

230/99 : Motale Zacharia Sakwe / Cameroon

Summary of Facts

1. The Complainant is Motale Zacharia Sakwe, a Cameroonian citizen.
2. The complaint was received at the Secretariat of the Commission on 4 January 1999.
3. The complaint presents diverse information on the general state of human rights in Lobe Town Community from 30th December 1996 to 7th September 1998. In the relevant part however, the Complainant alleges that on 15th December 1996, at 1.30 a.m. in the night, together with his mother, he was abducted from his house by the Divisional Officer for Mbonge Sub-Division accompanied by well armed police and gendarmes officers.
4. The Complainant also alleged that he was taken to the Police Post at Mbonge and subsequently detained for three days.
5. His aged mother was also detained at the Gendarme's Office for three days.
6. The Complainant alleges further, that during the detention, he was tortured by being made to roll on the ground after being soaked with water. He was also made to sleep under the sun for 12 hours, while his aged mother was stripped naked and dumped into a pit.
7. The Complainant contends that as a result of the aforementioned treatments, he has severe pains in his eyes and ribs, and acute headaches.
8. On 17th December 1996, the Complainant alleges that he was summoned to the Divisional Officer's office and asked to pay six thousand francs (6,000 CFA) before being released, to which order he complied.
9. Throughout the period of their detention, they were not informed of the nature of their offences, neither were they charged for the commission of any crime.

Complaint

10. The Complainant alleges violation of [Articles 5](#), [6](#) and [7](#) of the African Charter.

Procedure

11. At its 26th Ordinary Session in Kigali, Rwanda, the Commission decided to be seized of the communication and requested the parties to furnish it with additional information on the issue of exhaustion of local remedies.
12. On 24th January 2000, the Secretariat informed parties of the above decision.
13. On 16th February 2000, the Secretariat received a Note Verbale from the Embassy of the Republic of Cameroon in Dakar, informing it that the Note Verbale and document attached had been forwarded to the Cameroonian Ministry of External Relations for due consideration.
14. At its 27th Ordinary Session held in Algeria, the Commission examined the case and deferred its further consideration to the 28th Ordinary Session to enable the competent authorities in Cameroon to respond to its request for additional information on the issue of exhaustion of local remedies.
15. The decision was communicated to the parties on 12th July 2000.
16. On 28th August 2000, the Secretariat received a Note Verbale from the Embassy of the Republic of Cameroon in Dakar acknowledging receipt of the above letter, but pointing out that it would not be able to meet the deadline for submission of the arguments on the admissibility of the case. It therefore appealed for the case to be adjourned to the next session.
17. On 30th August 2000, the Secretariat replied to the said Note Verbale pointing out that the request for such information had already been communicated to the competent authorities of Cameroon on two separate occasions, to which they had acknowledged receipt. Regarding their appeal for adjournment, it was indicated that it was the prerogative of the Commission to take such a decision, but promised to convey the request to the Commission accordingly.

Law

Admissibility

18. [Article 56 \(5\)](#) of the Charter provides: “Communications...shall be considered if they: ... are sent after exhausting local remedies, if any, unless, it is obvious that this procedure is unduly prolonged”.

19. The Commission notes that on the surface of the complaint it appears that the Complainant did not exhaust domestic remedies. The Commission notes further that the parties did not respond to its requests for additional information on the issue of exhaustion of local remedies, despite repeated reminders.

Holding

For the above reasons, the Commission

Declares the communication inadmissible.
Cotonou, Benin 23rd October to 6th November 2000.