

**AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**HADJ BOUBACARE DIAWARA**

**v.**

**BENIN**

**DECISION**

Citation: Hadj Boubacare Diawara v Benin, Comm. 18/88, 8th ACHPR AAR Annex VI (1994-1995)

Publications: IHRDA, Compilation of Decisions on Communications of the African Commission On Human and Peoples' Rights Extracted from the Commission's Activity Reports 1994-2001, at 16 (2002); Documents of the African Commission on Human and Peoples' Rights, at 381 (Malcolm D. Evans & Rachel Murray eds., 2001); (2000) AHRLR 23 (ACHPR 1995)

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**COMPLAINT**

[1] The communication No. 18/88, was submitted by Mr. El Hadj Boubacare Diawara. He had been detained without charge or trial from 18 February 1982 for a period of more than 7 years. Furthermore, he reports the arbitrary detention of 7 others, one of whom died in prison 11 months after imprisonment. All detainees, he claimed, were tortured while imprisoned.

**FINDING**

[2] Notice of hearing were sent to the parties, but only the representative of the Government of Benin appeared. Since the complainant has referred his complaint to the courts in Benin, where it is now pending, the Commission declared the communication inadmissible for want of exhaustion of local remedies, under Article 56(5) of the Charter and Rules 103(1)(f) of the Rules of Procedure.