

92/93 International Pen v. Soudan, (in respect of Kemal al-Jazouli)

The facts

1. The communication concerns one Kemal al-Jazouli, who was held incommunicado without charge from March to June 1992. During this period he had no opportunity to challenge his detention in a court of law.

Complaint

2. The complaint alleges violation of Articles 6 and 7 of the African Charter.

Decision

3. The Commission is of the opinion that none of the information given whether taken individually or together can constitute exhaustion of local remedies. The victim was tried in June 1992 and the complaint was lodged with the Commission in March 1993. He had ample freedom to exhaust local remedies before he approached the Commission. The fact that the Government has in general terms denied the existence of incommunicado detentions in Sudan does not amount to saying that the case has been tried in Sudanese courts.
4. For these reasons, the African Commission on Human and Peoples' Rights declares the communication inadmissible for non-exhaustion of local remedies.