

108/93 : Monja Joana / Madagascar

Summary of Facts

1. The Complainant was a citizen of Madagascar, who was a prominent political figure and had been a candidate for president. He was arrested on 1st June 1993 under a special decree, which provided for his detention for an indefinite period of time without being told the reason and without the right to appear before a judge. His sons were also arrested.

2. According to the court judgment of 17th December 1993, the Complainant is guilty of trespass in government buildings and acquisition of arms without authorisation. He was given a one-year suspended sentence. His sons were acquitted. The communication does not include his address.

Procedure

3. The communication is dated 20th July 1993. The State concerned was notified by mail on 6th January 1994.

4. The Commission proceeded to examine the necessary facts in order to be sure that the United Nations Human Rights Committee had not been seized of the same communication and in order to try to know the address of the Complainant.

5. The information received revealed that this case had not been submitted to the United Nations and that the Complainant had died.

Law

Admissibility

6. [Article 56.1](#) of the Charter requires that communications presented pursuant to [Article 55](#) indicate their author, even if the author has requested anonymity. The Commission must be in communication with the author, to know his identity and status, to be assured of his continued interest in the communication and to request supplementary information if the case requires it. This is reflected in [Article 104](#) of the *Rules of Procedure of the Commission*.

7. In the past, the Commission made decisions on the admissibility in the case where the requirements of [Article 56.1](#) had not been fulfilled.

8. The Commission closed communication (see [62/91 Committee for the Defence of Human Rights \(in respect of Ms Jennifer Madike\) /Nigeria](#)) because two letters of reminder to the Complainant had gone unanswered. The Commission interpreted this prolonged silence on the part of the Complainant as "loss of contact with the Complainant."

9. In its decision on communication (see [70/92 Ibrahima Dioumessi, Sekou Kande, Ousmane Kaba /Guinea](#)), the Commission declared the communication inadmissible because the Complainant had included no address and the address could not be located through other means.

10. In the present case, the Commission has not had contact with the Complainant since the case was brought.

11. The Commission has tried various means in an attempt to contact the Complainant through other individuals. The address of the Complainant's family reached the Commission in the same letter as news of the Complainant's death. Efforts made to contact the deceased's legal successor have not borne results.

Holding

For these reasons, the Commission Declares the communication inadmissible.

Taken at the 20th Session, Grand Bay, Mauritius, October 1996.