

**7 October 1995**  
**Communication No. 70/92**

**AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**  
**Eighteenth Ordinary Session**  
**2-11 October 1995**

**IBRAHIMA DIOUMESSI, SEKOU KANDE, OUSMANE KABA**

**v.**  
**GUINEA**

**DECISION**

BEFORE: CHAIRMAN: Prof. Isaac Nguema  
VICE CHAIRMAN: Prof. Emmanuel V.O. Dankwa  
COMMISSIONERS: Mr. Robert H. Kisanga, Dr. Mohamed H. Ben Salem  
Dr. Vera V. Duarte Martins, Prof. U. Oji Umzurike, Mr. Atsu Koffi Amega, Mr.  
Kamel Rezzag-Bara, Mrs. Julienne Ondziel-Gnelenga

Citation: Dioumessi v. Guinea, Comm. 70/92, 9th ACHPR AAR Annex VIII (1995-1996) 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 138 (2002); Documents of the African Commission on Human and Peoples' Rights, at 448 (Malcolm D. Evans & Rachel Murray eds., 2001); (2000) AHRLR 130 (ACHPR 1995)

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**THE FACTS**

1. The communication was submitted by Ibrahima Dioumessi, Sekou Kande, Ousmane Kaba, and received by the Commission on 15 November 1991. It contains no mailing address for the complainants.
2. The communication alleges that following the coup d'etat of 4 July 1984 in Guinea, the complainants were arrested, tortured and incarcerated for three years without charge or trial.
3. The complainants allege violation of the right to security of persons and the right to fair trial. The former detainees request compensation for the moral and material prejudice they have suffered.

**PROCEDURE BEFORE THE COMMISSION**

4. The Commission was seized of the communication at its 12th Session in November 1992.

5. The Ministry of Foreign Affairs of Guinea was notified on 13 November 1992. The Secretariat also requested the complainants' address.
6. In 1993 and 1994, numerous reminders were sent by the Secretariat to the Government of Guinea, but no response was received.
7. On 21 October 1994, the Guinean Government sent a note verbale to the Commission requesting that the Commission delay consideration of the communication until the 17th Session, in order to allow the government to submit its memorandum in response.
8. At the 17th Session in March 1995, the memorandum of the Government of Guinea had not been received, but it was decided to wait for it, and in the meanwhile to ask the complainants if they had exhausted all domestic remedies.
9. All attempts to get the addresses of the complaints were of no avail.
10. At the 18th Session, the memorandum of the Government of Guinea still had not been received.

## THE LAW

### ADMISSIBILITY

11. The problem posed here is one of admissibility. To be admissible, a communication must fulfill all the conditions of article 56 of the Charter, in particular, the identity of the complainants so that they may be sent notifications.
12. In the present case, the Secretariat has not been able to remedy this lack of the complainants' address.

FOR THESE REASONS, THE COMMISSION declares the communication inadmissible.

Taken at the 18th Ordinary Session, Praia, Cape Verde, 7 October 1995.