

256/2002 – Samuel Kofi Woods, II and Kabineh M. Ja’neh/Liberia

Rapporteur:

32nd Session:

33rd Session: Commissioner Dankwa

34th Session: Commissioner Dankwa

Summary of Facts

1. The complaint is filed by Mr. Samuel Kofi Woods, II and Mr. Kabineh M Ja’neh on behalf of Hassan Bility, Ansumana Kamara and Mohamed Kamara, all Liberian journalists for the independent Analyst Newspaper in Monrovia.
2. The Complainants allege that in the afternoon of 24 June 2002, plain-cloth state security officers from the National Police Force, National Security Agency, National Bureau of Investigation, Fire Service, Immigration, Ministry of Defence, Anti-Terrorist Unit, Special Security Service, and Ministry of National Security arrested Hassan Bility, Ansumana Kamara and Mohammed Kamara, all journalists working for the independent Analyst Newspaper in Monrovia.
3. The complaint also alleges that the said arrest and detention of the journalists was not disputed as the Minister of Information, Mr. Reginald Goodridge has confirmed the same. To date, there was no charge proffered against them and they continue to languish in detention, which is in contravention of the African Charter, the Constitution of Liberia and the Universal Declaration of Human Rights (UDHR).
4. It is alleged that in consideration of the available constitutional local remedies vis-à-vis the arbitrary arrest and detention of these journalists, and further to the petition filed by an assortment of human rights organisations in Liberia filed a petition at the First Judicial Circuit Court, Criminal Assizes “B” of Montserrado County, the latter issued a Special Writ of Habeas Corpus, which, however, was allegedly not complied with.
5. The Complainants further allege that the subsequent announcement by the Liberian Government of its intention to arraign the detained journalist before a military tribunal would restrain, deprive and deny them of their human rights to liberty, freedom and due process of laws as enshrined in the Liberian Constitution, the African Charter, and the UDHR.
6. Together with their complaint the Complainants submitted a request for provisional measures to the African Commission in accordance with Rule 111 of the Rules of Procedure of the African Commission.

Complaint

7. The Complainants allege violations of Articles 6, 7(b), and 7(d) of the African Charter on Human and Peoples' Rights.
8. The Complainants pray that in addition to provisionally ordering the immediate release of the detainees in consonance with Rule 111 of the Rules of Procedure of the African Commission, the Commission grant any and all other remedies/redress that it shall deem right and appropriate.

Procedure

9. The Complaint was dated 9th August 2002 and received at the Secretariat on 16th August 2002 by post.
10. At its 32nd Ordinary Session held from 17th to 23rd October 2002 in Banjul, The Gambia, the African Commission considered the complaint and decided to be seized thereof.
11. On 23rd October 2002, the African Commission appealed to His Excellency Charles Taylor, President of the Republic of Liberia, respectfully urging him to intervene in the matter being complained of pending the outcome of the consideration of the complaint before the African Commission.
12. On 4th November 2002, the Secretariat wrote to the Complainants and Respondent State to inform them that the African Commission had been seized of the communication and requested them to forward their submissions on admissibility before the 33rd Ordinary Session of the Commission.
13. The Secretariat requested the parties on several to submit their arguments on admissibility.
14. At its 34th Ordinary Session held from 6th to 20th November 2003 in Banjul, The Gambia, the African Commission considered this communication and declared it inadmissible.

LAW

Admissibility

15. Article 56 (5) of the African Charter requires that "*a communication be introduced subsequent to exhaustion of local remedies, if they exist, unless it is obvious to the Commission that the procedure for such recourse is abnormally prolonged*".
16. The Complainants have, despite repeated requests, however, not furnished their submissions on admissibility, especially on the question of exhaustion of domestic remedies.

For this reasons, and in accordance with Article 56(5) of the African Charter, the African Commission,

Declares this communication inadmissible due to non-exhaustion of local remedies.

*Done at the 34th Ordinary Session held in Banjul, The Gambia,
from 6th to 20th November 2003*