

221/98 – Alfred B. Cudjoe v Ghana

Rapporteur: 24th session - Commissioner B. Pityana
25th session - Commissioner B. Pityana

The facts:

1. The complainant is a Ghanaian citizen, formerly employed at the Embassy of Ghana in Conakry, Guinea.
2. He alleges that his contract as translator/bilingual secretary at the said Embassy was wrongly terminated, by letter dated 24 June 1994.
3. He claims that his dismissal was based on a report produced by the Guinean authorities, describing him as the brains behind an attack against the Ghanaian Chancery and the Ghana Airways offices in Conakry, perpetrated by furious Ghanaian residents.
4. The complainant states that he did not have the opportunity of seizing any appellate authority before being dismissed for the above-mentioned reasons.
5. The complainant presented a decision handed down by the Commission on Human Rights and Administrative Justice of Ghana, dated 18 May 1997, to the effect that the complainant's dismissal without benefits was null and void and that Mr. Alfred Cudjoe was entitled to some compensation.
6. He further states that the Ministry of Foreign Affairs refused to comply with this decision.
7. He sent a copy of the said decision to the Commission.

Substance of Grievance:

8. The complainant alleges violation of articles 7, 4 and 15 of the African Charter on Human and Peoples' Rights.

Procedure before the Commission

9. At the 24th ordinary session held in Banjul, The Gambia, from 22 – 31 October 1998, the Commission decided to be seized of the communication and requested the complainant to provide it with more information as regards the exhaustion of all internal remedies.
10. On 26 November 1998, letters were dispatched to both parties to inform them of the Commission's decision.

11. At the 25th session, held in Bujumbura, Burundi, from 26 April – 5 May 1999, the Commission deliberated on the admissibility of the communication.

Law:

Admissibility:

12. In terms of the provisions of article 56, 5 of the African Charter on Human and Peoples' Rights, "communications [.....] relating to Human and Peoples' Rights received by the Commission, shall be examined if they [.....] are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged."

13. The African Commission observes that while the complainant has attached to his dossier the decision granted in his favour by the Ghanaian Human Rights Commission, he does not give any indication (despite the request made to him in this regard following deliberations at the 24th session) as to the procedure he has followed before the courts. For, it should be clearly stated, the internal remedy to which article 56, 5 refers entails remedy sought from courts of a judicial nature, which the Ghanaian Human Rights Commission is clearly not. From the African Commission's point of view, seizing the said Commission can taken as preliminary amicable settlement and should, in principle, considering the employer's failure to react, be followed by an action before the law courts.

For these reasons, the Commission:

14. In conformity with the above-mentioned provisions of the Charter, declares the communication inadmissible due to non-exhaustion of internal remedies.

Bujumbura, 5 May, 1999.