

142/94 : Muthuthurin Njoka / Kenya

Summary of Facts

1. The communication was submitted by Muthuthurin Njoka, who alleges that he was illegally admitted to Mathare Mental Hospital through police duress and pressure. He alleges the wrong implementation of the Police Act 1961 and Mental Treatment Act 1949, which were both enacted by the colonial government. He also alleges wrongful detention and torture, the wrongful imprisonment of his sons and other members of his family, the harassment of the members of his family and the confiscation of family property.

2. The communication was originally submitted in 1991 and designated No. 56/91. On 12th October 1993, the Commission decided that the communication was inadmissible because Kenya was not party to the African Charter on Human and Peoples' Rights at the time it was submitted.

3. Mr Njoka was accordingly intimated but was also informed that he could resubmit his communication since Kenya had subsequently ratified the Charter. This, he did.

Law

4. The Complainant alleges violations of his rights under [Articles 5, 6, 7](#) and [21](#) of the Charter.

Recommendation

5. The cause of the complaint arose at a time when Kenya was not a party to the Charter. There is no evidence of a continuing damage in breach of the Charter. The communication is incoherent in several respects:

1. The author alleges in a letter of 14th June 1994 to the Registrar of the High Court of Kenya that his suits had been pending in Court for 9 years. One was against Kenya claiming the sum of 7.5 b. Kenyan shillings for the wrongful implementation of colonial statutes and another claiming 12.5 b. British shillings for wrongfully passing those legislations.
2. A letter of 20th March 1991 addressed to the World Health Organisation is enclosed. The letter wants "the definition of mental capacity and the position of a living being."
3. A letter of 31st May 1993 addressed to the Secretary of the OAU requires the Organisation "to intercept this matter and ... quash the sentences imposed on my sons and set them free".
The author is incoherent and his complaints are vague. The communication is inadmissible.

Holding

For these reasons, the Commission

Declares the communication inadmissible.