

HUMAN RIGHTS COMMITTEE

Mazou v. Cameroon

Communication No. 630/1995

6 July 1998

CCPR/C/63/D/630/1995*

ADMISSIBILITY

Submitted by: Abdoulaye Mazou

Alleged victim: The author

State party: Cameroon

Date of communication: 31 October 1994

Date of present decision: 6 July 1998

The Human Rights Committee, acting through its Working Group pursuant to rule 87, paragraph 2, of the Committee's rules of procedure, adopts the following decision on admissibility.

Decision on admissibility

1. The author of the communication is Abdoulaye Mazou, a citizen of Cameroon, currently domiciled in Yaoundé, Cameroon. He claims to be a victim of a violation by Cameroon of article 2, paragraph 3, 14, paragraph 1, and 25 (c), of the International Covenant on Civil and Political Rights. The Covenant and the Optional Protocol entered into force for Cameroon on 27 September 1984.

Facts as presented by the author

2.1 After an attempted coup d'Etat in Cameroon in April 1984, the author was arrested on 16 April 1984. He was charged with having harboured his brother, who was being searched for by the police for having participated in the Coup d'Etat. The author was found guilty and sentenced by the military tribunal of Yaoundé to five years' imprisonment. According to the author, the charges against him were false and no evidence was presented to the Court, nor were witnesses called. The trial took place in camera. 1/

2.2 During the author's detention, on 2 June 1987, the President of the Republic signed a decree (no. 87/747) dismissing the author from his functions as Secretary General of the Ministry of National Education and President of the Administrative Council of the National Sports Office. No reasons were given for the decree and according to the author, it was in violation of article 133 of the Staff Rules of the Public Service (Statut de la Fonction Publique).

2.3 On 23 April 1990, the author was released from imprisonment. His freedom of movement was restricted to the area of his home town Yagoua in the far North of Cameroon. Only at the end of April 1991, following the issuing of amnesty law no. 91/002 of 23 April 1991, were the restrictions lifted. However, the presidential decree of 18 June 1987 is still in force, and the author has not been reinstated in his functions.

2.4 On 12 June 1991, the author requested the President of the Republic to be reintegrated into the public service. On 18 July 1991, he petitioned the Minister of Justice to have the presidential decree of 2 June 1987 repealed. Since he received no reply, on 9 September 1991, he filed a suit with the Administrative Chamber of the Supreme Court of Cameroon, in order to obtain an order that the decree is unlawful and therefore to be annulled. According to the author, although the constant jurisprudence of the Supreme Court is to repeal such decrees, his case had still not been decided.

2.5 On 4 May 1992, decrees Nos. 92/091 and 92/092 were published, regulating the modalities of reintegration and compensation of those who benefited from the amnesty.

2.6 On 13 May 1992, the author requested the Minister of Justice to be reinstated in his functions. Pursuant to decree No. 92/091, his request was referred to the Committee on Follow-Up of the Reintegration in Public Employment. On 12 May 1993, this Committee advised in favour of the author's reintegration. According to the author, however, this advice has been ignored by the Minister.

2.7 On 22 September 1992, the author initiated proceedings before the Administrative Chamber of the Supreme Court against decrees Nos. 92/091 and 92/092. According to the author the decrees obstruct the full application of the Amnesty Law of 23 April 1991, which in his opinion requires automatic reintegration. This case is also still pending.

2.8 The author states that he had been without work since his release from prison. He claims to have been victimized because of his opinions and because of his ethnic background. He further submits that others who benefited from the amnesty law have been reintegrated in their functions.

2.9 The author states that, in view of the silence of the juridical and political authorities, he has no domestic remedies left which he could pursue.

The complaint

3. The author claims that the above constitutes a violation of article 2, paragraph 3, 14, paragraph 1, and 25 (c) of the Covenant. He requests the Committee to order the State party to reinstate him in the public service with retroactive effect and to pay him compensation for the damages suffered.

State party's observations

4. By note of 13 May 1997, the State party informs the Committee that the Administrative Chamber of the Supreme Court, by decision of 30 January 1997, has annulled decree No. 87/747 (which dismissed the author from his functions). 2/

Issues and proceedings before the Committee

5.1 Before considering any claim contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant

5.2 The Committee notes that the State party has not challenged the admissibility of the communication, but has provided information that the Supreme Court has annulled the decree ordering the author's dismissal. No information has been provided however, on whether the author has been reinstated in his post, and if so, under what conditions, or if not, for what reasons. The Committee considers therefore, that the communication should be examined on its merits.

7. The Human Rights Committee therefore decides:

(a) that the communication is admissible;

(b) that, in accordance with article 4, paragraph 2, of the Optional Protocol, the State party shall be requested to submit to the Committee, within six months of the date of transmittal to it of this decision, written explanations or statements clarifying the matter and the measures, if any, that may have been taken by it;

(c) that any explanations or statements received from the State party shall be communicated by the Secretary-General under rule 93, paragraph 3, of the rules of procedure to the author, with the request that any comments which he may wish to make should reach the Human Rights Committee, in care of the Office of the High Commissioner for Human Rights, United Nations Office at Geneva, within six weeks of the date of the transmittal;

(d) that this decision shall be communicated to the State party and to the author.

*/ All persons handling this document are requested to respect and observe its confidential nature.

1/ Secretariat's note: the author does not transmit any documents pertaining to the criminal trial against him. His claim concentrates on the failure to reinstate him in his functions.

2/ It is not clear from the State party's note what the practical effects of the Court's judgement are, and, in particular, whether the author has been reinstated in his post.