

53/91_8AR : Alberto Capitaio/ Tanzania

Complaint

1. Alberto Capitaio is a businessman and a former citizen of Zaire, presently resident in Angola. He sued the Tanzanian Film Company, a state-owned company, in Zairian court, and won a judgement of \$500,000 on 4th July 1984. The Embassy of Tanzania in Kinshasa was sued simultaneously with the Tanzanian Film Company. As of January 1985, no appeal in the case had been filed. The Tanzanian Film Company failed to pay the judgement debt. The Tanzanian Film Company has no property in Zaïre; the only property of the Tanzanian state is the Embassy of Tanzania in Kinshasa, which is exempt from seizure under the tradition of diplomatic immunity.

2. The Complainant sought the intervention of the Foreign Ministries of Zaïre and Angola where he now resides to no avail.

3. The Complainant argues that he has been deprived of justice and in essence of the right to have his cause heard, since as an individual holding a judgement against a foreign state that refuses to pay, he has no recourse.

Decision

The Commission decided that the case was inadmissible on account of lack of exhaustion of local remedies. The case can be resubmitted when the local remedies have been properly exhausted or if the complainant proves that local remedies are unavailable, ineffective or unreasonably prolonged.