

230/99 Motale Zacharia Sakwe / Cameroon

**Rapporteur:**

25<sup>th</sup> Session: Commissioner Dankwa

26<sup>th</sup> Session: Commissioner Dankwa

27<sup>th</sup> Session: Commissioner Dankwa

28<sup>th</sup> Session: Commissioner Dankwa

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**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 4<sup>th</sup> January 1999.
3. The complaint contains various information on the general state of human rights in Lobe Town Community between 30<sup>th</sup> December 1996 and 27<sup>th</sup> September 1998. In the relevant part however, the Complainant alleges that on 15<sup>th</sup> 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 17<sup>th</sup> 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 26<sup>th</sup> 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 24<sup>th</sup> January 2000, the Secretariat informed parties of the above decision.
13. On 16<sup>th</sup> 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 27<sup>th</sup> ordinary session held in Algeria, the Commission examined the case and deferred its further consideration to the 28<sup>th</sup> 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 12<sup>th</sup> July 2000.
16. On 28<sup>th</sup> 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 30<sup>th</sup> 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 28<sup>th</sup> session held in Cotonou, Bénin 23<sup>rd</sup> October to 6<sup>th</sup> November 2000.