

CAMEROON

Follow-up - Jurisprudence Action by Treaty Bodies

CCPR A/51/40, vol. I (1996)

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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429. A country-by-country breakdown of follow-up replies received or requested and outstanding as at 26 July 1996 provides the following picture:

...

Cameroon: One decision finding violations; no follow-up reply received, in spite of reminder addressed to the State party on 28 June 1995. Follow-up consultations with the Permanent Mission of Cameroon to be conducted during the fifty-eighth session.

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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524. A country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997 provides the following picture (Views in which the deadline for receipt of follow-up information had not yet expired have not been included):

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Cameroon: One decision finding violations: 458/1991 - Mukong (1994 Report);^{9/} State party follow-up reply remains outstanding. Follow-up consultations with the Permanent Mission of Cameroon were held during the sixtieth session (see below, para. 532).

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Overview of follow-up replies received and of the Special Rapporteur's follow-up consultations during the reporting period

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532. Cameroon: On 16 July 1997 the Special Rapporteur met with the Permanent Representative of Cameroon to discuss the State party's failure, until mid-1997, to implement the Committee's recommendations in the Views on case No. 458/1991 (Mukong), adopted in July 1994. He explained both the Optional Protocol and the follow-up procedure and insisted that the State party was under an obligation to provide the author with some remedy. The Permanent Representative expressed surprise at the Committee's findings on articles 7 and 9, paragraph 1, of the Covenant in the author's case and suggested that the State party might not have been given sufficient opportunity to refute the author's allegations. The Special Rapporteur pointed out that the State party was given full opportunity to provide its observations and, in fact, did make two submissions, and that the Committee adopted its Views after full consideration of all the material. The State party had, by ratifying the Optional Protocol, undertaken to implement the Committee's Views; therefore, the Views expressed by the Committee were binding on the State party. The Permanent Representative stated that he would convey the Committee's concern to the State party authorities but further indicated that the State party should have some margin of discretion in deciding not only on the amount of compensation to be given to the author, but also on the principle of compensation. Even if compensation were to be paid to the author on an ex gratia basis, that would not necessarily imply an admission of responsibility on the part of the State party.

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^{9/} Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40).

Concern over instances of non-cooperation under the follow-up mandate

554. In spite of some progress in collecting follow-up information since the adoption of its 1996 Report, the Committee and the Special Rapporteur note with concern that a number of countries did not provide any follow-up information within the deadlines established by the Committee or have not replied to reminders or requests for information from the Special Rapporteur. Those States which have not replied to requests for follow-up information are the following (in alphabetical order):

Cameroon: one case

555. The Committee urges those States parties to reply to the Special Rapporteur's requests for follow-up information within the deadlines that have been set.

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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486. The Committee's previous report (A/52/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the previous report. This is because the resources available for the Committee's work were considerably reduced in the current year, preventing it from undertaking a comprehensive systematic follow-up programme.

...

Cameroon: One decision finding violations: 458/1991 - Mukong (1994 Report (A/49/40)); State party follow-up reply remains outstanding; see 1997 Report (A/52/40), paras. 524 and 532.

Concern over the follow-up mandate

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510. The Committee again expresses its regret that its recommendations, formulated in its 1995, 1996 and 1997 Reports, to the effect that at least one follow-up mission per year be budgeted by the Office of the United Nations High Commissioner for Human Rights, have still not been implemented. Similarly, the Committee considers that staff resources to service the follow-up mandate remain inadequate, despite the Committee's repeated requests, and that this prevents the proper and timely conduct of follow-up activities, including follow-up missions. In this context, the Committee expresses serious concern that, because of the lack of staff, no follow-up consultations could be organized during its sixty-second session or at its sixty-third session. It is for this reason that the Committee is unable to include in the present report a complete list of States which have failed to cooperate under the follow-up procedure. States listed in the previous year's report for which replies are still outstanding are: Cameroon, Democratic Republic of the Congo, Equatorial Guinea, Jamaica, Libyan Arab Jamahiriya, Madagascar, Nicaragua, Toto, Uruguay and Zambia.

VII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

461. The Committee's previous report (A/53/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1998. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the resources available for the Committee's work have been considerably reduced preventing it from undertaking a comprehensive systematic follow-up programme.

...

Cameroon: One decision finding violations: 458/1991 -Mukong (A/49/40); State party follow-up reply remains outstanding. See A/52/40, paras. 524, 532.

VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

...

596. The Committee's previous report (A/54/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1999. The list that follows shows the additional cases in respect of which follow-up information has been requested from States. (Views in which the deadline for receipt of follow-up information had not yet expired have not been included.) It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the limited resources available for the Committee's work prevent it from undertaking a comprehensive or systematic follow-up programme.

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Cameroon: One decision finding violations: 458/1991 - Mukong (A/49/40); State party follow-up reply remains outstanding. See A/52/40, paras. 524 and 532.

Chapter IV. Follow-up Activities under the Optional Protocol

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180. The Committee's previous annual report (A/55/40, vol. I, chap. VI) contained a detailed country-by-country survey on follow-up replies received or requested and outstanding as of 30 June 2000. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not take into account the Committee's Views adopted during the seventy-second session, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

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Cameroon: Views in one case finding violations: 458/1991 - Mukong (A/49/40); follow-up reply remains outstanding. See A/52/40, paragraphs 524, 532.

Chapter VI. Follow-up activities under the optional protocol

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228. The previous annual report of the Committee (A/56/40, vol. I, chap. VI) contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2001. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-fourth and seventy-fifth sessions, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

...

Cameroon: Views in two cases with findings of violations:

458/1991 - Mukong (A/49/40); follow-up reply remains outstanding. See A/52/40, paragraphs 524, 532;

630/1995 - Mazou (A/56/40); for follow-up reply, see paragraph [235] below.

...

229. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the seventy-fourth session of the Committee (CCPR/C/74/R.7/Rev.1, dated 28 March 2002), discussed in public session at the Committee's 2009th meeting on 4 April 2002 (CCPR/C/SR.2009). Reference is also made to the Committee's previous reports, in particular A/56/40, paragraphs 182 to 200.

Overview of follow-up replies received during the reporting period, Special Rapporteur's follow-up consultations and other developments

230. The Committee welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties which have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results. The follow-up replies received during the period under review and other developments are summarized below.

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235. Cameroon: With regard to case No. 630/1995 - Mazou (A/56/40), the State party

informed the Committee by a note verbale of 5 April 2002 that the author had been reintegrated into the judicial corps, and that his career is following its normal course. The State party noted, however, that there is no right to “reconstitution” of the author’s career. It was open to the author to apply to the relevant administrative authority to this end, but to date he had not done so.

As such, this element of the author’s claim should be considered inadmissible. In any event, grade advancement is not automatic and depends on a variety of individual factors including budgetary resources. Moreover, the author had not made an application to the Ministry of Justice for advancement as was open to him. The State party undertook to guard against a future recurrence of delays in handling similar claims.

...

CHAPTER VI. Follow-up activities under the Optional Protocol

...

223. The previous annual report of the Committee¹ contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2002. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-seventh and seventy-eighth sessions, for which follow-up replies are not yet due in the majority of cases.

In many cases there has been no change since the previous report.*

...

Cameroon: Views in two cases with findings of violations:

458/1991 - *Mukong* (A/49/40); follow-up reply remains outstanding. See A/52/40, paragraphs 524 and 532;

630/1995 - *Mazou* (A/56/40); for follow-up reply, see A/57/40, paragraph 235.

Notes

1. [*Official Records of the General Assembly*], *Fifty-seventh Session, Supplement No. 40(A/57/40)*, vol. I, chap. VI.

* The document symbol A/[Session No.] /40 refers to the *Official Record of the General Assembly* in which the case appears; annex VI refers to the present report, vol. II.

CCPR CCPR/C/80/FU/1 (2004)

Follow-Up Progress Report submitted by The Special Rapporteur for Follow-Up on Views

Follow-up progress report

1. The current report updates the previous Follow-up Progress Report, (CCPR/C/71/R.13) [*Ed. Note: CCPR/C/71/R.13 is not publicly available*] which focused on cases in which, by the end of February 2001, no or only incomplete follow-up information had been received from States parties, or where follow-up information challenged the findings and recommendations of the Committee. In an effort to reduce the size of the follow-up report, this current report only reflects cases in which information was received from either the author or the State party from 1 March 2001 to 2 April 2004. It is the intention of the Special Rapporteur to update this report on an annual basis.

...

CAMEROON:

Mazou v. Cameroon, Case no. 630/1995, Views adopted on 26 July 2001

Violations found: Articles 25(c) and 2.

Issues of case: Unfair dismissal from public service; undue delay.

Remedy recommended: To reinstate the author in his career, with all the attendant consequences under Cameroonian law.

Deadline for State party follow-up information: 1 November 2001

Follow-up information received from State party: By a note verbale of 5 April 2002, the State party informed the Committee that the author had been reintegrated into the judicial corps, and that his career is following its normal course. The State party noted, however, that there is no right to "reconstitution" of the author's career. It was open to the author to apply to the relevant administrative authority to this end, but to date he had not done so. As such, this element of the author's claim should be considered inadmissible. In any event, grade advancement is not automatic and depends on a variety of individual factors including budgetary resources. Moreover, the author had not made an application to the Ministry of Justice for advancement as was open to him. The State party undertook to guard against a future recurrence of delays in handling similar claims.

Follow-up information received from author: None

Special Rapporteur's recommendations: No further consideration under the follow-up procedure required, as the State party has complied with the Views.

CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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230. The previous annual report of the Committee¹ contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2003. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the eightieth and eighty-first sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.*

...

Cameroon: Views in two cases with findings of violations:

458/1991 - *Mukong* (A/49/40); follow-up reply remains outstanding.
See A/52/40, paragraphs 524 and 532;

630/1995 - *Mazou* (A/56/40); for follow-up reply, see A/57/40, paragraph 235. In the follow-up report (CCPR/C/80/FU1), adopted by the Committee during its eightieth session, the Special Rapporteur recommended that this case should not be considered further under the follow-up procedure as the State party had complied with the Views.

Notes

¹/ Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I, chap. VI.

* The document symbol A/[session No.]/40 refers to the *Official Records of the General Assembly* in which the case appears; annex IX refers to the present report, volume II.

CCPR, A/60/40 vol. I (2005)

CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

224. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for the follow-up on Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

225. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights. A total of 391 Views out of the 503 Views adopted since 1979 concluded that there had been a violation of the Covenant.

228. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party has in fact given effect to the Committee's recommendations, even though the State party did not itself provide that information.

229. The present annual report adopts a different format for the presentation of follow-up information compared to previous annual reports. The table below displays a complete picture of follow-up replies from States parties received as of 28 July 2005, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of complying with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

230. Follow-up information provided by States parties and by petitioners or their representatives since the last annual report is set out in a new annex VII, contained in Volume II of the present annual report. This, more detailed, follow-up information also indicates action still outstanding in those cases that remain under review.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location ^a	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response	Follow-up dialogue ongoing
...						
Cameroon (3)	458/1991, <i>Mukong</i> A/49/40				X A/52/40	X
	630/1995, <i>Mazou</i> A/56/40	X A/57/40	X A/59/40			
	1134/2002, <i>Gorji-Dinka</i> A/60/40				X	X

^a The location refers to the document symbol of the *Official Records of the General Assembly, Supplement No. 40*, which is the annual report of the Committee to the respective sessions of the Assembly.

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CHAPTER VI FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

227. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

228. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

229. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

230. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

231. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

232. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2006, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and

the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

233. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/60/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response received	Follow-up dialogue ongoing
...						
Cameroon (3)	458/1991, <i>Mukong</i> A/49/40				X A/52/40	X
	630/1995, <i>Mazou</i> A/56/40	X A/57/40	X A/59/40			
	1134/2002, <i>Gorji-Dinka</i> A/60/40				X	X
...						

...

CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

213. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

214. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 452 Views out of the 570 Views adopted since 1979 concluded that there had been a violation of the Covenant.

215. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

216. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

217. In many cases, the Committee secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

218. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2007, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up

replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

219. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/61/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

<i>State party and number of cases with violation</i>	<i>Communication number, author and location</i>	<i>Follow-up response received from State party and location</i>	<i>Satisfactory response</i>	<i>Unsatisfactory response</i>	<i>No follow-up response received</i>	<i>Follow-up dialogue ongoing</i>
...						
Cameroon (4)	458/1991, <i>Mukong</i> A/49/40				X A/52/40	X
	630/1995, <i>Mazou</i> A/56/40	X A/57/40	X A/59/40			
	1134/2002, <i>Gorji-Dinka</i> A/60/40				X	X
	1353/2005, <i>Afuson</i> A/62/40	Not yet due				
...						

CCPR, CCPR/C/SR.2533 (2008)

Human Rights Committee
Ninety-second session

Summary record of the 2533rd meeting
Held at Headquarters, New York,
on Wednesday, 2 April 2008, at 11 a.m.

...

Progress report of the Special Rapporteur for follow-up on Views (CCPR/C/92/R.5)

34. Mr. Shearer (Special Rapporteur for follow-up on Views) introduced his progress report (CCPR/C/92/R.5), which compiled information received since the ninety-first session of the Committee.

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37. Ms. Chanet, referring to the case of *Gorji-Ginka Fongum v. Cameroon* (Communication No. 1134/2002), said that the second sentence of the section referring to the author's response was out of place and suggested that it should be deleted.

38. Mr. Shearer said he agreed with Ms. Chanet's proposed change.

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42. *The recommendations contained in the progress report of the Special Rapporteur for follow-up on Views, as amended, were approved.*

The meeting rose at 1.05 p.m.

VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

187. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

188. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

189. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

190. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

191. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

192. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2008, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special

Rapporteur for follow-up to Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

193. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/62/40) is set out in annex VII to volume II of the present annual report.

...						
Cameroon (5)	458/1991, <i>Mukong</i> A/49/40				X A/52/40	X
	630/1995, <i>Mazou</i> A/56/40	X A/57/40	X A/59/40			
	1134/2002, <i>Gorji-Dinka</i> A/60/40				X	X
	1186/2003, <i>Titiahongo</i> A/63/40				X	
	1353/2005, <i>Afuson</i> A/62/40				X	
...						

Annex VII

FOLLOW UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/62/40).

...

<i>State party</i>	<i>CAMEROON</i>
<i>Case</i>	<i>Gorji-Ginka Fongum, 1134/2002</i>
<i>Views adopted on</i>	17 March 2005
<i>Issues and violations found</i>	Conditions of detention, unlawful and arbitrary arrest, right to liberty of movement, right to vote and to be elected - articles 9, paragraph 1, 10, paragraphs 1 and 2 (a), 12, paragraph 1, and 25 (b).
<i>Remedy recommended</i>	An effective remedy, including compensation and assurance of the enjoyment of his civil and political rights.
<i>Due date for State party response</i>	18 July 2005
<i>State party response</i>	None
<i>Author's response</i>	On 29 February 2008, the author informed the Committee that the State party had made no effort to implement its decision and requested to know what steps the Committee would take to encourage the State party to meet its commitments.
<i>Committee's Decision</i>	The Committee considers the dialogue ongoing.

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VI. FOLLOW UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

230. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Ms. Ruth Wedgwood has been the Special Rapporteur since July 2009 (ninety-sixth session).

231. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 543 Views out of the 681 Views adopted since 1979 concluded that there had been a violation of the Covenant.

232. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

233. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

234. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

235. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to the ninety-sixth session (13-31 July 2009), in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

236. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/63/40) is set out in annex IX to volume II of the present annual report.

...						
Cameroon (6)	458/1991, <i>Mukong</i> A/49/40				X A/52/40	X
	630/1995, <i>Mazou</i> A/56/40	X A/57/40	X A/59/40			
	1134/2002, <i>Gorji-Dinka</i> A/60/40				X	X
	1186/2003, <i>Titiahongo</i> A/63/40				X	
	1353/2005, <i>Afuson</i> A/62/40				X	
	1397/2005, <i>Engo</i> A/64/40	Not yet due				
...						

CCPR, CCPR/C/SR.2712 (2010)

Human Rights Committee
Ninety-eighth session

Summary record (partial) of the 2712th meeting
Held at Headquarters, New York,
on Thursday 25 March 2010, at 3pm

...

Follow-up on views under the Optional Protocol

...

2. **Ms. Wedgwood**, speaking as Special Rapporteur for follow-up on Views under the Optional Protocol, introduced the follow-up progress report, which included information received since the Committee's 97th session.

3. Referring to case No. 1297/2004 (**Medjnoune v. Algeria**), she recommended that the Committee should persuade the State party, itself an outspoken member of the Human Rights Council, to give an indication of when the author would be tried. In cases No. 1178/2003 and 1553/2007 involving Belarus, which disputed the Committee's findings and therefore refused to implement its Views, a meeting with State party representatives would be productive. With respect to case No. 1353/2005 (**Afuson v. Cameroon**), the State party had claimed that it had attempted to provide a remedy but had been unable to reach the author. The Committee might therefore consider supplying the State party with the author's e-mail address, as long as doing so did not endanger the author. Turning to case No. 1134/2002 (**Gorji-Dinka v. Cameroon**), she noted that the State party, after failing to respond to the Committee's three requests for information while preparing its Views, now wished to submit information. She recommended that the Committee should enquire as to what information country representatives wished to contribute, while also reminding them of States parties' obligations under the Optional Protocol.

...

17. *The recommendations contained in the follow-up progress report of the Committee on individual communications were approved.*

The discussion covered in the summary record ended at 3.40 p.m.

CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

...

Follow-up to concluding observations on State reports and to Views under the Optional Protocol

...

Follow-up progress report on individual communications (CCPR/C/99/R.3)

74. **Mr. Iwasawa** introduced the progress report on individual communications on behalf of Ms. Wedgwood, Special Rapporteur for Follow-up on Views, who was absent.

75. The first case, No. 1,353/2005, concerning Cameroon raised issues of physical and mental torture, arbitrary detention, freedom of expression, security of the person and the right to a remedy. According to the State party's response to the Committee's Views, received in December 2009, arrangements had been made to compensate the author but the State party had been unable to contact him. The author had informed the Committee in February 2010 that he had received no redress. Fearing for his safety, he had gone into exile. The Ministry of Foreign Affairs had informed him by e-mail that an inter-ministerial committee meeting had recommended that the committee should arrange a meeting with him. The meeting had never come about because he was in exile.

76. In April 2010, the author had provided further information, stating that he had received a letter from the Minister for Foreign Affairs informing him of a meeting of the Ministries of Justice, Territorial Administration and Decentralization, Finance and Foreign Affairs and the General Delegation for National Security, which had agreed to propose compensation of approximately 56,000 United States dollars. The author had requested compensation of 930,000 dollars, coverage of the cost of his medical treatment abroad, prosecution of the perpetrators and action by the State party to ensure his security. The State party had shown no inclination to initiate criminal proceedings. The author's submission had been sent to the State party. The Special Rapporteur proposed that the Committee should consider that the dialogue was ongoing.

77. *It was so decided.*

...

102. *The follow-up progress report on individual communications as a whole, as amended, was approved.*

The meeting rose at 1 p.m.

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...

Chapter VI. Follow-up on individual communications under the Optional Protocol

202. The present chapter sets out all information provided by States parties and authors or their counsel since the last annual report (A/64/40).

...

<i>State party</i>	<i>Cameroon</i>
<i>Case</i>	<i>Afuson Njaru, 1353/2005</i>
<i>Views adopted on</i>	19 March 2007
<i>Issues and violations found</i>	Physical and mental torture; arbitrary detention; freedom of expression; security of the person and right to a remedy - articles 7; 9, paragraphs 1 and 2; and 19, paragraph 2, in conjunction with article 2, paragraph 3 of the Covenant.
<i>Remedy recommended</i>	Should 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.
<i>Due date for State party response</i>	3 March 2007
<i>Date of State party response</i>	16 December 2009
<i>State party response</i>	On 16 December 2009, the State party reported that arrangements had been made to compensate the author, but despite efforts made, they had not been able to contact him. No further details were provided.
<i>Author's comments</i>	On 25 February 2010, the author informed the Committee that

the State party had failed to effectively implement the Views. Despite

an initiative taken by the National Commission on Human Rights and Freedoms (NCHRF), the author had not been provided any reparation. On 29 August 2008, he met with a member of the Ministry of Foreign Affairs, after which he sent her a proposal for the purpose of resolving his case. Meanwhile, out of fear for his safety, the author went into exile in 2008 and was subsequently granted political asylum in a European country. Since his arrival he had had contact by e-mail with the same member of the Ministry, who informed him, on 27 April 2009, that there had been “a series” of inter-ministerial meetings concerning his case, the last of which recommended that, “the Committee should meet with [the author] as soon as possible, that is in May [2009]”. It was unclear, according to the author, which Committee was being referred to but given that he was not in the country at the time he would not have been able to attend. He never received any reply to requests for clarification. He requested inter alia a meeting to be arranged with the Special Rapporteur for follow-up on Views and the representatives of the State party to ensure prompt and effective implementation.

On 24 April 2010, the author provided the following new information. He stated that he had received a letter from the Minister of External Relations of the State party on 14 February 2010 in his European country of exile. According to this letter, a Commission composed of the Ministries of Justice, Territorial Administration and Decentralization, Finance, External Relations and the General Delegations of Police had held a meeting on 17 February 2009. After deliberations, the Commission “proposed [to the author] the maximum sum of 30.000.000 FCFA (approx. 56,000 USD) as all the damages incurred on your person in order to come out with a final conclusion that will put an end to this file”.

According to the author, the decision to grant him compensation is a positive sign of the State party’s willingness to resolve the case. Nevertheless, such a proposition is not in accordance with the damages suffered by the author, given that he is still undergoing medical treatment, is suffering severe pain in his left ear and acute hearing difficulties, as well as pain in his left jaw, memory lapses and insomnia due to post traumatic stress

disorder. For these reasons, inter alia, the author recalls that the State party is under an obligation to grant him effective reparation including full compensation for the injuries suffered. The State

party was already informed in 2008 that he requests: that he be granted 500.000.000 CFA francs (US\$ 930,000) for the general and special damages he suffered because of the violations of his human rights; that the State party pay for his medical treatment abroad; that the perpetrators be tried in court and punished according to the law; that all other threats against him by officials be promptly investigated and perpetrators be tried in court; and that the State party ensure his security.

He submits that there is clearly no indication of the State party's intention to initiate criminal proceedings seeking the prompt investigation, prosecution and conviction of the perpetrators, and to protect the author from threats and/or intimidation from members of the security forces. Even since the adoption of the Committee's Views in 2007, the author claims that the State party has failed to protect him from threats and/or intimidation from members of the security forces. For instance, from 2004 until 2007, he lodged more than 10 complaints against police officers following arbitrary arrests, detention, ill-treatment and after having received death threats from security forces several times. To illustrate the persecution to which he has been subjected, the author cites a number of examples of violations of his human rights which took place in 2005, all of which were reported to the judiciary, yet no investigations have been carried out and the perpetrators still enjoy impunity.

Committee's Decision

The Committee considers the dialogue ongoing.

Case

Gorji-Dinka, 1134/2002

Views adopted on

17 March 2005

Issues and violations found

Right to vote and be elected; liberty of movement; arbitrary detention; inhuman treatment: segregation from convicted persons - articles 9, paragraph 1; 10, paragraphs 1 and 2 (a); 12, paragraph 1; and 25 (b) of the Covenant.

Remedy recommended An effective remedy, including compensation and assurance of the enjoyment of his civil and political rights.

Due date for State party response 18 July 2005

Date of State party response 16 December 2009

State party response The State party submits that the Committee's Views were made without having received any information from the State party and thus based solely on information provided by the author. It acknowledges that it did not respond to the three reminders for information from the Secretariat without providing any explanation why.

Author's comments None

Committee's Decision The Committee considers the dialogue ongoing.

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