



**UN HUMAN RIGHTS COMMITTEE**

**121<sup>st</sup> SESSION**

**THE FAILURE OF CAMEROON TO IMPLEMENT VIEWS IN  
INDIVIDUAL COMMUNICATIONS**

**Shadow Report**

**September 2017**

## **A. SUMMARY**

In the list of issues to be taken up in connection with the consideration of the fifth periodic report of Cameroon, the Human Rights Committee (the Committee) has asked Cameroon to respond to the following:

*“Please indicate the procedures for giving effect to the Committee’s Views under the Optional Protocol to the International Covenant on Civil and Political Rights. Please also specify whether specific measures have been taken to follow up on the Views adopted by the Committee with regard to the State party.”<sup>1</sup>*

This submission addresses the Committee’s requests for information, and shows that in the majority of cases Cameroon has not taken concrete steps to implement in good faith the Committee’s Views in individual communications brought under the Optional Protocol. In other cases some steps have been taken or (in one case) proceedings completed, but only after substantial delays, and/or only part of the remedy has been implemented. As such, Cameroon has repeatedly failed to comply with its obligation to provide an effective remedy to those the Committee has recognised as victims of violations.

Cameroon, as signatory to the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol, has the obligation to use whatever means lie within its power to give effect to the Views issued by the Committee. Its failure to provide a remedy to those who the Committee has recognised as victims of violations is a systemic issue. Whilst Cameroon has set up an Inter-ministerial Committee in charge of monitoring the implementation of the recommendations and/or decisions taken by international and regional human rights promotion and protection mechanisms (see further details below), it does not appear that the establishment of this mechanism has advanced the implementation of the Committee’s Views to any material extent.

## **B. CAMEROON IS OBLIGED TO IMPLEMENT THE COMMITTEE’S VIEWS**

Under the ICCPR, States undertake to ensure that any person whose rights or freedoms (as recognised in the ICCPR) are violated shall have an effective remedy.<sup>2</sup> States must also ensure that any person claiming such remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority.<sup>3</sup> Accordingly, States must also ensure that the competent authorities shall enforce such remedies when granted.<sup>4</sup>

The duty to comply with the Views of the Committee arises from the State party’s acceptance of the Optional Protocol and its obligations under the ICCPR. The Views adopted by the Committee are legal in character and represent an authoritative determination made by the recognised interpreter

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<sup>1</sup> Human Rights Committee (HRC), *List of issues prior to the submission of the fifth periodic report of Cameroon*, 29 November 2011, CCPR/C/CMR/Q/5, para.3

<sup>2</sup> ICCPR Art. 2(3)(a)

<sup>3</sup> ICCPR Art. 2(3)(b)

<sup>4</sup> ICCPR Art. 2(3)(c)

of the ICCPR.<sup>5</sup> By ratifying the ICCPR and its Optional Protocol, States accept the authority of the Committee in this regard and agree to respect and implement its Views.

A duty to cooperate with the Committee arises from an application of the principle of good faith to the observance of all treaty obligations.<sup>6</sup> Compliance is not discretionary and States parties must give full effect to the Views of the Committee in light of their obligation to ensure to all individuals within their territory, or subject to their jurisdiction, the rights recognised in the ICCPR and to provide an effective and enforceable remedy in cases where a violation has been established.<sup>7</sup> The Committee has made it clear that States parties “*must use whatever means lie within their power in order to give effect to the view issued by the Committee*”.<sup>8</sup> For a remedy to be effective, Cameroon must implement the Views expressed by the Committee in a timely manner and provide the requisite reparation measures.

### C. SURVEY OF IMPLEMENTATION OF VIEWS

As the representative of Mr Ebenezer Akwanga, who the Committee in 2011 found to have been the victim of a number of violations of the ICCPR by Cameroon, REDRESS is acutely aware of Cameroon’s failure promptly and comprehensively to implement the Committee’s Views. In addition to the (lack of) implementation in Mr. Akwanga’s case, REDRESS has reviewed the Committee’s own reports on the extent to which the Committee’s Views have been implemented in each of the eight individual communications brought against Cameroon where violations have been found.

A detailed table setting out our findings is set out in Annex 1, and demonstrates that, as far as we have been able to ascertain:

- The Committee has confirmed full compliance in only one of the eight cases;
- In three of the eight cases, an investigation into the events was recommended, but this has not been undertaken effectively in any of the three cases;
- In three of the eight cases, the Committee recommended that there should be prosecutions of alleged perpetrators of torture, but this has not been undertaken in any of the cases;
- In none of the seven cases where the Committee recommended that Cameroon provide compensation to the victims has any compensation actually been paid. Previous reports indicate that the Government made offers in three cases (two of which were rejected), and that in two other cases it was indicated that offers were going to be made (it is not clear if they were in fact made and/or accepted). In two cases, including the case of Mr Akwanga, no compensation has been offered despite the Committee’s recommendations and despite submissions from counsel to this effect;
- While these offers to pay some compensation have not resulted in any actual compensation, Cameroon’s focus on compensation also fails to appreciate the equal importance that

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<sup>5</sup> HRC, *General Comment No 33: The Obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights*, 5 November 2008, CCPR/C/GC/33, paras. 11 and 13.

<sup>6</sup> *Ibid*, para. 15.

<sup>7</sup> *Ibid*, para. 14.

<sup>8</sup> *Ibid*, para. 20.

should be afforded (for example in the case of redress for torture) to the concepts of restitution, rehabilitation, satisfaction and guarantees of non-repetition.<sup>9</sup>

We note that this lack of progress on implementation of the Committee's Views is made notwithstanding the setting up of the Inter-ministerial Committee in charge of monitoring the implementation of the recommendations and/or decisions taken by international and regional human rights promotion and protection mechanisms.<sup>10</sup> Based on REDRESS' own experience in seeking to enforce the Committee's Views in the case of Mr Akwanga, it appears that the Inter-ministerial Committee does not provide the necessary transparency and visibility to the implementation process. Rumours of implementation steps are more prevalent than direct information about the actual steps taken. It has furthermore been brought to REDRESS' attention that the Inter-ministerial Committee is inaccessible to victims seeking to enforce the decisions of international and regional human rights mechanisms.

#### **D. SPECIFIC DISAVOWAL OF THE COMMITTEE'S VIEWS**

In a number of cases the government has disavowed the authoritative nature of the Committee's views. Mr Akwanga's case is an example of Cameroon's disregard for the Committee's Views, which in his case required *inter alia* (a) "a review of his conviction", and (b) an investigation into the alleged events and prosecution of those responsible.<sup>11</sup> The State responded to these Views as follows:

The State party is willing to implement the Committee's recommendation. New proceedings can be initiated as soon as the author appeals the judgement which sentenced him to 20 years imprisonment. If the author's leave to appeal is granted, a full re-examination of the case will be conducted.

An investigation will be undertaken once the author files a complaint for torture and ill-treatment. This procedure requires the physical presence of the author for cross-examination purposes.

The author has escaped from prison, and an arrest warrant was issued against him. The above mentioned procedures will only be opened once the arrest warrant against him is executed. Compensation may also be awarded, based on available resources and the results of the investigations.<sup>12</sup>

In *Njaru v Cameroon*, the State's offer to pay compensation (which was one of the measures recommended in the Views adopted by the Committee) was qualified in the following way:

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<sup>9</sup> For example, see Committee against Torture, *General Comment No. 3 of the Committee against Torture: Implementation of article 14 by States parties*, 19 November 2012, CAT/C/GC/3, para. 2.

<sup>10</sup> Set up by Order No. 81/CAB/PM of 15 April 2011; Decision No. 14/SG/PM of 9 August 2011 appointed members of the Technical Secretariat of the Committee, and the Secretariat held its first meeting on 13 September 2011 and the 7th on 26 June 2013. See HRC, *Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure: Fifth periodic reports of States parties due in 2013 (Cameroon)* (2016), CCPR/C/CMR/5.

<sup>11</sup> See further details in case summary in Annex 1.

<sup>12</sup> Response of 19 June 2014: see case summary in Annex 1.

...the compensation offer extended to the author does not imply an acknowledgment of the prejudice allegedly suffered by the author, but rather reflects the willingness of the Government to abide by its international obligations.<sup>13</sup>

Cameroon thus seeks to make its compliance with the Committee's views conditional upon various actions which were not envisaged by the Committee. It is also evident from the above examples that Cameroon does not consider the Committee's Views as representing the final position in the matter.

## E. CAMEROON'S FAILURE TO IMPLEMENT THE COMMITTEE'S VIEWS

There have been significant delays on the part of the State in the implementation of the Committee's views. The dates of adoption of the Committee's Views along with the state of implementation are as follows:

Name	Year of adoption of Views	State of implementation
Mukong	1994	Follow-up dialogue ongoing
Mazou	2001	Complied
Gorji-Dinka	2005	Follow-up dialogue ongoing
Titiahongo	2007	Follow-up dialogue ongoing
Afuson Njaru	2007	Follow-up dialogue ongoing
Engo	2009	Follow-up dialogue ongoing
Akwanga	2011	Follow-up dialogue ongoing
Monika	2014	[Unclear]

The failure of Cameroon to implement views (in a timely manner or at all) in all but one of the eight cases is of particular concern to REDRESS as the representative of Mr Akwanga. Unfortunately, in his case, since the Committee's Views were adopted in 2011, no progress whatsoever has been made towards their effective implementation despite REDRESS' consistent efforts to work with the Committee, other UN mechanisms and Cameroon to achieve implementation. We have sought to engage Cameroon through the Committee's Follow Up Procedure and have exchanged communications with Cameroon through this process to no avail. We have also, along with Mr Akwanga, met with OHCHR representatives in Geneva, and engaged with further correspondence with the OHCHR in an attempt to assist and contribute towards achieving implementation of the Views adopted by the Committee in this case. In September 2017, over 6 years since the Views were adopted by the Committee, Mr Akwanga still has not received any remedy. Even now, Cameroon has failed to engage with the points raised by Mr Akwanga (via REDRESS) on 31 July 2014.

The chronology of events in Mr Akwanga's case is the one which is best known to REDRESS, as his representative. It is thought likely that the chronologies of earlier cases, including in *Mukong v Cameroon* where the Committee's Views were adopted over 20 years ago, would convey an even starker picture.

<sup>13</sup> See further details in case summary in Annex 1.

## **F. CONCLUSION: A FAILURE OF PROCESS AND COMMITMENT**

Our experiences in the case of Mr Akwanga and our study of Cameroon's compliance with the Committee's Views in other cases stretching back to 1994, strongly suggests that no concrete steps have been taken to implement in good faith the Committee's Views in the vast majority of the individual communications brought under the Optional Protocol. Save in one case, Cameroon has repeatedly failed to comply with its obligation to provide an effective remedy to the victims. Mr Akwanga's case is an example of a case in which no remedy whatsoever has been offered, agreed or implemented.

Cameroon, as signatory to the ICCPR and the Optional Protocol, has the obligation to use whatever means lie within its power in order to give effect to the Views issued by the Committee. Its failure to provide a remedy to those who the Committee has recognised as victims of violations of the Covenant is a systemic issue. The steps taken by Cameroon to monitor the implementation of the recommendations have failed to improve the situation, and in any event have not been effective in ensuring the implementation of the Committee's Views.

The case of Mr Akwanga is indicative of Cameroon's failure to respect the Committee's views, and its failure to engage meaningfully either with its obligations under the ICCPR and the Optional Protocol, or with its obligations to comply with the Committee's Views (either in a timely manner or at all).

## **G. RECOMMENDATIONS**

- Cameroon should review its legal frameworks, institutional arrangements and procedures in order to ensure that the mechanisms in place are accessible to victims and have the mandate and capacity to deliver promptly the appropriate remedy to those who have been recognised as victims of human rights violations by the Committee.
- Cameroon should act immediately to ensure the implementation of all currently outstanding Views in individual communications, within twelve months, and as part of the remedy given provide compensation calculated to take into account the delay in the provision of such remedies.
- Cameroon should make public and disseminate widely and publicly information about the Committees' Views and measures taken to provide an effective remedy.

# ANNEX 1

**A summary of the Committee's Views in cases decided in favour of the author in relation to Cameroon (in chronological order) and the known status of implementation of communications**

<b>Womah Mukong v Cameroon</b>	
<b>Communication No. 458/1991, U.N. Doc. CCPR/C/51/D/458/1991</b>	
<b>Views dated: 21 July 1994</b>	
<b>Summary of facts: Cruel, inhuman and degrading treatment, and arbitrary detention of journalist</b>	
<p>The author, a journalist and opponent of the one party system in Cameroon, was arbitrarily arrested in June 1988 after giving a BBC interview. He was interrogated and subjected to cruel and inhuman treatment, by being deprived of food for several days and held for around 3 weeks in a small cell (without sanitary facilities) with up to 30 other detainees. For the next 4 weeks he was held in another location with common criminals, deprived of his own clothes, and forced to sleep on a concrete floor. He fell ill with bronchitis after 2 weeks. He was released after 11 months.</p> <p>In February 1990 he was rearrested after a meeting in which he had discussed the introduction of multi-party democracy in Cameroon. He was denied access to his lawyer and his family, and was threatened with torture or shooting. He was held in uncomfortable conditions and on one occasion was beaten when he refused to eat. He was released after around 4 weeks. He left Cameroon in 1990 and claimed asylum in the UK, and was for some time prevented from returning to his country.</p>	
<b>Violations found:</b>	<p>Article 7: Cruel, inhuman and degrading treatment</p> <p>Article 9: Arbitrary arrest</p> <p>Article 19: Freedom of expression</p>
<b>Remedy:</b>	
<p>"...Under article 2, paragraph 3(a), of the Covenant, the State party is under an obligation to provide Mr. Albert W. Mukong with an effective remedy. The Committee urges the State party to:</p> <ul style="list-style-type: none"> <li>- grant Mr. Mukong appropriate compensation for the treatment he has been subjected to;</li> <li>- investigate his allegations of ill-treatment in detention;</li> <li>- respect his rights under article 19 of the Covenant; and</li> <li>- ensure that similar violations do not occur in the future." </li></ul>	
<b>Follow-up:</b>	
<p>Cameroon's submission of 19 June 2014 stated that around 152,450 euros had been offered to the author (no information on other reparative measures).<sup>14</sup> Follow-up dialogue ongoing as at 5 September 2014.<sup>15</sup></p> <p><b>Latest HRC follow up report (30 May 2017) says: "Follow-up dialogue ongoing"</b><sup>16</sup></p>	

<sup>14</sup> HRC, *Follow-up progress report on individual Communications*, 5 September 2014, CCPR/C/112/R/3, p. 7.

<sup>15</sup> Ibid.

<sup>16</sup> HRC, *Follow-up progress report on individual Communications*, 30 May 2017, CCPR/C/119/3, p. 39.

**Abdoulaye Mazou v Cameroon**

Communication No. 630/1995, U.N. Doc. CCPR/C/63/D/630/1995

Views dated: 26 July 2001

**Summary of facts: Prevention of work in public service, lack of effective remedy**

The author was arrested on 16 April 1984 after an attempted coup. He was charged with harbouring his brother, found guilty and sentenced to 5 years in prison. The author claims the charges were false. During his detention he was dismissed (by Presidential decree) from his senior public service position without reasons being given. He was released in April 1990 but his freedom of movement was then restricted until April 1991. In June 1991, he requested to be reinstated to his public service role, and initiated judicial proceedings to seek to annul the original Presidential decree, an annulment which was granted in January 1997. He claimed to have been victimised due to his opinions and ethnic background, and sought reinstatement and compensation for the damages suffered. He was reinstated to his post on 16 April 1998 and salary paid retroactively. He pursued a claim for damages and to be reinstated to the same grade as previously.

<b>Violations found:</b>	Article 2: Effective remedy Article 25: Participation in public service
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**Remedy:**

"...the State party has an obligation to reinstate the author of the communication in his career, with all the attendant consequences under Cameroonian law, and must ensure that similar violations do not recur in the future."

**Follow-up:**

*"The State party reported that it had reinstated the author to the judiciary, and that it had offered him compensation, which he refused to accept because he considered it to be inadequate. The follow-up dialogue in the case was closed as the Committee deemed that the State party complied with the Views."* [See 116<sup>th</sup> session report summary]<sup>17</sup>

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<sup>17</sup> Ibid.



**Fongum Gorji-Dinka v Cameroon****Communication No. 1134/2002, U.N. Doc. CCPR/C/83/D/1134/2002****Views dated: 17 March 2005****Summary of facts: Arbitrary detention in poor conditions, removal from public service**

Author is former President of the Bar Association of Cameroon. In October 1981, the author was asked to secure bail for 5 Nigerian missionaries and at the police station he was arrested and detained with them, later being charged with fabricating a fake permit for the missionaries to operate in Cameroon. He was sentenced to 12 months imprisonment even though the trial judge found he had not been in Cameroon at the time.

In May 1985 he was arrested and was detained “in a wet and dirty cell without a bed, table or any sanitary facilities”, and he fell ill and was hospitalised. He escaped to the British Ambassador’s residence who rejected his asylum request and handed him to the police. He was detained at the HQ of a paramilitary police force and shared a cell with 20 murder convicts. He suffered a stroke which paralysed his left side. His detention provoked the “Dinka riots”, and he was charged with high treason, although the case later collapsed. He was acquitted and released in February 1986. As efforts were made to re-arrest him, he was placed under house arrest (February 1986 - March 1988). He was informed he would not be allowed to vote. He went into exile in Nigeria in March 1988 and then to the United Kingdom in 1995.

<b>Violations found:</b>	Article 9: Arbitrary detention Article 10: Dignity in detention Article 12: Freedom of movement Article 25: Public service
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**Remedy:**

“...the author is entitled to an effective remedy, including compensation and assurance of the enjoyment of his civil and political rights. The State party is also under an obligation to take measures to prevent similar violations in the future.”

**Follow-up:**

Cameroon’s submission of 19 June 2014 stated that around 60,980 euros was to be offered as compensation (no information on other reparative measures).<sup>18</sup> Follow-up dialogue ongoing as at 5 September 2014.<sup>19</sup>

**Latest HRC follow up report (30 May 2017) says: “Follow-up dialogue ongoing”<sup>20</sup>**

<sup>18</sup> HRC, *Follow-up progress report on individual Communications*, 5 September 2014, CCPR/C/112/R/3, p. 7.

<sup>19</sup> Loc. cit.

<sup>20</sup> HRC, *Follow-up progress report on individual Communications*, 30 May 2017, CCPR/C/119/3, p. 39.

**Titiahonjo v Cameroon****Communication No. 1186/2003, U.N. Doc. CCPR/C/ 91/D/1186/2003****Views adopted: 26 October 2007****Summary of facts: Arbitrary detention; cruel, inhuman and degrading treatment; death; lack of effective remedy**

On 19 May 2000, police arrived at the author's house and beat Mr Titiahonjo (the author's husband). The author (heavily pregnant at the time) was mistreated, pushed and slapped. The police stole money. On 21 May 2000, police arbitrarily detained Mr Titiahonjo and he was beaten and deprived of food, and made to sleep naked on the floor. Some of the beatings were witnessed by the author. A gun the police had been searching for was found in the street, but Mr Titiahonjo continued to be held, supposedly because he was a member of a "secessionist organisation" (Southern Cameroon National Council). Author filed a complaint, the police failed to comply with an order that Mr Titiahonjo be released. He was transferred to a military prison and continued to suffer moral and psychological torture (not physical), including threats to kill his new twins. He was held in poor conditions. On 14 September 2000 he complained of a stomach ache, but was given no medical treatment. He died later that day. No-one was allowed to see the body.

**Violations found:**

Article 6: Right to life  
 Article 7: Cruel, inhuman and degrading treatment  
 Article 9: Arbitrary detention  
 Article 2: Effective remedy

**Remedy:**

"...the State party is under an obligation to provide the author with an effective remedy, including compensation and institution of criminal proceedings against all those responsible for the treatment of Mr. Titiahonjo upon arrest and in detention and his subsequent death, as well as against those responsible for the violation of article 7 suffered by the author herself. The State party is under an obligation to prevent similar violations in the future."

**Follow-up:**

Cameroon's submission of 19 June 2014 stated that "contacts have been initiated with a view to offering compensation to the author" (no information on other reparative measures).<sup>21</sup> Follow-up dialogue ongoing as at 5 September 2014.<sup>22</sup>

**Latest HRC follow up report (30 May 2017) says: "Follow-up dialogue ongoing"<sup>23</sup>**

<sup>21</sup> HRC, *Follow-up progress report on individual Communications*, 5 September 2014, CCPR/C/112/R/3, p. 8.

<sup>22</sup> Ibid.

<sup>23</sup> HRC, *Follow-up progress report on individual Communications*, 30 May 2017, CCPR/C/119/3, p. 39.

**Afuson Njaru v Cameroon**

**Communication No. 1353/2005, U.N. Doc. CCPR/C/89/D/1353/2005**

**Views adopted: 19 March 2007**

**Summary of facts: Torture by state agents, arbitrary detention, freedom of expression**

Author is well-known human rights activist/journalist. Since 1997, he was the subject of systemic acts of persecution by various agents of the state, including threats from police and military personnel, and assaults by police (one of which broke his jaw). He spent some time in hiding. He suffered a number of physical injuries, and resulting stress and depression.

<b>Violations found:</b>	Article 7: Torture Article 9: Arbitrary detention Article 19: freedom of expression
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**Remedy:**

“The State party is under an obligation to take effective measures to ensure that: (a) criminal proceedings are initiated seeking the prompt prosecution and conviction of the persons responsible for the author’s arrest and ill-treatment; (b) the author is protected from threats and/or intimidation from members of the security forces; and (c) he is granted effective reparation including full compensation. The State party is under an obligation to ensure that similar violations do not occur in the future.”

**Follow-up:**

Latest exchanges between Cameroon and the Committee are as follows:

Submission from Cameroon on 19 November 2013:<sup>24</sup>

*“The State party expressed regret at the author’s rejection of its previous compensation offer of 20,000,000 CFA francs. The State party recalled that the Committee’s recommendation was devoid of any specific calculation of the quantity, thereby expressly leaving it to the discretion of the Government of the State party.*

*The State party adds that, without seeking to contest the Committee’s Views, the decision was adopted on the basis of information provided by the author only, as the State party regrettably could not participate in the procedure. Accordingly, the compensation offer extended to the author does not imply an acknowledgment of the prejudice allegedly suffered by the author, but rather reflects the willingness of the Government to abide by its international obligations.*

*While sympathizing with the author, the State party’s Government, shaken by multiple economic and financial crisis, is not in a position to accede to his request for 500,000,000 CFAF which would, in any event, not soothe the health condition which he claims he suffers. The State party reiterates that it maintains its previous offer, of which the author can avail himself at any moment.”*

Submission from Author’s Counsel on 12 February 2014:<sup>25</sup>

*“The offer of 20,000,000 CFA (approximately 30,500 euros) as compensation proposed by the State party is insufficient. The author’s initial request of 500,000,000 CFA (approximately 760,000 euros) is maintained. Reasons of economic or financial nature cannot be invoked by States to circumvent their obligations under the Covenant. The mistreatment inflicted upon the author has resulted in acute long-term health problems, including severe pain in his left ear and left jaw, acute hearing difficulties, memory lapses, post-traumatic stress disorder, insomnia. His health condition continues to deteriorate.”*

A further submission from Cameroon on 19 June 2014:<sup>26</sup>

*“Investigations have proven to be very difficult to conduct because of the lapse of time; the fact that archived documents could not be retrieved; the lack of cooperation of the relevant individual.*

<sup>24</sup> HRC, *Report of the Human Rights Committee, Vol. 1 (2014)*, A/69/40, pp187-188.

<sup>25</sup> HRC, *Follow-up progress report on individual Communications*, 5 September 2014, CCPR/C/112/R/3, p. 8.

<sup>26</sup> *Ibid.*, p. 9.

*No information indicates that the author's security is threatened by members of the security forces. Such violations are prevented by the Constitution of Cameroon; article 122 of the Code of Penal Procedure of 2007 under which the suspect must immediately be informed of the charges retained against him, and which prohibits the use of physical and mental coercion and torture; and the Law No. 97/009 of 10.I.1997, which prohibits torture.*

*Regarding compensation, the proposal made to the author each year since 2010 to be awarded 20,000,000 CFA has been rejected. The State party is unable to accede to the author's original request, especially as the author's departure from Cameroon has made it impossible to undertake a medical counter expertise, which would be required.*

*The fact that the Committee did not indicate a quantum of compensation clearly suggests that the amount is left to the discretion of the State. Should the author decline its offer again, the case should be closed."*

A further submission was made by the author on 28 November 2014<sup>27</sup> (sent to Cameroon on 2 December 2014): *"The State party has failed to meet its obligation to promptly and effectively investigate, prosecute and convict those responsible for the violations and it is not implementing the Committee's Views. The author reiterates that he received threats and was subjected to acts of intimidation that were never investigated. The State party has failed to ensure that similar violations do not occur in the future. The compensation offered by the State party is not in accordance with the damages suffered. The author stresses that the State party should not have discretionary power to establish a monetary sum for compensation."*

**Latest HRC follow up report (30 May 2017) says: "Follow-up dialogue ongoing"<sup>28</sup>**

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<sup>27</sup> HRC, *Follow-up progress report on individual communications received and processed between June 2014 and January 2015*, 29 June 2015, CCPR/C/113/3, p. 8.

<sup>28</sup> HRC, *Follow-up progress report on individual Communications*, 30 May 2017, CCPR/C/119/3, p. 39.

**Engo v Cameroon****Communication No. 1397/2005, U.N. Doc. CCPR/C/96/D/1397/2005****Views adopted: 22 July 2009****Summary of facts: Arbitrary detention and lack of due process**

The author was MD of Cameroon's nation social security fund (CNPS) until 3 September 1999 when he was arrested. He has been detained since then. He had previously been accused in various legal actions of offences such as misappropriation of public funds and forgery (found guilty in one case in June 2006 and sentenced to 15 years). He contends that he was arrested without a warrant and was arbitrarily detained in poor conditions, and without being informed of the charges against him in the various cases. His state of health deteriorated. He developed glaucoma. He wasn't allowed medical treatment in the first two years of his detention. Serious delays in the court proceedings whilst he was detained.

<b>Violations found:</b>	Article 9: Arbitrary detention Article 10: Dignity in detention Article 14: Due process in courts
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**Remedy:**

"...the State party has an obligation to provide the author with an effective remedy leading to his immediate release and the provision of adequate ophthalmological treatment. The State party is also under an obligation to prevent similar violations in the future."

**Follow-up:**

Most recent exchanges are as follows:

Cameroon submission of 19 June 2014<sup>29</sup>:

*"The author could not be released after having served his 10 year-prison sentence because of five other judicial procedures pending against him, and because he could abscond. Accordingly, the first part of the remedy cannot be implemented. The author was provided access to an ophthalmologist, as well as to external medical visits. His overall health condition is deemed satisfactory. He receives regular visits, and is allowed to consult legal counsels."*

Author's Counsel made further submission 20 September 2015:<sup>30</sup>

*"The author's Counsel submits that Cameroon failed to provide an effective remedy, or to release Mr. Engo from detention. The State party has not provided any reason for its contempt of the Committee's Views. According to the author's counsel, this requires appropriate financial compensation and orders bringing the state of impunity to an end."*

**Latest HRC follow up report (30 May 2017) says: "Follow-up dialogue ongoing"<sup>31</sup>**

<sup>29</sup> HRC, *Follow-up progress report on individual Communications*, 5 September 2014, CCPR/C/112/R/3, p. 9.

<sup>30</sup> HRC, *Follow-up progress report on individual Communications adopted by the Committee at its 116th session (7-31 March 2016)*, 5 August 2016, CCPR/C/116/3, p. 6.

<sup>31</sup> HRC, *Follow-up progress report on individual Communications*, 30 May 2017, CCPR/C/119/3, p. 39.

**Akwanga v Cameroon****Communication No. 1813/2008, U.N. Doc. CCPR/C/101/D/1813/2008****Views adopted: 22 March 2011****Summary of facts: Torture and ill-treatment in detention; unfair trial**

Author was activist and leader of Southern Cameroons Youth League. On 24 March 1997, he was shot at, arbitrarily detained and beaten. He was tortured in detention over 3 months, then moved to another location where treatment less severe, but he became very ill and was hospitalised and diagnosed as having trauma and partial paralysis. After a month he was returned to prison where he was held *incommunicado* for 18 months. In April 1999 he was forced to sign court papers, tried on unclear charges and sentenced to 20 years in prison. In 2003, whilst hospitalised, he escaped to Nigeria, where he was also hospitalised. In Feb 2006, he was granted refugee status in the US. He continued to suffer the psychological impacts of torture.

<b>Violations found:</b>	Article 7: Torture Article 10: Dignity in detention Article 9: Arbitrary detention Article 14: Due process
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**Remedy:**

“...the State party is under an obligation to provide the author with an effective remedy, which should include a review of his conviction with the guarantees enshrined in the Covenant, an investigation of the alleged events and prosecution of the persons responsible, as well as adequate reparation, including compensation. The State party is under an obligation to avoid similar violations in the future.”

**Follow-up:**

Latest position summarised in the following exchanges:

Cameroon submission 19 June 2014:<sup>32</sup>

*“The State party is willing to implement the Committee’s recommendation. New proceedings can be initiated as soon as the author appeals the judgement which sentenced him to 20 years imprisonment. If the author’s leave to appeal is granted, a full re-examination of the case will be conducted.*

*An investigation will be undertaken once the author files a complaint for torture and ill-treatment. This procedure requires the physical presence of the author for cross-examination purposes. The author has escaped from prison, and an arrest warrant was issued against him. The above mentioned procedures will only be opened once the arrest warrant against him is executed. Compensation may also be awarded, based on available resources and the results of the investigations.”*

Author’s Counsel submission 31 July 2014 (sent to state on 14 October 2014):<sup>33</sup>

*“The State party is not implementing the Committee’s Views in good faith. The State party has replied to the counsel’s follow-up communication over a year after the supposed deadline, demonstrating a lack of interest in taking steps to implement the Committee’s recommendations. The State party has not dealt with the compensation claim. The obligation to provide compensation is not related to the outcome of the investigation and a proper remedy must be provided promptly and simultaneously with all the other measures. The State party has not started a proper criminal investigation. Furthermore, it has requested the physical presence of the author, against whom an international arrest warrant is in force, in the country with the aim of arresting him and without considering the risk of harassment to which he could be exposed.”*

**Latest HRC follow up report (30 May 2017) says: “Follow-up dialogue ongoing”<sup>34</sup>**

<sup>32</sup> HRC, *Follow-up progress report on individual Communications*, 5 September 2014, CCPR/C/112/R/3, p. 10.

<sup>33</sup> HRC, *Follow-up progress report on individual communications received and processed between June 2014 and January 2015*, 29 June 2015, CCPR/C/113/3, p. 8.

<sup>34</sup> HRC, *Follow-up progress report on individual Communications*, 30 May 2017, CCPR/C/119/3, p. 39.

**Monika v Cameroon****Communication No. 1965/2010, U.N. Doc. CCPR/C/112/D/1965/2010****Views adopted: 21 October 2014****Summary of facts: Assault by a government representative, not followed by investigation or prosecution**

The author was a contractor and businessman, a creditor to a local council, and the manager of a tourist resort. On 29 August 2002, he met with a Government delegate heading the local council to demand payment of a debt, during which council officers attacked and beat the author, and held him by throat and mouth almost to the point of suffocation. Personal items were taken away. He was wrongly accused of trying to set fire to the council office. He was hospitalised, where he was further threatened and a doctor was pressurised into withdrawing a medical certificate. He was further assaulted on 25 October 2002 by municipal police and others. Then he was arbitrarily arrested/detained, released and then re-arrested the same day. A case against him for disturbance of a public office failed at hearing, and none of his complaints about his treatment were considered substantively.

**Violations found:** Article 7: Cruel, inhuman and degrading treatment  
Article 2: Effective remedy

**Remedy:**

“...the State party is under an obligation to provide the author with an effective remedy, including by ensuring a swift conclusion of the judicial proceedings, which should include a thorough investigation of the author’s allegations, the prosecution of perpetrators, and adequate compensation to the author. The State party is also under an obligation to take steps to prevent similar violations in the future.”

**Follow-up:****None recorded as at May 2017<sup>35</sup>**

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<sup>35</sup> Ibid.