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<i>African Commission on Human & Peoples' Rights</i>		<i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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Communication 349/07

Simon Weldehaimanot

v.

Eritrea

*Adopted by the
African Commission on Human and Peoples' Rights
during the 18th Extra-Ordinary Session, from the 29 July to 7 August 2015
Nairobi, Kenya*



.....
Hon. Commissioner KAYITESI Zainabo Sylvie
Chairperson of the African Commission
on Human and Peoples' Rights




.....
Dr. Mary Maboreke
Secretary to the African Commission on
Human and Peoples' Rights

Communication 349/07: Simon Weldehaimanot v. Eritrea

(Request for withdrawal)

Summary of the Application for Withdrawal:

1. The Complaint is submitted against the State of Eritrea¹ (the Respondent State) by Simon Weldehaimanot (the Complainant) on his own behalf, and on behalf of Eritrean youths.

Articles alleged to have been violated:

2. The Complainant alleges violation of Articles 2, 7, 12(2), 18(1) and 26 of the African Charter on Human and Peoples' Rights (the African Charter).

Procedure

3. The Complaint was transmitted to the Secretariat of the African Commission on Human and Peoples' Rights (the Commission) on 24 August 2007. The Communication was seized during the Commission's 43rd Ordinary Session, which was held in Ezulwini, Kingdom of Swaziland, from 07 to 22 May 2008.
4. On 23 January 2009, the Secretariat sent informational letters to the parties and requested the Respondent State to submit arguments on Admissibility.
5. The Respondent State wrote to the Commission, via Note Verbale Ref: MO/016/2009 dated 11 February 2009, noting that a Preliminary Objection to the Communication was delivered to the Commission via DHL on 15 December 2008.² Additionally, the Note Verbale re-submitted the Preliminary Objection to the Commission. However, this Note Verbale was received and processed at the Secretariat on 09 April 2010.
6. The Respondent State submitted the Preliminary Objection, dated 24 February 2009, which was transmitted during the Commission's 45th Ordinary Session, held in Banjul, The Gambia, from 13 to 27 May 2009.
7. By Note Verbale Ref: ACHPR/COMM/349.07/1122/13 dated 11 October 2013, the Secretariat inquired whether the Respondent State would submit written submissions on admissibility, or whether the Commission should

¹ The State of Eritrea ratified the African Charter on 14 January 1999

² There is no record of this document on file.



proceed with consideration of the Communication based on the preliminary objection.

8. On 10 December 2013, the Secretariat informed the Complainant that a request for clarification had been transmitted to the Respondent State, and transmitted the Preliminary Objection to the Complainant. Further, by Note Verbale Ref: ACHPR/COMM/349.07/1387/13 dated 10 December 2013, the Secretariat reiterated its request for clarification from the Respondent State on the Preliminary Objection.
9. By NV Ref: ACHPR/COMM/349.07/487/14 dated 02 April 2014, the Secretariat once again requested clarification from the Respondent State within sixty (60) days, and attached the previous Notes Verbale to the Respondent State. The NV was transmitted via DHL.³
10. On 29 April 2014, the Secretariat received NV Ref: MO/308/2014 which noted with reference to the Preliminary Objection: "The Ministry was not aware of the need of a written submission on the Admissibility of the Communication at that stage; otherwise it would have done so. Therefore, the Ministry of Foreign Affairs of the State of Eritrea kindly requests the Secretariat to grant the Ministry for an extension of sufficient time to submit its written statement on Admissibility of the Communication."
11. Further, on 02 May 2014, the Secretariat received a letter from the Respondent State during the 55th Ordinary Session, held in Luanda, Angola, from 28 April to 12 May 2014, requesting a copy of the Communication to enable the Respondent State to submit on admissibility, and reiterating its request for an extension.
12. Through ACHPR/COMM/349.07/685/14 dated 06 May 2014, the Secretariat informed the Respondent State of the grant of extension of sixty (60) days.
13. By Note Verbale Ref: ACHPR/COMM/349.07/750/14 dated 22 May 2014, the Secretariat transmitted a copy of the Communication to the Respondent State via DHL.⁴ An informational letter was also sent to the Complainant, dated 22 May 2014.
14. Informational letters were sent to the parties on 31 July 2014, following the 16th Extra Ordinary Session, which noted that the extension of time granted to the Respondent State had not expired.

³ DHL Receipt 70 1899 3052, delivered on 04 April 2014.

⁴ DHL Receipt 50 9892 3480, delivered on 20 May 2014.



15. Informational letters were sent to the parties on 11 March 2015, following the 17th Extra-Ordinary Session. The Note Verbale sent to the Respondent State, Ref: ACHPR/COMM/349.07/381/15 which was transmitted via DHL,⁵ granted the State an extension of thirty (30) days to file written submissions on admissibility.
16. On 13 March 2015, the Complainant wrote to the Secretariat requesting withdrawal of the Communication owing to the length of time taken to adjudicate cases. A letter acknowledging receipt was sent to the Complainant on 18 March 2015, and an informational Note Verbale was sent to the Respondent State.

Decision of the African Commission

17. When the Complainant notifies the Commission of the intention not to proceed with the Communication, the Commission takes due notice thereof and proceeds to strike the Communication off the Commission's List of Communications.
18. Accordingly, based on the above, the Commission declares the Communication closed.

Done in Nairobi, Kenya during the 18th Extra-Ordinary Session held from 29 July to 07 August 2015

⁵ DHL Receipt 64 2819 6390, delivered on 16 March 2015.

