

Done at the 28th session held in Cotonou, Bénin 23rd October to 6th November 2000.