

104/94-109/94_126/94 Centre of the Independence of Judges and Lawyers / Algeria

Communication on the general political situation in Algeria.

The Facts

1. The communication is in the form of a report published by the Center for the Independence of Judges and Lawyers of Geneva, Switzerland. It describes harassment and persecution of judges and lawyers in 53 different countries including 18 of the African state parties to the African Charter. The harassment and persecution described includes murder, torture, intimidation and threats of all kinds. The report describes special features of court systems, such as military courts and special tribunals.

Complaint

2. The communication does not specify which of the facts it contains it regards as violations. Neither does it specify any sought remedy.

The Law

3. Article 56 of the African Charter reads:

Communications ... shall be considered if they:
Indicate their authors even if the latter requests anonymity.

4. Rule 114, section 3 of the Rules of Procedure of the African Commission on Human and Peoples' Rights reads:

In order to decide on the admissibility of a communication ... the Commission shall ensure:...that the author alleges to be a victim of a violation, ..., that the communication is submitted in the name of an individual who is a victim (or individuals who are victims) who would be unable to submit a communication or to authorize it to be done.

5. The reason for these provisions is that the Commission must receive communications with adequate information with a certain degree of specificity concerning the victims.

6. The present report submitted by the CIJL does not give specific places, dates, and times of alleged incidents sufficient to permit the Commission to intervene or investigate. In some cases, incidents are cited without giving the names of the aggrieved parties. There are numerous references to "anonymous" lawyers and judges. Thus, in this case the author is not an alleged victim, nor is the communication submitted in the name of a specific victim, nor does the complainant allege grave and massive violations. The information in the communication is insufficient to permit the Commission to take action.

==[holding]Holding

For the above reasons, the African Commission

Declares the communications inadmissible.