



Human Rights Implementation Law Project (HRLIP)
Case template for decisions adopted by the UN and Regional Human Rights Bodies
involving Burkina Faso, Cameroon and Zambia

| Communication details | Recommendations on reparations | Known status of implementation | Contextual aspects |
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| African Court Judgments | | | |
| Beneficiaries of Late Norbert Zongo, Abdoulaye Nikiema Alias Ablasse, Ernest Zongo and Blaise | The State is to pay compensation of 25 million CFA Francs to each of the spouses, 15 million CFA Francs to each of the sons and 10 million CFA Francs to | In its Activity Report for 2016 the African Court stated that ‘The Counsel for the Applicants, by email of 26 May, 2016, informed the Court that Burkina Faso has: (i) paid the Applicants the sum of 233,135,409 (two hundred and thirty three million one hundred and thirty five thousand four hundred and nine) CFA francs, | Between 2013 and 14 mass demonstrations take place against perceived plans for President Compaore to extend his rule, leading to his resignation. After the popular uprising, a transition government led by Michel Kafando ³ as a transitional civilian president ⁴ |

³ A retired diplomat, who served for several years as head of Burkina Faso permanent mission to the UN.

⁴ A. Klasa ‘Burkina Faso agrees to transitional government after president’s ouster’ (2014) available at: <<http://www.thisisafricaonline.com/Analysis/Burkina-Faso-agrees-to-transitional-government-after-president-s-ouster?ct=true>> (accessed 23/5/2016).

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| <p>Ilboudo & the Burkinabè Human and Peoples' Rights Movement Application No. 013/2011 Decision on merits: 5 December 2014 Reparations ruling: 5 June 2015</p> | <p>each of the parents of the deceased.</p> | <p>representing the amounts owed to the beneficiaries of Norbert ZONGO and his three companions;¹</p> <p>A Compensation Fund for Political Victims has been established to facilitate payment of compensation to victims of political violence generally.²</p> | <p>and a National Transitional Council⁵ was initiated that led to the election of a new government.</p> <p>On 29 November 2015, presidential and legislative elections were held simultaneously. Roch Marc Christian Kaboré was elected as the new president, and a new parliament consisting of 127 members was set up.</p> <p>During the transition Government the Ministry of Home Affairs renamed an Avenue in Ouagadougou after Mr Zongo.⁶</p> <p>On 15 December 2015 an Avenue was renamed in the memory of Norbert Zongo.⁷</p> <p>The Council of Ministers on 21 July 2017 adopted a report on a decree to change the name of the University of Koudougou to the Université Norbert Zongo de Koudougou. An official ceremony for the renaming of the University took place on 30 November 2017.⁸</p> |

¹ African Court, Report on the activities of the African Court on Human and Peoples' Rights (AfCHPR), 22-27 January 2017, EX.CL/999 (XXX), para 21(i). Repeated in the African Court's Mid -Term Activity Report of The African Court on Human and Peoples' Rights, 1 Jan – 30 June 2017, p.13.

² Interview A1, 12 December 2017. See also <http://www.panapress.com/Burkina-Faso-to-compensate-victims-of-political-violence--13-455288-17-lang1-index.html>

⁵ During the unrest, the protectors torched the National Assembly and the president Blaise Compaoré tried to calm down the protectors by dissolving the parliament and the government, declaring state of emergency but his decisions were unsuccessful. Then, in the transitional era, the National transitional Council was set up to act as parliament. See: < <http://www.bbc.com/news/world-africa-30046413>> (accessed 23/5/2016).

⁶ Interview A7, 23 December 2017

⁷ <https://www.ecofinagency.com/comms/1512-33040-burkina-faso-a-street-named-after-norbert-zongo-in-ouagadougou>

⁸ <https://burkina24.com/2017/11/27/burkina-le-baptême-de-l'université-norbert-zongo-aura-lieu-le-30-novembre/>; and interview A7, December 2017.

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| | | | |
| | The State should pay the Burkinabè Movement on Human and Peoples' Rights a token of one (1) CFA Francs for the moral prejudice suffered. | The HRLIP has received information that a check of 1 CFA Franc was received by the MBDHP in accordance with the Court decision. ⁹ | |
| | The State was ordered to pay the authors 40 million CFA Francs to cover for the cost of their counsels. | See above – reported paid in Activity Report 2016 and Mid-term Report January –June 2017. This sum was paid by a check N°39000181698 issued on December 2, 2015. ¹⁰ | |
| | The State was ordered to pay a sum of 3,145,405.80 million CFA Francs to the authors for the cost incurred by the Counsel by virtue of the public hearing that were held at the seat of the Court in Arusha in | See above – reported paid in Activity Report 2016 and Mid-term Report January –June 2017. This sum was paid by a check N°39000181698 issued on December 2, 2015 ¹¹ . | |

⁹ Interview A.11, December 2017.

¹⁰ In a letter dated 10 December 2015 on file with the HRLIP, the Judicial Officer at the public Treasury informed the Counsel of the Applicant of the payment.

¹¹ In a letter dated 10 December 2015 on file with the HRLIP, the Judicial Officer at the public Treasury informed the Counsel of the Applicant of the payment.

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| | March and November 2013. | | |
| | The State was ordered to pay all the compensation ordered by the ACtHPR within 6 months after the judgement. A failure to do so would result in the accrument of interest on the rate applicable to the Central Bank of West African States (BCEAO) from the time of delay till the full amount owed is paid. | The decision was issued on 5 June 2015 and the compensation ordered was paid by a check N°39000181698 issued on December 2, 2015. ¹² | |
| | The State was also ordered to publish the judgment within six months in the Official Gazette of the State, once in a widely read National Daily as well as on the State’s website and retain it on the said | In its 2016 Activity Report the African Court stated that ‘The State has however, not reported on the publication of the summary of the judgment in the Official Gazette, a national daily with a wide readership and on the official website of the Country within a period of 6 months as ordered in the Judgment. ¹³ This was repeated in the mid-term report of the Court in June 2017. ¹⁴ | Information on the case in the media: (http://www.jeuneafrique.com/461823/societe/burkina-mandat-darret-international-contre-francois-compaore-in-the-business-zongo) indicating that on May 5, 2017, the Prosecutor of Burkina Faso issued an international arrest warrant against François Compaore. ¹⁷ |

¹² In a letter dated 10 December 2015 and made available to HRLIP, the Judicial Officer at the public Treasury informed the Counsel of the Applicant of the payment.

¹³ African Court, Report on the activities of the African Court on Human and Peoples’ Rights (AfCHPR), 22-27 January 2017, EX.CL/999 (XXX), para 21(i).

¹⁴ African Court’s Mid -Term Activity Report of The African Court On Human and Peoples’ Rights, 1 Jan – 30 June 2017, p.13.

¹⁷ Regional Seminar on Implementation Of The Decisions Of The Commission, 12-15 August 2017, Dakar, Senegal.

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| | <p>website for at least a year.</p> | <p>The HRLIP has received information that on 28 November 2016, the Respondent State submitted to the African Court copies of the Special Edition of the Official Gazette No. 07 of 9 November 2015 and the Sidwaya Daily of 10 September 2015 Publication Number 7997 (at pages 4, 5, 6 and 7) where the summary of the judgment has been published.</p> <p>The HRLIP has been told “we saw it published in dailies like L’OBSERVATEUR and SIDWAYA”.¹⁵</p> <p>Further in July 2017, the Respondent State provided information that this summary has been published on www.sig.bf since 19 September 2015.¹⁶ As at 28 January 2018 the summary was still available on the Government website.</p> | |
| | <p>The State was also ordered to reopen investigations with a view to prosecution and</p> | <p>On March 30, 2015, the Attorney General of Burkina Faso requested the Examining Judge to reopen the investigation in the case of Norbert Zongo.</p> | <p>The HRLIP has been told that “For the case of Norbert ZONGO, the judges were provided with all the time and resources required to do the job but after 19-20 years (not 20 days) nothing has happened.”²²</p> |

¹⁵ Interview A7, 23 December 2017

¹⁶ <http://www.sig.bf/2015/09/decision-de-la-cour-africaine-des-droits-de-lhomme-et-des-peuples-sur-affaires-norbert-zongo/> (accessed on 28 January 2018)

²² Interview A7, 23 December 2017

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| | <p>bringing to trial the perpetrators of the murder of Zongo and his three companions.</p> | <p>On April 8, 2015, a Reopening Order is issued by the Investigating Judge of the Ouagadougou High Court.</p> <p>In December 2015, the Prosecutor of Burkina Faso indicted three (3) soldiers who belonged to the former Presidential Security Regiment (RSP), namely Christophe KOMBACERE, Corporal Wamasba NACOULMA and Sergeant Banagoulo YARO for the murder of Norbert Zongo and his companions.</p> <p>In its 2016 Activity Report the African Court stated that ‘The Counsel for the Applicants, by email of 26 May, 2016, informed the Court that Burkina Faso has: (ii) On 30 March 2015, the Prosecutor General of Faso filed a motion with the Examining Magistrate seeking to reopen proceedings in the Norbert ZONGO case.¹⁸</p> <p>In its 2016 Activity Report the African Court stated that ‘The Counsel for the Applicants, by email of 26 May, 2016, informed the Court that Burkina Faso has: (iii) on 8 April 2015, an Order to re-open investigations was issued by</p> | <p>In May 2018 Burkina Faso introduced a new Penal code that effectively the abolished the death penalty. This removed the ‘non-refoulement’ obstacle for France to agree to the request made by Burkina Faso for the extradition of Francoise Compaore, held in France.²³</p> |

¹⁸ African Court, Report on the activities fo the African Court on Human and Peoples’ Rights (AfCHPR), 22-27 January 2017, EX.CL/999 (XXX), para 21(i). Repeated in African Court’s Mid -Term Activity Report of The African Court On Human And Peoples’ Rights, 1 Jan – 30 June 2017, p.13.

²³ <https://africa.cgtn.com/2018/06/01/burkina-faso-abolishes-the-death-penalty/>

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| | | <p>the Examining Magistrate of the Ouagadougou High Court and in December 2015, three soldiers belonging to the former Presidential Security Regiment (RSP), namely Christophe KOMBACERE (Soldier), Corporal Wamasba NACOULMA and Sergeant Banagoulo YARO were indicted by the Prosecutor for the murder of Norbert ZONGO and his companions.¹⁹</p> <p>In December 2017 the HRLIP was informed that “The Court’s order to Burkina authorities is to reinvest and fully try the case. This means to identify and convict the perpetrators so we are still waiting. I think that at the Conference held on 13th December in Koudougou, the lawyer reported that 3 people were already interviewed and accused of killing NORBERT ZONGO. We are yet to know the person who ordered the crime because as you know if people have been instructed to kill, there must be someone who has ordered. Those arrested are just those who performed the crime. FRANCOIS is said to have been arrested in Paris so let’s wait and see.”²⁰</p> | |

¹⁹ African Court, Report on the activities fo the African Court on Human and Peoples’ Rights (AfCHPR), 22-27 January 2017, EX.CL/999 (XXX), para 21(i). Repeated in African Court’s Mid -Term Activity Report of The African Court On Human And Peoples’ Rights, 1 Jan – 30 June 2017, p.13.

²⁰ Interview A7 December 2017.

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| | | <p>On 7 March 2018 the hearing was adjourned to 28 March 2018 and the lawyers of Francois Compaoré and the State of BF were heard. Francois has declared that he refuses to be handed over to the authorities of BF.</p> <p>In December 2018 France agreed to the request by Burkina Faso for the extradition of Francoise Compaore, held as a suspect in France.²¹</p> | |
| | <p>To provide the Court with a report on the status of compliance with all Orders within six months of the date of the ruling on reparations.</p> | <p>According to information received by the HRLIP Burkina Faso sent its report on the implementation of the judgment, but out of time. This report was examined by the African Court, which found it incomplete, and the State of Burkina Faso was invited to provide additional information.²⁴</p> <p>As of December 2017 this full report had not yet been submitted.²⁵</p> | |
| <p>Lohé Issa Konaté Application No. 004/2013</p> | <p>In its judgment of 5 December 2014 ordered the Respondent State to 'amend its legislation on</p> | <p>Three laws decriminalizing defamation by the press were adopted in December 2015 and came into force in January 2016. These are:</p> <ul style="list-style-type: none"> - Loi N°085-2015/CNT du 17 décembre 2015 portant modification de la loi N°058- | <p>Between 2013 and 14 mass demonstrations take place against perceived plans for President Compaore to extend his rule, leading to his resignation.</p> |

²¹ <https://uk.reuters.com/article/uk-burkina-france-justice/french-court-approves-extradition-of-brother-of-ex-burkina-faso-president-idUKKBN1O41Y4>

²⁴ Information received by HRLIP, A12, 31 March 2018.

²⁵ Interview A11, 20 December 2017.

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| <p>Decision on merits: 5 December 2014 Reparations ruling: 3 June 2016</p> | <p>defamation in order to make it compliant with article 9 of the Charter, article 19 of the Covenant and article 66 (2)(c) of the Revised ECOWAS Treaty: - by repealing custodial sentences for acts of defamation; and - by adapting its legislation to ensure that other sanctions for defamation meet the test of necessity and proportionality, in accordance with its obligations under the Charter and other</p> | <p>2015/CNT portant régime juridique de la presse écrite au Burkina Faso - Loi N°086-2015/CNT du 17 décembre 2015 portant modification de la loi N°057-2015/CNT portant régime juridique de la presse en ligne au Burkina Faso - Loi N°087-2015/CNT du 17 décembre 2015 portant modification de la loi N°059-2015/CNT portant régime juridique de la radiodiffusion sonore et télévisuelle au Burkina Faso.</p> <p>Reports indicate that the legislative process leading to this repeal was started by professional press organizations, before the decision of 5 December 2014. Moreover, following the conviction of the same Mr. Lohé Issa Konaté by the Burkinabè justice in 2012, the Society of Private Publishers (SEP) issued a statement calling for the decriminalization of press offenses.²⁷</p> | <p>After the popular uprising, a transitional government led by Michel Kafando²⁹ as a transitional civilian president³⁰ and a National Transitional Council³¹ was initiated that led to the election of a new government.</p> <p>On 29 November 2015, presidential and legislative elections were held simultaneously. Roch Marc Christian Kaboré was elected as the new president, and a new parliament consisting of 127 members was set up.</p> <p>The case received a lot of attention by the national media and also international media. International NGOs such as the Committee to Protect Journalists (CPJ), Reporters Sans Frontières, Media Legal Defense Initiative (who covered the applicants legal expenses).³²</p> <p>HRLIP was informed that a committee was set up to consider implementation of the Konate decision, in</p> |

²⁷ See <https://www.evenement-bf.net/spip.php?breve22> (accessed on 17 December 2017). See also interview A1, 12 December 2017 : ‘I am not sure if it was the case of Konate alone which has triggered the law review...There were requests and demands to review this law and to me, these have contributed to accelerating the review process’.

²⁹ A retired diplomat, who served for several years as head of Burkina Faso permanent mission to the UN.

³⁰ A. Klasa ‘Burkina Faso agrees to transitional government after president’s ouster’ (2014) available at: <http://www.thisisafricaonline.com/Analysis/Burkina-Faso-agrees-to-transitional-government-after-president-s-ouster?ct=true> (accessed 23/5/2016).

³¹ During the unrest, the protectors torched the National Assembly and the president Blaise Compaoré tried to calm down the protectors by dissolving the parliament and the government, declaring state of emergency but his decisions were unsuccessful. Then, in the transitional era, the National transitional Council was set up to act as parliament. See: < <http://www.bbc.com/news/world-africa-30046413> > (accessed 23/5/2016).

³² Interview A2, 15 December 2017

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| | international instruments'. ²⁶ | In April 2016 the State in its response to the UN HRC's LIOPR noted: '106. No specific measures have been taken to repeal the provisions on defamation that restrict the exercise of the right to freedom of expression and information in view of the decision of the African Court on Human and Peoples' Rights in the case of <i>Konaté v. Burkina Faso</i> . However, the National Transition Council adopted a law on the decriminalization of press offences in 2015. From now on, journalists will no longer face prison for defamation, but they can still be fined'. ²⁸ | response to the referral by Konate to the ministry and given the media attention to the case. ³³ |
| | In its judgment of 5 December 2014 ordered the Respondent State to 'report to the Court within a reasonable time, on the measures taken to implement the order above, and in any | Decriminalisation laws have been adopted in 2015 (see above) However from information received by the HRLIP it is not clear whether this has been reported back to the Court. ³⁵ | |

²⁶ Para 176 of the Judgment of 5 December 2014

²⁸ List of issues in relation to the initial report of Burkina Faso, Addendum Replies of Burkina Faso to the list of issues*, [Date received: 1 April 2016], CCPR/C/BFA/Q/1/Add.1, 21 April 2016, para 103.

³³ Interview A1, 12 December 2017

³⁵ Interview A2, 15 December 2017

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| | case, not exceeding two years, from the date of this Judgment'. ³⁴ | | |
| | In its judgment on reparations of 3 June 2016, the African Court endorsed the acceptance of the State to 'expunge from the Applicant's judicial records all criminal convictions pronounced against him'. ³⁶ | It is not expressly clear whether the Government has effectively removed all the criminal convictions from the Applicant criminal record. ³⁷ The Applicant's criminal record certificate does not have any convictions recorded in the 3 rd section of the record but it is not known whether convictions are marked in the 1 st and 2 nd sections of his record. ³⁸ | |
| | In its judgment on reparations of 3 June 2016, the State was asked to 'revise downwards the amount of fines, damages and costs charged against the Applicant to ensure that it is compliant with | It is not clear whether the Government has effectively revised or reduced the said amounts. The HRLIP has received information suggesting that the Applicant has not paid any of the fines/penalties, interests and royalties decided by government. ⁴⁰ | |

³⁴ Para 176 of the Judgment of 5 December 2014

³⁶ Judgment on Reparations, 3 June 2016, para 23 and para 60.

³⁷ Interview A2, 15 December 2017

³⁸ Interview A2, 15 December 2017

⁴⁰ Interview A2, 15 December 2017.

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| | the criteria of necessity and proportionality'. ³⁹ | | |

³⁹ Judgment on Reparations, 3 June 2016, para 24 and para 60.

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| | <p>In its judgment on reparations of 3 June 2016, the applicant was awarded 25,108,000 CFA for material damage: 25,000,000 CFA for loss of income and 108,000 CFA for medical and travel expenses.⁴¹</p> | <p>The HRLIP has received information claiming that the applicant has received all financial compensations ordered by the Court.⁴²</p> <p>But the HRLIP has also been informed that payment has been made in instalments but some payments are outstanding.⁴³</p> <p>In December 2016 it was reported in the press that ‘Mr. Konaté was awarded \$70,000 in reparations, the highest sum yet awarded to an individual by the Court. The money was paid this month.’⁴⁴</p> <p>In May 2017 the HRLIP was informed that the Court had not received any official information from the State, but had received information from the applicants that compensation had been paid. The deadline for the State to report back to the Court on measures had not yet been reached.⁴⁵</p> | <p>The HRLIP were informed in December 2017 that contracts were signed for three years with three law firms to deal with the cases of Sankara and Konaté and to ‘manage’ these cases specifically.⁴⁶</p> <p>The HRLIP has received information that when payment of compensation is made it is paid into an account held by the lawyer for them to settle with their client. “The process is completed and left with payment, we use the lawyer’s account. Lawyers have an account called CAPA in which the relevant amount is transferred.”⁴⁷</p> |

⁴¹ Judgment on Reparations, 3 June 2016, para 51 and 60

⁴² Interview A2, 15 December 2017. Interview A4, 13 December 2017. See also CHR, HRLIP, Workshop Report, Evaluation by Burkina Faso of their implementation of decisions made by International Human Rights Bodies, Ouagadougou, 27-28 November 2017, at II.B; Interview D11, July 2017.

⁴³ Interview A8, 13 December 2017

⁴⁴ ‘Press Freedom and Africa’s Regional Courts: A Positive Model for Transparency and Accountability’, Nani Jansen-Reventlow, <http://www.doughtystreet.co.uk/news/article/press-freedom-and-africas-regional-courts-a-positive-model-for-transparency>, 22 December 2016

⁴⁶ Interview A4, 13 December 2017

⁴⁷ Interview A4, 13 December 2017

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| | <p>In its judgment on reparations of 3 June 2016, the State is ordered to pay 10,000,000 CFA to the applicant ‘as compensation for the moral damage suffered by him and his family’.⁴⁸</p> | <p>See above</p> | |
| | <p>In its judgment on reparations of 3 June 2016, the State is ordered to pay all the amounts within six months from the date of the ruling on reparations, ‘failing which it will also be required to pay interest on arrears calculated on the basis of the applicable rate of the Central Bank of the Community of West</p> | <p>The HRLIP received information suggesting that this requirement was fulfilled although with a 2 or 3 weeks delay.⁵⁰ Payment was made through the account of the Burkina Bar Council.⁵¹</p> | |

⁴⁷ Interview A4, 13 December 2017

⁴⁸ Judgment on Reparations, 3 June 2016, para 60

⁵⁰ Interview A2, 15th December 2017

⁵¹ Interview A4, 13 December 2017

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| | African States (BCEAO) throughout the period of delayed payment and until the accrued amount is fully paid'. ⁴⁹ | | |
| | In its judgment on reparations of 3 June 2016, the Court ordered the State to publish within six months the summary in French of this judgment once in the Official Gazette of Burkina Faso and once in a widely read national Daily; and publish the same summary on an official website of the State and maintain it there for one year. ⁵² | The HRLIP has received information that the judgment has been published in the Official Gazette of Burkina Faso. ⁵³ | |
| | In its judgment on reparations of 3 June 2016, it also ordered the State to report on the status of | As of December 2017 the HLRIP was informed that the State has not yet reported back to the Court. ⁵⁵ | |

⁴⁹ Judgment on Reparations, 3 June 2016, para 60
⁵² Judgment on Reparations, 3 June 2016, para 60.
⁵³ Journal Official Special N°13, 15 October 2016
⁵⁵ Interview A2,15 December 2017.

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| | implementation within six months. ⁵⁴ | | |
| African Commission Decisions | | | |
| <p><i>Mouvement Burkinabè des Droits de l'Homme et des Peuples v Burkina Faso</i> Communication No. 204/97 Date of decision: May 2001</p> | <p>Recommends that the Republic of Burkina Faso draws all the legal consequences of this decision, in particular, by:</p> | <p>The State noted in its Article 62 report in 2003: "In August 2001, the government indicated by letter to the Commission that it had taken note of the decision and that it would examine it with a view to complying with the decision. The government however deplored the fact that the decision was rather partial and that the arguments put forward by the State party during the sessions where the communication had been considered, and in its written submission in defence in Tripoli had not been taken into account. Although the Commission never replied to this correspondence, and in spite of its reservations, the government of Burkina Faso, as part of the process of national reconciliation described above, adopted a number of general measures aimed at compensating the victims and legal heirs of victims of political violence".⁵⁶</p> | <p>The communication was submitted by the Chairman of the Mouvement Burkinabè des Droits de l'Homme et des Peuples (MBDHP), relating to various violations from the time of the revolutionary government to 2002.</p> <p>In 2001 The African Commission undertook a promotional mission to Burkina Faso and it was noted by the African Commission that: Among the purposes of the mission were to: 'remind the Government on the need to honor its obligations under the African Charter by adopting special measures aimed at:... Giving effect in the shortest possible time to the decision taken by the Commission at its 29th Ordinary session in Tripoli, Libya, regarding the Communication for human rights violations lodged by MBDHP and its Chairman, Mr. Halidou Ouedraogo, against the government, a decision that the Government acknowledged'.⁵⁷</p> |

⁵⁴ Judgment on Reparations, 3 June 2016, para 60.

⁵⁶ Burkina Faso Unity – Progress – Justice Periodic Report Of Burkina Faso To The African Commission On Human And Peoples' Rights (A.C.H.P.R) On The Implementation Of The African Charter On Human And Peoples' Rights October 1998 - December 2002, July 2003, pp.25-26;
http://www.univie.ac.at/bimtor/dateien/burkina_faso_acomhpr_2003_2nd_periodic_report.pdf

⁵⁷ Report on the African Commission's Promotional Mission to Burkina Faso (22 September – 02 October 2001), DOC/OS(XXXIII)/324b/I, para 28.

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| | Identifying and taking to court those responsible for the human rights violations cited above | <p>In its second periodic report to the Commission submitted in July 2003, the Government reported to the Commission that the courts had delivered their final rulings on the matters in dispute in certain cases, in particular two farmers who were killed in 1996 in Réo. A ruling of the Criminal Chamber of the Court of Appeal of Ouagadougou was handed down on March 26 1999, condemning the perpetrator of the acts.⁵⁸</p> <p>This case was reopened before the Burkinabè justice, and in 2013, witnesses were heard by the courts. On 9 January 2017, General Gilbert Diendéré and Colonel Major Mamadou Bamba were indicted.⁵⁹</p> | <p>Francois Compaore, the brother of the previous president, was arrested on 08.10.2017 in light of the murder investigation of the investigative journalist, Norbert Zongo, and three others whose burned bodies were found on 13.12.1998 in Burkina Faso. Compaore is “being prosecuted for “inciting assassinations”, according to the Zongo Family lawyer”.⁶⁰</p> <p>On 5 October 2018 it was reported that on 3 October the investigating chamber of the Paris Court of Appeal had examined the new elements it had claimed in June in Burkina Faso, and that a judicial source had said that the prosecutor general has given a favorable opinion on this extradition.</p> <p>{« La justice française doit rendre le 5 décembre sa décision sur la demande d'extradition de François</p> |

⁵⁸ Burkina Faso Unity – Progress – Justice Periodic Report Of Burkina Faso To The African Commission On Human And Peoples’ Rights (A.C.H.P.R) On The Implementation Of The African Charter On Human And Peoples’ Rights October 1998 - December 2002, July 2003, pp.25-26; http://www.univie.ac.at/bimtor/dateien/burkina_faso_acomhpr_2003_2nd_periodic_report.pdf

⁵⁹ <http://lefaso.net/spip.php?article75834>; <http://www.fasozine.com/actualite/politique/574-assassinat-de-boukari-dabo-le-colonel-mamadou-bamba-place-sous-mandat-de-depot.html>; Radio France Internationale (2017).Burkina Faso: des étudiants réclament la vérité sur la mort de Dabo Boukary. *RFI*. [online]. Available at: <http://www.rfi.fr/afrique/20170519-burkina-faso-etudiants-reclament-verite-mort-dabo-boukary> [Accessed 18.01.2018]. Reuters Staff (2017). Burkina Faso ex-minister charged with treason to get pre-trial release. *Reuters*. [online]. Available at: <https://af.reuters.com/article/africaTech/idAFKBN1CG1IW-OZATP> (Accessed 18.01.2018). Drabo, C. (2017). AFFAIRE DABO BOUKARY : La supposée tombe identifiée à Pô. *Le Pays*. [online]. Available at: <http://lepays.bf/affaire-dabo-boukary-la-supposee-tombe-identifiee-a-po> [Accessed 18.01.2018].

⁶⁰ Afp (2017) Burkina: le frère de Blaise Compaoré arrêté en France. Available at: <http://www.levif.be/actualite/international/burkina-le-frere-de-blaise-compaore-arrete-en-france/article-normal-746443.html> [Accessed 7.02.2018].

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| | | | <p>Compaoré vers le Burkina Faso, où ce frère du président déchu est mis en cause dans l'enquête sur l'assassinat du journaliste Norbert Zongo en 1998, a-t-on appris vendredi de sources concordantes, confirmant une information de RFI.</p> <p>Mercredi, la chambre de l'instruction de la cour d'appel de Paris a examiné les nouveaux éléments qu'elle avait réclamés en juin au Burkina Faso, selon ces sources. Le parquet général a donné un avis favorable à cette extradition, a précisé une source judiciaire »⁶¹⁾</p> <p>In May 2018 Burkina Faso introduced a new Penal code that effectively the abolished the death penalty. This removed the 'non-refoulement' obstacle for France to agree to the request made by Burkina Faso for the extradition of Françoise Compaore, held in France.⁶²</p> <p>In December 2018 France agreed to the request by Burkina Faso for the extradition of Françoise Compaore, held as a suspect in France.⁶³</p> |

⁶¹ 5 October 2018, <https://afrique.tv5monde.com/information/extradition-de-francois-compaore-decision-prevue-le-5-decembre>

⁶² <https://africa.cgtn.com/2018/06/01/burkina-faso-abolishes-the-death-penalty/>

⁶³ <https://uk.reuters.com/article/uk-burkina-france-justice/french-court-approves-extradition-of-brother-of-ex-burkina-faso-president-idUKKBN1O41Y4>

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| | <p>Accelerating the judicial process of the cases pending before the courts;</p> | <p>In its second periodic report to the Commission submitted in July 2003 the State reported that rulings were handed down in the matter of the careers of Halidou OUEDRAOGO and Christophe COMPAORE, where a final ruling was made by the Administrative Chamber of the Supreme Court in November 2001. The chamber ruled that the case was inadmissible as a result of a flaw in the process i.e. that the case was introduced after the expiry of the two month period granted by law for appealing a case for action ultra vires.</p> <p>The State reported in 2003 that some of the cases involved in the Commission’s “decision” are still pending before the courts either because they have only recently been brought before the courts, or because investigations have so far not yielded any results. This is particularly the case for the Boukary DABO affair, which was only brought to court in 2000. The State reported that to date, the investigation is underway and the case is on-going.</p> | <p>The National Report 2013⁶⁸ of Burkina Faso made to the UN Human Rights Council as part of the Universal Periodic Review, shows the legislation adopted at the national level, some of the most relevant provisions for the protection of human rights are as follows (cited <i>verbatim</i> from the Report):</p> <ul style="list-style-type: none"> • Act No. 062-2009/AN of 21 December 2009 establishing a national human rights commission; • The national policy on human rights and the promotion of civic responsibility 2013– 2022; • The national justice policy 2010–2019; <p>33. In the judicial system, the average time required to process cases has decreased significantly, from 4 months and 15 days in 2009 to 2 months and 26 days in 2011 for civil cases, according to the 2011 judicial statistical yearbook. In 2011, judgements were pronounced in 5,972 of the 6,747 new civil and commercial cases registered by the tribunaux de grande instance (courts of major jurisdiction). In the appeals courts, decisions were issued in 876 of the 890 new civil, commercial and social cases. The number of judges increased from 371 in 2008 to 428 in 2011. The number of legal officials increased from 164 to 173 over the same period’.</p> |

⁶⁸ United Nations, General Assembly, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/16/BFA/1* (6 February 2013) Available at: https://www.upr-info.org/sites/default/files/document/burkina_faso/session_16_-_april_2013/ahrcwg.616bfa1burkinafasoe.pdf [Accessed: 7.02.2018].

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| | | <p>The State reported that the enquiry in this case has been unfruitful and the investigating magistrate has found no charges that could be brought against the main suspect.⁶⁴</p> <p>In February 2017 an article in the press reported that this case has still not been resolved, although it was reported that family members and their legal representatives were taken to a possible grave site on 21 February 2017.⁶⁵ Bénéwendé Sankara and Prosper Farama, the lawyers in charge of the defense of this affair, declared to the press that they were, together with members of the family of Dabo Boukari, led by a judge of instruction on a tomb (located more than 150km from Ouagadougou) supposed to be that of the deceased (Dabo Boukari).⁶⁶</p> <p>The government has also stated that they will implement a national action plan for the reform of the judiciary, including increasing the numbers of magistrates. In addition,</p> | |

⁶⁴ Burkina Faso Unity – Progress – Justice Periodic Report Of Burkina Faso To The African Commission On Human And Peoples’ Rights (A.C.H.P.R) On The Implementation Of The African Charter On Human And Peoples’ Rights October 1998 - December 2002, July 2003, pp.25-26; http://www.univie.ac.at/bimtor/dateien/burkina_faso_acomhpr_2003_2nd_periodic_report.pdf

⁶⁵ See: <https://translate.google.co.uk/translate?hl=en&sl=fr&u=http://lefaso.net/spip.php%3Farticle75834&prev=search>

⁶⁶ <http://lefaso.net/spip.php?article75834>

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| | | <p>“Sur le plan de la justice, l’ouverture le 27 février prochain du procès du coup d’Etat de septembre 2015 est saluée par le parti au pouvoir et ses alliés. Ils disent nourrir également l’espoir que les grands dossiers comme ceux de Dabo Boukary, Norbert Zongo, les victimes de l’insurrection populaire d’octobre 2014, les membres du dernier gouvernement de Blaise Compaoré soient jugés afin que toute la lumière soit faite.”⁶⁷</p> | |
| | <p>Compensating the victims of the human rights violations stated in the complaint.</p> | <p>On 1 March 2001 it was reported in the press that Burkina Faso's treasury will pay a total of 5,431,000,000 FCFA (7,101,110 US dollars) as compensation to the legal heirs of politically-murdered people or the victims of political violence since independence in 1960.⁶⁹</p> <p>On 14 September 2001 a committee for the management of funds for the compensation of victims of political violence was set up and some victims have received compensation.</p> <p>In July 2003 in relation to the Oumarou Clément OUEDRAOGO case the State reported to the African Commission in its Article 62</p> | |

⁶⁷ Burkina 24 Staff (8 January 2018). Burkina : Le MPP salue le remaniement gouvernemental (*Burkina*) [online] Available at: <https://burkina24.com/2018/02/08/burkina-le-mpp-salue-le-remaniement-gouvernemental/> [Accessed: 8.02.2018].

⁶⁹ <http://www.panapress.com/Burkina-Faso-to-compensate-victims-of-political-violence--13-455288-17-lang1-index.html>

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| | | <p>report that a decision had already been made by the compensation fund for the victims of political violence to pay compensation in this case.⁷⁰</p> <p>In this same Article 62 report the government reported to the African Commission that as part of the process of national reconciliation it had adopted a number of general measures aimed at compensating the victims and legal heirs of victims of political violence. This has made it possible to compensate some of the victims of human rights violations identified in the communication by the MBDHP.</p> <p>On the basis of the cases submitted to the government by the compensation fund for the victims of political violence, decree n°2002-437/PRES/PM of October 14 2002 was passed, on the settlement of compensation for the legal heirs of 16 people who had lost their lives. This decree applied to the heirs of Guillaume SESSOUMA and Oumarou Clément OUEDRAOGO.</p> <p>Other cases, involving the burning of two cars belonging to Halidou OUEDRAOGO, and the</p> | |

⁷⁰ Burkina Faso Unity – Progress – Justice Periodic Report Of Burkina Faso To The African Commission On Human And Peoples’ Rights (A.C.H.P.R) On The Implementation Of The African Charter On Human And Peoples’ Rights October 1998 - December 2002, July 2003, pp.25-26; http://www.univie.ac.at/bimtor/dateien/burkina_faso_acomhpr_2003_2nd_periodic_report.pdf

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| | | careers of Halidou OUEDRAOGO and Christophe COMPAORE; the so-called case of the Kaya Nabio of Nahouri, and the case of the school children who were killed in Garango were stated as being currently before the compensation fund for the victims of political violence. ⁷¹ | |
| UN Human Rights Committee Decisions | | | |
| <p><u>Mariam Sankara</u> Communication No. 1159/2003 Adoption of Views: 28 March 2006</p> | <p>State is under an obligation to provide the authors with an effective and enforceable remedy in the form of official recognition of the place where Thomas Sankara is buried and compensation for the anguish and trauma suffered by the family.</p> | <p>On 14 October 2009, Mr. Prosper Farama filed an application on behalf of Mariam Sankara and his children with the President of the Tribunal de Grande Instance, Ouagadougou. She asked for an interim order to proceed with the exhumation of the grave and to carry out DNA tests on the remains.⁷²</p> <p>At the end of March 2015: an investigation was opened in relation to the death of Thomas Sankara.⁷³</p> <p>On 26 May 2015: on the basis of a decree adopted on March 4, 2015 in the Council of</p> | <p>The complainants are the wife and children of the former Burkina Faso President Thomas Sankara who was assassinated on 15 October 1987 in a coup led by Blaise Compaore.</p> <p>1991 President Compaore elected without opposition under a new constitution.</p> <p>1998 President Compaore re-elected.</p> <p>2005 President Compaore re-elected.</p> <p>2010 President Compaore re-elected.</p> |

⁷¹ Burkina Faso Unity – Progress – Justice Periodic Report Of Burkina Faso To The African Commission On Human And Peoples’ Rights (A.C.H.P.R) On The Implementation Of The African Charter On Human And Peoples’ Rights October 1998 - December 2002, July 2003, pp.25-26; http://www.univie.ac.at/bimtor/dateien/burkina_faso_acomhpr_2003_2nd_periodic_report.pdf

⁷² See <http://thomassankara.net/affaire-thomas-sankara-retour-sur-une-odysee-judiciaire/>).

⁷³ List of issues in relation to the initial report of Burkina Faso, Addendum Replies of Burkina Faso to the list of issues*, [Date received: 1 April 2016], CCPR/C/BFA/Q/1/Add.1, 21 April 2016, paras 4 and 5.

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| | | <p>Ministers, exhumed remains at the supposed grave of Thomas Sankara. But at the time these examinations could not establish that the remains were of Thomas Sankara.⁷⁴</p> <p>On 1 April 2016, the State responded to the HRC’s LIOPR:</p> <p>‘4. As for procedures and measures to ensure implementation of and compliance with the Committee’s Views under the first Optional Protocol to the Covenant, the Government responded to the Committee’s recommendations in a memorandum dated 30 June 2006.</p> <p>On 7 March 2006 the Baskuy district tribunal issued a ruling in lieu of a death certificate in the name of “Thomas Isidore Sankara, died 15 October 1987”. The compensation fund for victims of political violence established in June 2006 offered compensation in the amount of</p> | <p>Between 2013-14 mass demonstrations take place against perceived plans for President Compaore to extend his rule, leading to his resignation. After the popular uprising, a transitional government led by Michel Kafando⁸³ as a transitional civilian president⁸⁴ and a National Transitional Council⁸⁵ was initiated that led to the election of a new government.</p> <p>On 29 November 2015, presidential and legislative elections were held simultaneously. Roch Marc Christian Kaboré was elected as the new president, and a new parliament consisting of 127 members was set up.</p> <p>On 28 October 2017: the French President Emmanuel Macron promised to declassify all archives related to the Sankara case in France, to allow the Burkinabé justice to access it in the framework of its investigations whose outcome should help in a final decision in this case to rest.⁸⁶</p> |

⁷⁴ List of issues in relation to the initial report of Burkina Faso, Addendum Replies of Burkina Faso to the list of issues*, [Date received: 1 April 2016], CCPR/C/BFA/Q/1/Add.1, 21 April 2016, paras 4 and 5.

⁸³ A retired diplomat, who served for several years as head of Burkina Faso permanent mission to the UN.

⁸⁴ A. Klasa ‘Burkina Faso agrees to transitional government after president’s ouster’ (2014) available at: <<http://www.thisisafrikaonline.com/Analysis/Burkina-Faso-agrees-to-transitional-government-after-president-s-ouster?ct=true>> (accessed 23/5/2016).

⁸⁵ During the unrest, the protectors torched the National Assembly and the president Blaise Compaoré tried to calm down the protectors by dissolving the parliament and the government, declaring state of emergency but his decisions were unsuccessful. Then, in the transitional era, the National transitional Council was set up to act as parliament. See: <<http://www.bbc.com/news/world-africa-30046413>> (accessed 23/5/2016).

⁸⁶ See media reports: <https://uk.reuters.com/article/uk-africa-france-macron/macrons-promise-of-new-france-africa-ties-raises-heckles-idUKKBN1DS16I>; <http://www.bbc.co.uk/news/world-africa-42151353>

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| | | <p>43,445,000 CFA francs to the family, which the family refused, saying that the truth about Thomas Sankara's fate was not for sale.</p> <p>5. With a view to ensuring legal follow-up in that case, on 4 March 2014 the Cabinet adopted a decree authorizing the Sankara family to have the presumed remains of the deceased President and his 11 companions exhumed and autopsied under judicial supervision. The subsequent ballistic and DNA tests were unsuccessful insofar as it was not possible to conclusively identify the remains as those of President Thomas Sankara and his unfortunate companions. Nevertheless the military justice investigations office has charged approximately 10 soldiers, mostly from the former presidential security regiment (RSP) and including General Gilbert Diendéré, former personal chief of staff to Blaise Compaoré, for attempted murder, murder and concealment of a body. The military justice office also issued an international arrest warrant for former President Blaise Compaoré</p> | <p>The HRLIP have been informed that The National Human Rights Commission submitted a shadow report to the African Commission in which it mentioned this case.⁸⁷</p> <p>Information given to the HRLIP was that a monument for Heroes/Martyrs was being built by the government.⁸⁸</p> <p>However, the compensation funds and buildings that had been created by the government were not seen by one we spoke with as 'in line with the spirit and principle of the Human Rights Committee', being 'too broad'.⁸⁹ In addition, the interviewee did not consider that the actions taken in response to Sankara were sufficiently visible.⁹⁰</p> <p>The HRLIP was informed in December 2017 that contracts were signed for three years with three law firms to deal with the cases of Sankara and Konaté and to 'manage' these cases specifically.⁹¹</p> <p>The HRLIP received information in December 2017 that the financial compensations were paid to the Sankara family.⁹² However, another source informed us that 'I</p> |

⁸⁷ Interview A3, 13 December 2017

⁸⁸ Interview A3, 13 December 2017

⁸⁹ Interview A3, 13 December 2017

⁹⁰ Interview A3, 13 December 2017

⁹¹ Interview A4, 13 December 2017

⁹² Interview A4, 13 December 2017

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| | | <p>on 4 December 2015 for his alleged involvement in the death of former head of State Thomas Sankara, killed during the coup d'état of 15 October 1987'.⁷⁵</p> <p>On 5 August 2016 : UN HRC Follow-up progress report on individual communications: '1159/2003, <i>Sankara et al.</i> A/61/40 Follow-up dialogue was closed with a note of satisfactory implementation of the Committee's recommendation. (A/63/40)'.⁷⁶</p> <p>On 12 October 2016: During a press conference in Ouagadougou, Bénéwendé Sankara, the lawyer of the family of Thomas Sankara, announced that two international arrest warrants have been issued, one against the former president Blaise Compaore, about 100 people were heard and 16 of them including General Gilbert Diendéré are being prosecuted. He also announced that</p> | <p>believe that parents' agreement for financial compensation was subject to the successful outcome of the judicial component'.⁹³</p> <p>Following the abolition of the death penalty it was understood that this might pave the way for the extradition of Francois Compaore.⁹⁴</p> |

⁷⁵ List of issues in relation to the initial report of Burkina Faso, Addendum Replies of Burkina Faso to the list of issues*, [Date received: 1 April 2016], CCPR/C/BFA/Q/1/Add.1, 21 April 2016, paras 4 and 5.

⁷⁶ Human Rights Committee, Follow-up progress report on individual Communications adopted by the Committee at its 116th session (7-31 March 2016), Progress report covering submissions processed between March 2015 and February 2016, CCPR/C/116/3, 5 August 2016; restated in the Human Rights Committee, Follow-up progress report on individual communications, CCPR/C/119/3, 30 May 2017.

⁹³ Interview A1, 12 December 2017

⁹⁴ <https://africa.cgtn.com/2018/06/01/burkina-faso-abolishes-the-death-penalty/>

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| | | <p>information relating to the Special Court for Sierra Leone has been added to the file, to identify the possible role of former Liberian President Charles Taylor in the death of Thomas Sankara.⁷⁷</p> <p>It is understood that in July 2017 a judicial investigation was opened to examine graves discovered at the place where Thomas Sankara was believed to have been assassinated.⁷⁸</p> <p>The HRLIP received information in December 2017 that ‘implementation has started and has even led to the case being reinvestigated’.⁷⁹</p> <p>The HRLIP has been informed that “On SANKARA’s case, a DNA test was undertaken on bones to help determine the grave and we hope that these efforts will lead to a successful end/decision. As it is an ongoing process, it is too early to say anything for now. In any case,</p> | |

⁷⁷ <https://burkina24.com/2016/10/12/dossier-sankara-mandats-darret-contre-blaise-compaore/>

⁷⁸ <https://burkina24.com/2016/10/12/dossier-sankara-mandats-darret-contre-blaise-compaore/>; <http://www.jeuneafrique.com/mag/459733/societe/burkina-justice-a-tombeau-ouvert-laffaire-thomas-sankara/>; <http://www.jeuneafrique.com/mag/453171/societe/burkina-thomas-sankara-tombes-mysterieuses/>; <http://www.burkinaonline.com/wp/burkina-la-justice-a-tombeau-ouvert-dans-laffaire-thomas-sankara/>; <http://www.thomassankara.net/communique-comite-international-memorial-thomas-sankara-cim-ts-apres-visite-conseil-de-lentente/>

⁷⁹ Interview A.5, 14 December 2017

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| | | <p>the government has started providing some responses.”⁸⁰</p> <p>The HRLIP was also informed in December 2017 with respect to the reinvestigation that ‘this is also attributed to the political change with the transition government which aware of their citizens strong desires and expectations. This instruction was given in a speech of the Transition Government Leader who gave his ‘go ahead’ for the reinvestigation’.⁸¹ However, this speech is clearly not a ‘legal tool’ and so it is not clear what effect this has had in practice.⁸²</p> | |
| | <p>State is required to prevent such violations from occurring in the future.</p> | <p>On 1 April 2016, the State responded to the HRC’s LIOPR:</p> <p>‘5. With a view to ensuring legal follow-up in that case, [...] the military justice investigations office has charged approximately 10 soldiers, mostly from the former presidential security regiment (RSP) and including General Gilbert Diendéré, former personal chief of staff to Blaise Compaoré, for attempted murder, murder and concealment of a body. The military justice office also issued an</p> | |

⁸⁰ Interview A8, December 2017

⁸¹ Interview A5, 14 December 2017

⁸² Interview A5, 14 December 2017

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| | | <p>international arrest warrant for former President Blaise Compaoré on 4 December 2015 for his alleged involvement in the death of former head of State Thomas Sankara, killed during the coup d'état of 15 October 1987'.⁹⁵</p> <p>In October 2016 the HRC adopted Concluding Observations on BF state report in which it noted: 'Investigations into human rights violations 9. The Committee welcomes the establishment of the High Council for Reconciliation and National Unity and the two commissions of inquiry to elucidate and establish responsibility for serious human rights violations and crimes committed since 1960 and during the events of 2014 and 2015 respectively. It also welcomes the reopening of certain cases, including those related to the murders of Thomas Sankara and Norbert Zongo. The Committee is concerned, however, about the slow progress in some investigations, especially those related to the criminal responsibility of the police and security forces (arts. 2, 6, 7, 9, 19 and 21). 10. The State party should continue its efforts to elucidate and establish responsibility for crimes committed in the past and should</p> | |

⁹⁵ List of issues in relation to the initial report of Burkina Faso, Addendum Replies of Burkina Faso to the list of issues*, [Date received: 1 April 2016], CCPR/C/BFA/Q/1/Add.1, 21 April 2016, paras 4 and 5.

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| | | <p>investigate the human rights violations documented by the commissions of inquiry, prosecute the alleged perpetrators and punish those found guilty in a manner commensurate with the seriousness of the offence. It should also ensure that all victims have access to an effective remedy and receive adequate compensation, restitution and rehabilitation.’⁹⁶</p> <p>In December 2017 the HRLIP were informed that ‘a lot of progress was made’ with creating a general office for the Defense of Human Rights and within this a division Against Human Rights violations and a general office for Promotion of Human Rights, although this did not come into being until 1998.⁹⁷ The HRLIP was also informed that the ministry had set up the Orientation, Documentation and Referral Centers and the government referred people to ‘organisations and agencies with knowledge and expertise on human rights’, all of which were aimed at ‘preventing human rights violations’. In addition, it developed ‘reports on human rights violation cases and we have been producing these reports for three years now’.⁹⁸</p> | |

⁹⁶ Concluding observations on the initial report of Burkina Faso, CCPR/C/BFA/CO/1, 17 October 2017.

⁹⁷ Interview A11, December 2017.

⁹⁸ Interview A11, December 2017.

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| | | <p>However the HRLIP was also told that “This is a legislation issue and this law has not been reviewed specifically to avoid repetition of such Human rights violations. It is the same law which being enforced.”⁹⁹</p> <p>The French Courts are considering the extradition of Francois Compoare. On 5 October 2018 it was reported that on 3 October the investigating chamber of the Paris Court of Appeal had examined the new elements it had claimed in June in Burkina Faso, and that a judicial source had said that the prosecutor general has given a favorable opinion on this extradition.</p> <p>{« La justice française doit rendre le 5 décembre sa décision sur la demande d'extradition de François Compaoré vers le Burkina Faso, où ce frère du président déchu est mis en cause dans l'enquête sur l'assassinat du journaliste Norbert Zongo en 1998, a-t-on appris vendredi de sources concordantes, confirmant une information de RFI.</p> | |

⁹⁹ Interview A8, December 2017

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| Communication details | Recommendations on reparations | Known status of implementation | Contextual aspects |
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| | | <p>Mercredi, la chambre de l'instruction de la cour d'appel de Paris a examiné les nouveaux éléments qu'elle avait réclamés en juin au Burkina Faso, selon ces sources.</p> <p>Le parquet général a donné un avis favorable à cette extradition, a précisé une source judiciaire »¹⁰⁰)</p> <p>A process of legal reform has been undertaken and is ongoing. This includes</p> <ul style="list-style-type: none"> • Act No. 10-2017/AN of 10 April 2017 on the prison system in Burkina Faso • Act No. 039-2017/AN of 27 June 2017 on the protection of the rights of human rights defenders <p>Act No. 040-2017/AN of 29 June 2017 amending Order No. 68-7 of 21 February 1968 establishing a code of criminal procedure</p> <ul style="list-style-type: none"> • Act No. 041-2017/AN of 29 June 2017 on the organization, functioning and procedures applicable before the Criminal Chamber • Act No. 043-2017/AN of 04 July 2017 amending Organic Act No. 20-95/ADP of 16 May 1995 on the composition and functioning | |

¹⁰⁰ 5 October 2018, <https://afrique.tv5monde.com/information/extradition-de-francois-compaore-decision-prevue-le-5-decembre>

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| Communication details | Recommendations on reparations | Known status of implementation | Contextual aspects |
|-----------------------|---|---|--------------------|
| | | of the High Court of Justice and procedures applicable thereto <ul style="list-style-type: none"> Act No. 044-2017/AN of 04 July 2017 amending Act No. 24/94/ADP of 24 May 1994 establishing the Code of Military Justice¹⁰¹ | |
| | Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views. | To date no report has been submitted. Although note that the government has mentioned compliance with the Committee's views in its response to the LOIPR in 2016, as noted above. | |
| | The State party is also requested to publish Views. | The HRLIP was unable to find information to indicate that the decision had been published. | |

| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-------------------------------------|---|---|--|
| African Commission Decisions | | | |
| Jean-Marie Atangana Mebara | Urgently requests the Republic of Cameroon to order the immediate | On 27 June 2017 a 20 year prison sentence was upheld by the Supreme Court. ¹⁰² | Atangana Mebara is the former Secretary-General of the Presidency of the Republic. |

¹⁰¹ Burkina Faso UPR National Report for the third periodic cycle, UN Doc. A/HRC/WG.6/30/BFA/1, 2 March 2018

¹⁰² <https://kmersaga.net/2017/06/28/cameroon-embezzlement-supreme-court-confirms-20-year-prison-sentence-imposed-on-jean-marie-atangana-mebara-by-the-scc/>;

Interview B6, 28 February 2018

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|--|---|---|
| <p>Communication No. 416/12 Decision adopted : 8 August 2015</p> | <p>release of the Complainant</p> | <p>On 7 April 2018 it was reported that Mr Mebara remains in the Central prison in Yaounde.¹⁰³</p> | <p>The African Commission decision was adopted a few days after the Supreme Court of Cameroon had rejected Mebara’s appeal on his case.¹⁰⁴</p> <p>In 2011 a Special Criminal Court was established to prosecute alleged corruption by officials and in 2012 Mr Mebara’s case was transferred to that Court. There were 3 charges against Mr Mebara and the Special Criminal Court disjoined those charges to hear each one separately.¹⁰⁵ The Special Criminal Court does not permit cases to be considered by another Court.¹⁰⁶</p> <p>The HRLIP has been informed that the UN Working Group on Arbitrary Detention has also been informed of Mr Mebara’s detention and the facts of this case.¹⁰⁷</p> |
| | <p>Requests the Republic of Cameroon to pay the Complainant the sum of four hundred million (400,000,000) CFA francs as compensation for the material and non-material damages</p> | <p>See above</p> | |

¹⁰³ 7 April 2018 <https://cruxnow.com/global-church/2018/04/07/archbishop-gives-hope-to-cameroon-prisoners/>. On 28 February 2018 during a visit by the HRLIP to Cameroon it was confirmed that Mr Mebara remained in prison.

¹⁰⁴ 13 May 2016, news item by Cameroon Post Online <http://www.cameroonpostline.com/why-african-court-ordered-release-of-atangana-mebara/>

¹⁰⁵ Interview B6, 28 February 2018.

¹⁰⁶ Interview B6, 28 February 2018.

¹⁰⁷ Interview B6, 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|---|---|---|
| | suffered as a result of the established violations | | |
| | Urgently requests the Republic of Cameroon to take prompt and appropriate measures to sanction all Government employees responsible for the violations perpetrated against the Complainant | See above | |
| | Further requests the Republic of Cameroon to report in writing, within one hundred and eighty (180) days of notification of this decision, on the measures taken to implement these recommendations | See above | |
| <p>Mbiankeu Genevieve Communication No. 389/10 Decision adopted: 7 May 2015</p> | <p>Requests the Republic of Cameroon to provide the Complainant with a plot of land of equal value and nature in accordance with the description made and within the period prescribed by the Commission above.</p> | <p>40th Activity Report Of The African Commission On Human And Peoples' Rights Submitted in Accordance with Article 54 of the African Charter on Human and Peoples' Rights, April 2016, para 18: 'Communication 389/10 - Mbiankeu Geneviève v. Cameroun: The Complainant sent a correspondence to the Commission on 21 December 2015, indicating that the State has not yet implemented the</p> | <p>At the meeting organised by the African Commission in Dakar in August 2017 the State representative informed the participants that there were two different versions of the decision with different wording.</p> <p>The HRLIP has been informed that the complainant has not replied to the Inter-Ministerial Committee's letter about her case and they are not sure if she received their correspondence. The MOJ wrote to the African</p> |

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|--|---|
| | | <p>recommendations contained in the decision of the Commission’.</p> <p>The HRLIP has been informed that the Inter-ministerial Committee has sat a number of times to consider the case.¹⁰⁸</p> | <p>Commission in December 2017 to ask if they have more recent contact details for the complainant but as of 28 February 2018 they have not received further information from the African Commission.¹⁰⁹</p> |
| | <p>Requests the Republic of Cameroon, failing a compensation in kind, to make the following payments to the Complainant: – an amount of 50,692,185 CFA francs corresponding to the total cost price for buying the plot of land;</p> | <p>See above</p> | |
| | <p>– an additional amount to be determined on the basis of the criteria stated by the Commission above and corresponding to the appreciated sales value</p> | <p>See above</p> | |

¹⁰⁸ Interview B7, 28 February 2018.

¹⁰⁹ Interview B7, 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|--------------------------------|--------------------|
| | of the plot of land on the date of this decision. | | |
| | Further requests, in addition, the Republic of Cameroon to pay the Complainant damages assessed as follows: – compensation for material damage, the amount of which shall be determined by mutual agreement between the parties under the conditions stated in this decision; | See above | |
| | – an amount of 15,391,460 CFA francs as financial compensation for the deprivation of enjoyment of the rights related to the right to property; | See above | |
| | – an amount of 5,000,000 CFA francs for non-material damages suffered as a result of the frustration and uncertainty experienced | See above | |

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|---|--|--------------------------------|---|
| | since the time the land was expropriated. | | |
| | Further requests the Republic of Cameroon to report in writing, within one hundred and eighty (180) days of notification of this decision, on the measures taken to implement these recommendations of this decision | See above | |
| Association of Victims of Post Electoral Violence and INTERIGHTS Communication No. 272/03 Decision adopted: 25 November 2009 | Take all the necessary measures for guaranteeing the effective protection of human rights at all times | | Case happened in the context of years of democratic unrest. ¹¹⁰ In response to the unrest the Government established the following institutions: <ul style="list-style-type: none"> • An organization for political dialogue at the national level called the Tripartite, comprising the State, Civil Society and the Political Parties. The State claimed that this Tripartite had made possible the realization of the constitutional amendments of 18th January 1996. • A Committee then a National Human Rights and Liberties Commission; |

¹¹⁰Communication No. 272/03, para 80.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|---|---|
| | | | <ul style="list-style-type: none"> • A National Elections Observatory and the strengthening of the National Communications Council'.¹¹¹ <p>The Government set up a Rescue Committee for the Victims, in conformity with the Law of 26th June 1964 which authorizes the State to provide “assistance within the limits of the amounts provided for this purpose or constant assistance in any other form”. The said Committee had evaluated the amount of damages – interest at five billion, eight hundred and eight million, three hundred and ten thousand, and eight hundred and eighty francs CFA (5 808 310 880).¹¹²</p> <p>In 2011 the victims were members of the ruling party, the Cameroon Peoples’ Democratic Movement (CPDM). It is understood that several of the victims have died since 1992.¹¹³</p> |
| | <p>Pursue its commitment to give fair and equitable compensation to the victims and without delay, to pay fair and equitable compensation for the prejudices</p> | <p>In November 2013 in the African Commission’s 35th Activity Report it was noted that a positive development was: ‘Cameroon’s implementation of the Commission’s decision in Communication 272/03 Association of Victims of Post Electoral Violence & INTERIGHTS v Cameroon, and paying compensation to the victims for the prejudice</p> | <p>“The HRLIP has been informed that “what helped [the litigants] the most in Cameroon is that there were decisions from the UN Human Rights Committee and complaints pending before the Africa Commission, in regard to other human rights violations. There was therefore pressure from these mechanisms exhorting Cameroon to respect its regional and international human rights treaty obligations [...] most importantly</p> |

¹¹¹ Communication No. 272/03, para 82(5).

¹¹² Communication No. 272/03, para 121.

¹¹³ Interview B4, 19 December 2017

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|---|--|
| | suffered by the victims or their beneficiaries | they suffered during the post-electoral violence of 1992 in the North West Region, headquartered in Bamenda, Cameroon. ¹¹⁴ | <p>though the Cameroon Government did set up a Committee [an inter-ministerial Committee on follow-up].¹¹⁵</p> <p>“[...] The fact that they actually put a structure in place moved things along and was a very significant development in progressing the decision’s implementation.”¹¹⁶</p> <p>“[...] the facts of the case arose from post-electoral violence so the decision’s implementation reflected this political dimension. Because many of the victims were members of the ruling party, the government may have been spurred to act, as the period during which the decision was implemented coincided with the election period in Cameroon. There are suggestions that the government felt that it was important to honour its commitment to party faithful — who were also victims of the post-electoral violence — by implementing the African Commission’s decision. Any action short of this, would have been catastrophic and cost the ruling party votes. Such a scenario was avoided by implementing the Commission’s decision.”¹¹⁷</p> |

¹¹⁴ African Commission 35th Activity Report (2013), para. 28, p.8, <http://www.achpr.org/activity-reports/35/>

¹¹⁵ Interview B4, 29 November 2017

¹¹⁶ Interview B4, 29 November 2017

¹¹⁷ Interview B4, 29 November 2017

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|---|--|---|--|
| | <p>That the amount of compensation for the damages and interest be fixed in accordance with applicable laws</p> | <p>Amount of compensation paid unknown.</p> <p>The HRLIP has been informed that the applicants “were very happy with the African Commission’s decision. During the implementation stage, details of damages, injuries and relevant information were sent to the Commission which then shared these with the State. This development was a clear indication that the reparations sought by the applicants were being looked into [...] The violations had happened a while back [...] so it is highly unlikely that [the compensation] would have kept up with inflation. I would like to think that the compensation paid by the State took into account inflation rate fluctuations” .¹¹⁸</p> | |
| | <p>The victims and their dependents should have their rights restored in full (Decision on merits: para 121)</p> | | |
| <p>Kevin Mgwanga Gunme et al Communication No. 266/03</p> | <p>Abolishes all discriminatory practices against people of Northwest and Southwest Cameroon,</p> | <p>In a submission to the OHCHR in relation to the consideration of Cameroon’s Periodic Report to the UPR April–May 2013, a stakeholder report of the Unrepresented Nations and Peoples Organisation (UNPO) reported a lack of</p> | <p>Tensions between the Executive and the minority Anglophone regions remain. In October 2016 protests and strikes by lawyers, teachers and students in two Anglophone regions over claims that the English-speaking minority were excluded from top civil service</p> |

¹¹⁸ Interview B4, 29 November 2017

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|----------------------------|---|--|---|
| Decision adopted: May 2009 | including equal usage of the English language in business transactions. | <p>implementation of the Gunme communication.¹¹⁹</p> <p>A press release issued by the African Commission on 15 December 2016 expressed concern at the “deteriorating human rights situation in Cameroon, State Party to the African Charter on Human and Peoples’ Rights (the African Charter) caused by the ongoing protests in the English speaking North West and South West regions of the country” and noted that The Special Rapporteur for Cameroon had “received information that the strikes and protests are allegedly provoked by what has been dubbed, “the Anglophone problem,” due to discontented Anglophone Lawyers, Teachers and Civil Society in English speaking Cameroon legitimately and peacefully seeking a halt to: the gradual, but systematic destruction and obliteration of the Common Law Legal System and the Anglosaxon System</p> | <p>jobs, and that the French language and legal system have been imposed on them. Action by the authorities to the protests and strikes led to reports that at least 8 persons had been killed by the authorities¹³² and others were arbitrarily arrested and detained.¹³³</p> <p>Since October 2016 the African Commission has issued two press releases, in December 2016 and January 2018 expressing concern at the deteriorating human right situation.¹³⁴</p> |

¹¹⁹http://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=%2FHRBodies%2FUPR%2FDocuments%2FSession16%2FCM%2FUNPO_UPR_CMRS16_2013_UNPO_E%2Epdf&action=view

¹³² <http://www.bbc.co.uk/news/world-africa-41461007>

¹³³ AU Press Release, 18 January 2017, <https://au.int/en/pressreleases/20170118-0>

¹³⁴ African Commission Press release 15 December 2016; African Commission Press Release on Human Rights Situation in Cameroon, 29 January 2018, <http://www.achpr.org/press/2018/01/d384/> <http://www.achpr.org/press/2016/12/d340/>. See also media report 3 January 2018 <https://www.theguardian.com/world/2018/jan/03/deaths-and-detentions-as-cameroon-cracks-down-on-anglophone-activists>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <p>of Education; the marginalisation and neglect by the administration of Cameroon of the two English speaking regions of Cameroon; and the return to Federal system of governance.”¹²⁰</p> <p>On 18 January 2017 the outgoing Chair of the AU Commission, Dr. Nkosazana Dlamini Zuma, issued a press release in light of protests and arrests in two of the Anglophone regions of Cameroon stating regret at ‘the loss of lives and destruction of property that have taken place in some cities and towns in the two regions of Cameroon. She notes with concern the closing of schools and medical facilities, as well as all acts of violence, arbitrary arrests and detention of individuals suspected of participating in the demonstrations.</p> <p>The Chairperson of the AU Commission calls for restraint and encourages a continuation of the dialogue initiated by the Government in order to find a solution to the social, political and economic issues motivating the protests. She reiterates the AU’s support for the respect of the rule of law, and the right to peaceful demonstrations which are critical tenets of democracy.’¹²¹</p> | |

¹²⁰ African Commission Press Release 15 December 2016, <http://www.achpr.org/press/2016/12/d340/>

¹²¹ AU Press Release, 18 January 2017, <https://au.int/en/pressreleases/20170118-0>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <p>On 23 January 2017 a Presidential Decree No 2017/013 was passed to establish a National Commission on the Promotion of Bilingualism and Multiculturalism (NCPBM).¹²²</p> <p>This decree states that this Commission shall be placed under the authority of the President and its headquarters will be in Yaounde.</p> <p>The purpose of the Committee is stated as being to promote bilingualism and multiculturalism in Cameroon with a view to maintaining peace, consolidating the Country's unity; and strengthening its people's willingness and day-to-day experience with respect to living together.</p> <p>The mandate of the Committee includes:</p> <ul style="list-style-type: none"> • Submitting reports and recommendations on issues relating to the protection and promotion of bilingualism and multiculturalism to the President • Monitoring the implementation of constitutional provisions establishing English and French as two official languages of equal status, and especially ensuring their use in all government services; semi-public bodies; as well as any State-subsidised body | |

¹²² For the text of the Decree see: <https://www.prc.cm/files/b1/00/4d/1f4edab0eb8fab5df54955177eff43d3.pdf>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <ul style="list-style-type: none"> • Conducting any study or survey and proposing measures likely to strengthen Cameroon’s bilingual and multicultural character • Preparing and submitting to the President draft instruments on bilingualism, multiculturalism and togetherness • Popularising legal instruments on bilingualism and multiculturalism • Receiving petitions against discriminations arising from non-compliance with the constitutional provisions on bilingualism and multiculturalism and reporting thereon to the President.¹²³ <p>The Committee is to comprise 15 members appointed by the President.¹²⁴</p> <p>On 18 March 2017 it was reported that members of the Committee had been appointed and included the former Prime Minister, Peter Mafany Musonge appointed as the president of the Committee.¹²⁵</p> <p>On 14 June 2017 it was reported that a second meeting of the Committee had taken place to</p> | |

¹²³ Decree No. 2017/013, of 23 January 2017, Chapter II, paragraph 3

¹²⁴ Decree No 2017/013 of 23 January 2017, Chapter III, paragraph 4

¹²⁵ 18 March 2017 <http://www.cameroonintelligence.com/commission-for-the-promotion-of-bilingualism-toujours-les-memes-gens/>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <p>agree a plan of action and that a budget of 700 million FCFA had been allocated until the end of 2017 when the budget would be voted on again.¹²⁶</p> <p>At the 60th Ordinary session of the African Commission in May 2017 the State delegation of Cameroon noted in their statement on the Human Rights Situation in Africa that the National Committee on bilingualism had been established.¹²⁷</p> <p>This was repeated on 1 November 2017 at the 61st Ordinary Session of the African Commission when the State delegation of Cameroon noted in their statement under agenda item the Human Rights Situation in Africa – that a National Committee to promote bilingualism and multiculturalism had been established after ‘secession’ protests and strikes by lawyers and teachers in the Anglophone regions.¹²⁸</p> <p>This Committee on Bilingualism was also noted by the State delegation to the UN Human Rights Committee on 24 and 25 October 2017 as a response by the Government to recent</p> | |

¹²⁶ 14 June 2017, <http://allafrica.com/stories/201706150811.html>

¹²⁷ Statement by the State Delegation of Cameroon at the 60th Ordinary Session of the African Commission, on file with the HRLIP.

¹²⁸ HRLIP notes of 61st Ordinary Session of the African Commission, on file with the HRLIP.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|---|--------------------|
| | | <p>protests and strikes in the Anglophone regions.¹²⁹</p> <p>On 29 January 2018 the African Commission made a Press release expressing its ongoing concern that “Since October 2016, the human rights situation in the Republic of Cameroon has continued to worsen following brutal crackdowns on legitimate and peaceful protests by lawyers, teachers and members of civil society of the English-speaking regions of North-West and South-West, who called for the preservation of the Anglophone legal and educational systems in their regions, an end to marginalisation, and for better management of the regions by the State in terms of development and infrastructure.</p> <p>The Commission is particularly concerned about the deployment of soldiers in these regions, the disproportionate use of force against unarmed civilians, and the intermittent shutdown of means of communication such as Internet connection.</p> <p>The Commission is deeply concerned about reports of cases of enforced disappearance, arbitrary detention under deplorable conditions, prohibition of peaceful demonstrations, and constant insecurity</p> | |

¹²⁹ UN Doc. CCPR/C/SR 3426, 21 November 2017, paragraph 4.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <p>leading to the displacement of more than 5,000 Anglophone Cameroonians to Nigeria since the beginning of the crisis without means of subsistence and access to basic necessities.”¹³⁰</p> <p>In relation to translation of key laws, the Cameroonian Penal Code has been translated into English and the OHADA Uniform Acts relating to general commercial law have been translated into English, these include the English versions of the various OHADA Uniform Acts. They include the Uniform Act of 24 March 2000 on the Harmonisation of the Accounts of Enterprises; Arbitration rules of the Common Court of Justice and Arbitration of 11 March 1999; Uniform Act of 10 April 1998 Organising Collective Proceedings for Clearing Debts; Uniform Act of 11 March 1999 on Arbitration; Uniform Act of 15 December 2010 Organising Securities, Uniform Act of 22 March 2003 on the Contract for the Carriage of Goods by Road, Uniform Act of 17 April 1997 Relating to Commercial Companies and Economic Interest Groups and the Uniform Act of 17 April 1997 Relating to General Commercial Law.¹³¹</p> | |

¹³⁰ African Commission Press Release on Human Rights Situation in Cameroon, 29 January 2018, <http://www.achpr.org/press/2018/01/d384/>

¹³¹All Africa, ‘Cameroon: Penal Code, OHADA Law - Official English Versions Handed to Lawyers’, 19 January 2017, <https://allafrica.com/stories/201701190534.html>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|--------------------------------|--------------------|
| | Stops the transfer of accused persons from the Anglophone provinces for trial in the Francophone provinces. | See above | |
| | Ensures that every person facing criminal charges be tried under the language he/she understands. In the alternative, the Respondent State must ensure that interpreters are employed in Courts to avoid jeopardising the rights of accused persons. | See above | |
| | Locates national projects, equitably throughout the country, including Northwest and Southwest Cameroon, in accordance with economic viability as well as regional balance. | Unknown | |
| | Pays compensation to companies in Northwest and Southwest Cameroon, which suffered as a result of | Unknown | |

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---|--|--------------------|
| | discriminatory treatment by banks. | | |
| | Enters into constructive dialogue with the Complainants, and in particular, SCNC and SCAPO to resolve the constitutional issues, as well as grievances which could threaten national unity. | See information about ongoing tensions above. | |
| | Reforms the Higher Judicial Council, by ensuring that it is composed of personalities other than the President of the Republic, the Minister for Justice and other members of the Executive Branch. | By Presidential decree no.2014/594 of December, 24, 2014 the High Judicial Council is to be composed of members designated by the National Assembly; by the Supreme Court; and the President of the Republic. The President remains on the Council which can also only meet on his request. ¹³⁵ | |
| | To the Complainants, and SCNC and SCAPO in particular, c) to transform into political parties, | On 1 November 2017 at the 61 st Ordinary Session of the African Commission the State delegation of Cameroon noted the Gunme case in their statement under agenda item the Human Rights Situation in Africa – noting, with | |

¹³⁵ <http://www.cameroonpostline.com/higher-judicial-council-sanction-looms-over-100-magistrates/>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|--|--------------------|
| | d) to abandon secessionism and engage in constructive dialogue with the Respondent State on the Constitutional issues and grievances. | reference to recent protests and arrests in the Anglophone regions, that the Commission had said that calls for secession should be abandoned and the complainants should enter negotiations. ¹³⁶ | |
| | The African Commission places its good offices at the disposal of the parties to mediate an amicable solution and to ensure the effective implementation of the above recommendations. | | |
| | The African Commission requests the Parties to report on the implementation of the aforesaid recommendations within 180 days of the adoption of this decision by the AU Assembly. | | |

¹³⁶ African Commission Press release 15 December 2016; <http://www.achpr.org/press/2016/12/d340/>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|---|--|---|
| <p>Annette Pagnouille (on behalf of Abdoulaye Mazou) Communication No. 39/90_10R Decision adopted: April 1997 (NB: linked to UN HRC communication on the same matter: Mazou v Cameroon, Communication No. 630/1995)</p> | <p>Recommends that the Government of Cameroon draw all the necessary legal conclusions to reinstate the victim in his rights.</p> | <p>The HRLIP has received information that compensation was offered but was declined, although the basis for rejecting the compensation is unknown and it is also not known what, if any, subsequent compensation was offered.¹³⁷</p> <p>In relation to the linked UN Human Rights Committee Communication 630/1995, Mazou v Cameroon, 2001, 'By a note verbale of 5 April 2002, the state informed the Committee that the author had been reintegrated into the judicial corps, and that his career is following its normal course'.¹³⁸</p> <p>On 6 May 2002, at the 31st Ordinary Session held in Pretoria, South Africa' the State delegation noted Mr Mazou was reinstated in the judiciary. Cameroon, however, stated that the reconstruction of his career and the recovery of the rights violated by his imprisonment posed problems for the government. It was mentioned by the State representative of Cameroon that compensation was offered to Mr Mazou but he declined it. In</p> | <p>The delegation of Cameroon at the 20th session of the African Commission stated that: "After serving his sentence he was released, but the problem is that he was the subject of purely administrative measures based on existing laws at that time. These laws were however abrogated only in 1989." (Decision, para. 16)</p> <p>In 2005 the Ministry of Justice noted: "Judicial practice is still marred by numerous bottlenecks, which prevent the rapid settlement of proceedings. This is, the Achilles' heel of Cameroon's judiciary as illustrated by the Human Rights Commission (Communication No.130/195 Abdoulaye Mazou vs. The State of Cameroon) and by the African Commission on Human and Peoples' Rights (Communication No. 30/90 Annette Pagnouille and No. 59/91, Louis Emgba Mekongo vs. The State of Cameroon). Government envisages corrective measures particularly the recruitment of a larger number of judicial and legal officers'.¹⁴²</p> <p>Mr. Mazou also sent a later communication to the UN Human Rights Committee (See Communication No. 630/1995 Views adopted: 26 July 2001.)</p> |

¹³⁷ Interview D13, 3 November 2017.

¹³⁸ L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, p.64.

¹⁴² http://www.minjustice.gov.cm/pdf_download/droit_homme/English/Rapport_Minjustice_2005_Ang.pdf, para 476.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|---|--------------------|
| | | <p>this sense the state proclaimed they have reached a dead end'.¹³⁹</p> <p>In 2004 in relation to the linked UN Human Rights Committee Communication 630/1995, <i>Mazou v Cameroon</i>, 2001, the HRC's Special Rapporteur on Follow up Views noted: The State party, however, noted 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 admissible. 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".</p> <p>The UN HRC subsequently considered the "State party has complied with the Views".¹⁴⁰</p> | |

¹³⁹ L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, pp.28-29.

¹⁴⁰ See UN HRC Follow-Up Progress Report submitted by The Special Rapporteur for Follow-Up on Views, CCPR/C/80/FU/I (2004).

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|---|---|--|
| | | In relation to the payment of compensation, as noted above, on 6 May 2002, at the 31 st Ordinary Session held in Pretoria, South Africa' the State delegation noted that compensation was offered but was declined. ¹⁴¹ The basis for rejecting the compensation is unknown and it is also not known what, if any, subsequent compensation was offered. | |
| Embga Mekongo Louis v Cameroon Communication No.59.91 Decision adopted: 22 March 1995 | Being unable to determine the amount of damages, the Commission recommends that the quantum should be determined under the law of Cameroon. | HRLIP has received information that the State negotiated with the family to pay 100million francs as financial compensation although this has not been confirmed. ¹⁴³ It is unclear if any payment has been made. The State has claimed that it is unable to trace the victim to make a payment. ¹⁴⁴ | |
| UN Human Rights Committee Decisions | | | |
| John Njie Monika | State is under an obligation to provide the | May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights | The complainant was a prominent businessman and creditor to the Limbe Urban Council, and the Manager |

¹⁴¹ L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, pp.28-29.

¹⁴³ Interview B2, 6 July 2017

¹⁴⁴ F. Viljoen and L. Louw, *State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1994-2004*, January, 2007 101 A.J.I.L. 1, p.15.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|---|--|---|--|
| <p>Communication No. 1965/2010 Views adopted: 21 October 2014</p> | <p>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</p> | <p>Committee notes that no response has been received and follow-up is ongoing.¹⁴⁵</p> | <p>of Mile Six Tourist Beach Resort, under the supervisory authority of the Ministry of Tourism.</p> <p>The HRLIP has been informed that the State received a letter in 2017 from the brother of Mr Monika which provides contact details for negotiations to begin.¹⁴⁶</p> |
| | <p>Obligation includes to provide adequate compensation to the author</p> | | |
| | <p>State is under an obligation to take steps to prevent similar violations in the future.</p> | | |
| | <p>Committee wishes to receive from the State party, within 180 days, information about the measures taken to give</p> | | |

¹⁴⁵ UN Doc. CCPR/C/119/3, page.39.

¹⁴⁶ Interview B7, 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|---|---|---|--|
| | <p>effect to the Committee's Views.</p> <p>The State party is also requested to publish the present Views, and to have them widely disseminated in the State party.</p> | <p>Case reported in the 2014 Annual Report of the Ministry of Justice on Human Rights in Cameroon¹⁴⁷</p> | |
| <p>Akwanga v Cameroon Communication No. 1813/2008 Views adopted: 22 March 2011</p> | <p>State party is obligated to provide an effective remedy including a review of his conviction</p> | <p>HRLIP were informed that the State is requiring the presence of the complainant (who has left the country) in Cameroon to initiate a review of his conviction and reparation measures including a claim for compensation.¹⁴⁸</p> <p>19 June 2014 the State informed the Human Rights Committee that: '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</p> | <p>The complainant has escaped and left the country.</p> <p>There is an apparent impasse in that the State is demanding Mr. Akwanga returns to the country in order for aspects of the decision to be implemented. However Legal Counsel for Mr Akwanga have rejected as inappropriate the State party's contention that he must first return to Cameroon and be arrested there, in order to have his conviction reviewed. Counsel recalls that the arrest warrant against his client was issued in the framework of criminal proceedings for which the Committee had concluded not that they were not in compliance with the fair trial guarantees. The review of the author's sentence should not, according to counsel, depend on Mr. Akwanga's presence.¹⁵²</p> |

¹⁴⁷ http://www.minjustice.gov.cm/pdf_download/droit_homme/English/Rapport_Minjustice_2014_Ang.pdf

¹⁴⁸ Interview B.1, 24 May 2017

¹⁵² UN Doc. A/68/40/Vol.1, p.150.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <p>procedure requires the physical presence of the author for cross-examination purposes.</p> <p>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.¹⁴⁹</p> <p>31 July 2014 the Complainant’s representative sends a response to the Human Rights Committee stating that: ‘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.’¹⁵⁰</p> <p>December 2016 in Annex 3 to Cameroon’s 5th Periodic Report to the HRC it was noted that ‘Cameroon is ready to initiate the review procedure as soon as Mr. Akwanga, in accordance with judicial procedures in force,</p> | |

¹⁴⁹ UN Doc. CCPR/C/112/R.3, 5 September 2014 p.10.

¹⁵⁰ UN Doc. CCPR/C/113/3, 29 June 2015, p.8

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---|--|--------------------|
| | | <p>appeals against the judgment sentencing him to 20 years imprisonment for illegal possession of firearms and ammunition, aggravated theft, depredation by band, arson and others.’¹⁵¹</p> | |
| | <p>an investigation of the alleged events</p> | <p>31 July 2014 the Complainant’s representative sends an update to the Human Rights Committee stating that: ‘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.’¹⁵³</p> <p>December 2016 in Annex 3 to Cameroon’s 5th Periodic Report to the HRC it was noted that ‘An investigation will also be opened upon the filing by the applicant of a complaint on torture and poor treatment. It will require the presence of the complainant. The culprits</p> | |

¹⁵¹ Annex 3 to Cameroon’s 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁵³ UN Doc. CCPR/C/113/3, 29 June 2015, p.8

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---|---|--------------------|
| | | <p>identified could then be subject to legal proceedings in accordance with the law.¹⁵⁴</p> <p>May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that follow-up is ongoing.¹⁵⁵</p> <p>The HRLIP has been informed that the State does not know the whereabouts of Mr. Akwanga to negotiate with him.¹⁵⁶</p> | |
| | <p>reparation including compensation.</p> | <p>31 July 2014 the Complainant’s representative sends an update to the Human Rights Committee claiming: ‘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</p> | |

¹⁵⁴ Annex 3 to Cameroon’s 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁵⁵ UN Doc. CCPR/C/119/3, page.39.

¹⁵⁶ Interview B7, 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|--|--------------------|
| | | <p>and simultaneously with all the other measures.¹⁵⁷</p> <p>December 2016 in Annex 3 to Cameroon’s 5th Periodic Report to the HRC it was noted that ‘The absence of the author of the communication or his agent is an obstacle to the implementation of the Views of the Committee. The NCHRF was requested to search for him.’¹⁵⁸</p> <p>May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that follow-up is ongoing.¹⁵⁹</p> <p>The HRLIP has received information that the complainant requested a figure directly from the government in an attempt to initiate a dialogue on compensation. The figure was open for negotiation. No response was received by the complainant, although the State did refer to the amount in its engagement with the Human Rights Committee. The State wished for all aspects of the case to be dealt with together and required the presence of the</p> | |

¹⁵⁷ UN Doc. CCPR/C/113/3, 29 June 2015, p.8.

¹⁵⁸ Annex 3 to Cameroon’s 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁵⁹ UN Doc. CCPR/C/119/3, page.39.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
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| | | complainant in Cameroon in order to proceed. ¹⁶⁰ | |
| | Further, the State Party is obligated to ensure similar violations are avoided in the future. | | |
| | Committee seeks information about the implementation of these views within 180 days. | | |
| | And requests the State party to publish the Views. | Case is published in the 2009 Annual Report of the Ministry of Justice on Human Rights in Cameroon. ¹⁶¹ | |
| Pierre Désiré Engo Communication No. 1397/2005 Views adopted: 17 August 2009 | State is under an obligation to provide the author with an effective remedy, leading to his immediate release | December 2016 in Annex 3 to Cameroon's 5 th Periodic Report to the HRC it was noted that: 'In accordance with the Views of the Committee, Mr. Engo should have been released after serving his sentence of 10 years imprisonment for forgery and embezzlement of public property delivered in 2002, in The People and NSIF v. Pierre Désiré ENGO, DIPPAH and Others. However, for reasons of investigation concerning five other proceedings pending against him, and considering his financial resources that could allow him to | The complainant was managing director of Cameroon's national social security fund, the Caisse Nationale de Prévoyance Sociale (CNPS). The Special Criminal Court of Cameroon has been seized of Mr Engo's case. ¹⁶⁸ This Court was established in 2011 specifically to prosecute alleged corruption by officials. (See also the case of Mr. Mebarra.) |

¹⁶⁰ Interview B.1, 24 May 2017

¹⁶¹ http://www.minjustice.gov.cm/pdf_download/droit_homme/English/Rapport_Minjustice_2009_Ang.pdf

¹⁶⁸ Interview, B6 , 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---------------------|---|--------------------|
| | | <p>escape justice, it was necessary to remand him in custody.</p> <p>Government cannot interfere in the ongoing judicial process to demand the immediate release of Mr. Engo, pursuant to views of the Committee; it nevertheless took steps to implement the second part of the Views'.¹⁶²</p> <p>May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that follow-up is ongoing.¹⁶³</p> <p>The HRLIP has been informed that Mr Engo was granted a conditional release from prison.¹⁶⁴ According to reports he was released on 7 May 2014¹⁶⁵ pending the conclusion of investigations into his case and has to return to the Special Criminal Court periodically while awaiting a report from investigations in France on the criminal charges brought against him.¹⁶⁶</p> | |

¹⁶² Annex 3 to Cameroon's 5th Periodic Report to the UN Human Rights Committee,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁶³ UN Doc. CCPR/C/119/3, page.39.

¹⁶⁴ Interview B7, 28 February 2018.

¹⁶⁵ See media reports: <https://translate.google.co.uk/translate?hl=en&sl=fr&u=http://cl2p.org/cameroun-justice-politisee-pierre-desire-engo-eternel-otage-du-tribunal-criminel-special/&prev=search>

¹⁶⁶ See media reports: <https://translate.google.co.uk/translate?hl=en&sl=fr&u=http://www.camer.be/57226/11:1/cameroun-tribunal-criminel-special-leternel-proces-de-pierre-desire-engo-cameroon.html&prev=search>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|---|--------------------|
| | | <p>May 2018 the UN HRC Follow report states that a decision has been taken to “Close the follow-up dialogue, with a note of partially satisfactory implementation of the Committee’s recommendations.”¹⁶⁷</p> | |
| | <p>Provision of adequate ophthalmological treatment</p> | <p>December 2016 in Annex 3 to Cameroon’s 5th Periodic Report to the HRC it was noted that: ‘Indeed, Mr. Engo had access to an ophthalmologist as well as outpatient medical consultations. According to the prison doctor, his health is generally satisfactory. In addition, he receives regular visits and may discuss with his lawyers.’¹⁶⁹</p> | |
| | <p>State is under an obligation to take steps to prevent similar violations in the future.</p> | | |
| | <p>Committee wishes to receive from the State party, within 180 days, information about the measures taken to give</p> | | |

¹⁶⁷ UN Doc.CCPR/C/122/R.2, p.9

¹⁶⁹ Annex 3 to Cameroon’s 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|--|---|---|
| | effect to the Committee's Views. | | |
| | The State party is also requested to publish Views. | Case is reported in the 2009 Annual Report of the Ministry of Justice on Human Rights in Cameroon ¹⁷⁰ | |
| <p>Dorothy Kakem Titiahonjo Communication No. 630/1995 Views adopted: 26 October 2007</p> | <p>The State party is under an obligation to provide the author with an effective remedy</p> | <p>Human Rights Committee, concluding observations. UN Doc. CCPR/C/CMR/CO/5, para. 5: <i>"regrets the often significant delays in the implementation of its Views, in particular with regard to compensation (art. 2)."</i></p> <p>Human Rights Committee Follow-up progress report on individual communications: CCPR/C/113/3 (29 June 2015) 'no response' and 'follow-up dialogue ongoing' CCPR/C/116/3 (5 August 2016) 'no response' and 'follow-up dialogue ongoing' CCPR/C/119/3 (30 May 2017) 'no response' and 'follow-up dialogue ongoing' CCPR/C/121/3 (16 November 2017) no mention of this communication</p> <p>Oral Statement by Amnesty International during the 61st Ordinary Session of the African Commission on Human and People's Rights, Agenda Item 12 (13 November 2017)</p> | <p>The complainant is the wife of Thomas Titiahonjo (deceased) who was a Member of the Southern Cameroon National Council (SCNC). In the submission the complainant claimed that although at the time of arrest she and her husband were told the police were looking for a gun in relation to a robbery, but no gun was found in the home during the search. She states she was later told her husband had been arrested because of his involvement with the SCNC. At the time the complainant noted in the submission that there was no law prohibiting membership of the SCNC.¹⁷²</p> |

¹⁷⁰ http://www.minjustice.gov.cm/pdf_download/droit_homme/English/Rapport_Minjustice_2009_Ang.pdf

¹⁷² UN Doc. CCPR/C/91/D/1186/2003, (2007), paras.2.2, and 2.4.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--------------------------------|---|--------------------|
| | | <p><i>“Amnesty International calls upon the African Commission to urge the Cammeronian authorities to [...] issue clear orders to the military, the gendarmes and the police commanders not to use unnecessary or excessive force in the context of [...] cordon-and-search operations and take measures to ensure that security forces comply with international human rights law and standards on the use of force, including [...] bringing perpetrators to justice.”¹⁷¹</i></p> | |
| | <p>including compensation,</p> | <p>16 June 2014 the State informs the Human Rights Committee that ‘Contacts have been initiated with a view to offering compensation to the author.’¹⁷³</p> <p>December 2016 in Annex 3 to Cameroon’s 5th Periodic Report to the HRC it was noted that ‘Negotiations started to compensate the author’.¹⁷⁴</p> <p>May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that follow-up is ongoing.¹⁷⁵</p> | |

¹⁷¹ AFR 01/7384/2017, <https://www.amnesty.org/download/Documents/AFR0173842017ENGLISH.PDF>

¹⁷³ UN Doc. CCPR/C/112/R.3, 5 September 2014

¹⁷⁴ Annex 3 to Cameroon’s 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁷⁵ UN Doc. CCPR/C/119/3, page.39.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|---|---|--------------------|
| | | <p>The HRLIP has been informed that an offer of 50 million Central African Francs has been made and accepted. This has not yet been paid and is with the Ministry of Finance for the agreement to be signed off and paid.¹⁷⁶</p> | |
| | <p>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.</p> | <p>Status unknown</p> | |
| | <p>State is under an obligation to take steps to prevent similar violations in the future.</p> | <p>Status unknown.</p> | |
| | <p>Committee wishes to receive from the State party, within 180 days,</p> | | |

¹⁷⁶ Interview B7, 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|---|---|--|
| | information about the measures taken to give effect to the Committee's Views. | | |
| <p>Philip Afuson Njaru Communication No. 1353/2005 Views adopted: 19 March 2007</p> | <p>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;</p> | <p>December 2016 in Annex 3 to Cameroon's 5th Periodic Report to the HRC it was noted that:</p> <p>'a) Judicial proceedings against persons responsible for poor treatment and arrest of Mr. NJARU</p> <p>The conduct of investigations encountered some difficulties that hinder and render judicial proceedings against the accused almost impossible:</p> <ul style="list-style-type: none"> - Time lapse; - Exploitation of administrative documents was unsatisfactory because of poor record management; - poor collaboration of the concerned; <p>Investigations were restricted to secondary sources (documents, witnesses) which do not provide evidence on the basis of which court action can be instituted.¹⁷⁷</p> | <p>The complainant is a journalist and well-known human rights advocate in Cameroon. In 2008 he went into exile and was subsequently granted political asylum in Norway.¹⁷⁹</p> <p>On 17 March 2014, the HRC Special Rapporteur on follow-up met with the Permanent Representative of Cameroon as part of the ongoing dialogue to encourage implementation.¹⁸⁰</p> |

¹⁷⁷ Annex 3 to Cameroon's 5th Periodic Report to the UN Human Rights Committee,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁷⁹ UN Doc. A/65.40, Vol.1. (2010), p.129-130.

¹⁸⁰ UN Doc. A/69/40, Vol.1. p.188

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|--|--------------------|
| | | <p>May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that follow-up is ongoing.¹⁷⁸</p> | |
| | <p>(b) the author is protected from threats and/or intimidation from members of the security forces;</p> | <p>24 April 2010 the Complainant submits a response to the HRC stating that: The author 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</p> | |

¹⁷⁸ UN Doc. CCPR/C/119/3, page.39.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|--|--------------------|
| | | <p>judiciary, yet no investigations have been carried out and the perpetrators still enjoy impunity.¹⁸¹</p> <p>28 November 2014 the Complainants replies to the HRC and 'reiterates that he received threats and was subjected to acts of intimidation that were never investigated.'¹⁸²</p> <p>In December 2016 in Annex 3 to Cameroon's 5th Periodic Report to the HRC it was noted that:</p> <p>'b) Safety of Mr. NJARU After the Committee's decision, neither Mr. NJARU nor any other source reported threat to his safety or trespass to his person.'¹⁸³</p> | |
| | <p>and (c) he is granted effective reparation including full compensation.</p> | <p>The HRLIP has been informed that the complainant requested a Billion Central African Francs which the Government refused as being too high. The Government has offered 20 million Central African Francs which has been refused and there is deadlock over the amount of compensation.¹⁸⁴</p> | |

¹⁸¹ UN Doc. A/65/40, (2010), p. 129-130.

¹⁸² UN Doc. CCPR/C/113/3, (2015), p.8.

¹⁸³ Annex 3 to Cameroon's 5th Periodic Report to the UN Human Rights Committee,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

¹⁸⁴ Interview B7, 28 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|-----------------------|--|---|--------------------|
| | <p>State is under an obligation to take steps to prevent similar violations in the future.</p> | <p>December 2016 in Annex 3 to Cameroon's 5th Periodic Report to the HRC it was noted that:</p> <p>'c) Measures to Prevent Future Similar Violation</p> <ul style="list-style-type: none"> - Cameroon took the following important measures to prevent the occurrence of violations of the provisions of the International Covenant on Civil and Political Rights: <ul style="list-style-type: none"> - Cameroon's Constitution that protects all Human Rights; - the entry into force on 1 January 2007 of the Criminal Procedure Code, which states in particular in Section 122 that "<i>the suspect shall immediately be informed of the allegations against him, and shall be treated humanely both morally and materially... The suspect shall not be subjected to any physical or mental constraints, or to torture, violence...</i>" - Law No. 97/9 of 10 January 1997 that introduces Section 132 (bis) in the Penal Code to prohibit torture.¹⁸⁵ | |

¹⁸⁵ Annex 3 to Cameroon's 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
|--|---|---|--|
| | Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views. | | |
| <p>Gorji-Dinka Communication No. 1134/2002 Views adopted: 17 March 2005</p> | The author is entitled to an effective remedy, | The Government of 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. ¹⁸⁶ Yet, Reports submitted by two civil societies for Cameroon's fifth reporting cycle for the HRCtee indicate that "it does not appear that the establishment of this mechanism has advanced the implementation of the Committee's Views to any material extent." ¹⁸⁷ They also state that "the Inter-ministerial Committee is inaccessible to victims seeking to enforce the decisions of | <p>Former President of the Bar Association of Cameroon (1976-1981). He claims to be the traditional ruler, of "Widikum" (an ethnic group) originating in Cameroon's North-West province, and claims to be the head of the exile government of "Ambazonia" (referring to Southern Cameroon). Mr. Gorji-Dinka has left Cameroon and is believed to be resident in the UK. He continues to be active in calls for secession.</p> <p>Tensions between the Executive and the minority Anglophone regions remain. In October 2016 protests and strikes by lawyers, teachers and students in two Anglophone regions over concerns the English-speaking minority were often excluded from top civil service jobs, and that the French language and legal system have been imposed on them. Action by the</p> |

¹⁸⁶ HRCtee, 'Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure – Cameroon' (29 December 2016) ICCPR UN Doc CCPR/C/CMR/5, para 11.

¹⁸⁷ REDRESS, 'the Failure of Cameroon to Implement Views in Individual Communications' shadow report (September 2017) 121st sess (HRCtee) ICCPR, p. 2, 4; Rapport de la société civile au Comité des droits de l'homme (Redhac), 'Mise en œuvre du Pacte International des droits civils et politiques' Examen du 5e rapport du Cameroun (Octobre 2017), 121e sess (HRCtee) ICCPR, p. 6.

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| | | <p>international and regional human rights mechanisms.”¹⁸⁸</p> <p>Furthermore, a report submitted by the civil society REDRESS for Cameroon’s fifth periodic review for the HRCtee indicates that “Cameroon’s failure to provide a remedy to those who the Committee has recognised as victims of violations of the Covenant is a systemic issue.”¹⁸⁹ Consequently, in its concluding observations on the fifth periodic report of Cameroon, the HRCtee did express that it “regrets the often significant delays in the implementation of its Views, in particular with regard to compensation”.¹⁹⁰</p> <p>As of 2016, the Government of Cameroon reported to the HRCtee that an agreement had been concluded between the Government and the victim, Fongum Gorji-Dinka, and that there was an “ongoing procedure to give the concerned CFA 40,000,000 as agreed.”¹⁹¹ However, as of September 2017, a report from</p> | <p>authorities to the protests and strikes led to reports that at least 8 persons had been killed by the authorities¹⁹⁵ and others were arbitrarily arrested and detained.¹⁹⁶</p> |

¹⁸⁸ REDRESS, ‘the Failure of Cameroon to Implement Views in Individual Communications’, p. 4.

¹⁸⁹ REDRESS, ‘the Failure of Cameroon to Implement Views in Individual Communications’, p. 6.

¹⁹⁰ HRCtee, ‘Concluding observations on the fifth periodic report of Cameroon’ (30 November 2017) ICCPR UN Doc CCPR/C/CMR/CO/5, para 5.

¹⁹¹ HRCtee, ‘Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure – Cameroon’ (29 December 2016) ICCPR UN Doc CCPR/C/CMR/5, Annexe 3, p.8.

¹⁹⁵ <http://www.bbc.co.uk/news/world-africa-41461007>

¹⁹⁶ AU Press Release, 18 January 2017, <https://au.int/en/pressreleases/20170118-0>

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| | | <p>the NGO REDRESS was submitted for Cameroon’s HRCtee fifth reporting cycle, which indicates that no compensation has actually been paid in the <i>Gorji-Dinka v. Cameroon</i> case.¹⁹² Indeed, as of September 2017, the state of implementation of the Committee’s views in this case is still “follow-up dialogue on going”.¹⁹³ Moreover, the Cameroonian delegation admitted during its fifth periodic review to the HRCtee that the HRCtee’s conclusions regarding the case of Mr. Gorji-Dinka had still not been implemented.¹⁹⁴</p> | |
| | <p>including compensation</p> | <p>19 June 2014, the State submits a letter to the Human Rights Committee noting that ‘An agreement with the author was reached, and measures are underway to offer him a compensation of 40,000,000 CFA F. (around 60,980 euros).¹⁹⁷</p> <p>In September 2014 the Human Rights Committee graded this aspect of their Views as B1: Reply/action partially satisfactory:</p> | <p>The HRLIP has been informed that this case is being handled by the High Commission in London who have to sign off on any agreement as Mr Gorji-Dinka is believed to be residing in the UK.²⁰²</p> |

¹⁹² REDRESS, ‘the Failure of Cameroon to Implement Views in Individual Communications’ shadow report (September 2017) 121st sess (HRCtee) ICCPR, p. 3.

¹⁹³ REDRESS, ‘the Failure of Cameroon to Implement Views in Individual Communications’ shadow report, p. 5.

¹⁹⁴ HRCtee, ‘Compte rendu analytique de la 3426e séance’ (21 November 2017) ICCPR UN Doc CCPR/C/SR.3426, para 34.

¹⁹⁷ UN Doc. CCPR/C/112/R.3, (2014), p.7.

²⁰² Interview B7, 28 February 2018.

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| | | <p>Substantive action taken, but additional information required.¹⁹⁸</p> <p>December 2016 in Annex 3 to Cameroon’s 5th Periodic Report to the HRC it was noted that ‘Agreement concluded. Ongoing procedure to give the concerned CFA 40,000,000 as agreed’.¹⁹⁹</p> <p>May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that follow-up is ongoing.²⁰⁰</p> <p>The HRLIP has been informed that an agreement was reached with the complainant in 2010/11 but payment has not been made yet as the bank account details have not yet been provided.²⁰¹</p> | |
| | Assurance of the enjoyment of his civil and political rights | The State informed the Human Rights Committee in 2010 that Mr. Gorki-Dinka’s name still hadn’t been reinserted on the voters’ register. ²⁰³ The government of Cameroon has | |

¹⁹⁸ UN Doc. CCPR/C/112/R.3, (2014), p.7.

¹⁹⁹ Annex 3 to Cameroon’s 5th Periodic Report to the UN Human Rights Committee, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fCMR%2f25666&Lang=en

²⁰⁰ UN Doc. CCPR/C/119/3, page.39.

²⁰¹ Interview B7, 28 February 2018.

²⁰³ HRCtee, ‘Réponses du gouvernement du Cameroun à la liste des points à traiter (CCPR/C/CMR/Q/4) à l’occasion de l’examen du quatrième rapport périodique du Cameroun (CCPR/C/CMR/4)’ (3 mai 2010) ICCPR UN Doc CCPR/C/CMR/Q/4/Add.1, para 9.

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| | | asserted that the reinsertion of the author’s name on the electoral list required that the author present himself for prior registration in his electoral district. ²⁰⁴ | |
| | State is under an obligation to take steps to prevent similar violations in the future. | It has been reported in the media that Elections Cameroon (ELECAM) have been conducting trips around Cameroon to encourage people to vote and register to vote in the 2018 elections. Strategies have been adopted to ensure that people are able to exercise their right to vote e.g. through phone calls reminding people to vote and using social media platforms. ²⁰⁵ The media reports that ELECAM has also vowed to prosecute electoral fraudsters, ²⁰⁶ this comes after criticisms following the 2011 elections that there were irregularities in results. ²⁰⁷ There is an indication from media sources that there are restrictions on entry and departure from the North West and South West regions of the country and on the number of people able to move freely. ²⁰⁸ | |

²⁰⁴HRCtee, ‘Réponses du gouvernement du Cameroun à la liste des points à traiter (CCPR/C/CMR/Q/4) à l’occasion de l’examen du quatrième rapport périodique du Cameroun (CCPR/C/CMR/4)’ (3 mai 2010) ICCPR UN Doc CCPR/C/CMR/Q/4/Add.1, para. 9

²⁰⁵ All Africa News (2018) < <http://allafrica.com/stories/201801230515.html> >

²⁰⁶ <http://politicsofhope.com/elecama-officials-vow-to-prosecute-electoral-fraudsters-in-2018-polls.html>

²⁰⁷ Voice of America News (2011) < <https://www.voanews.com/a/presidential-voting-off-to-slow-start-in-cameroon-131413838/146397.html> >

²⁰⁸ Voice of America News (2017) < <https://www.voanews.com/a/cameroon-anglophone-region-unrest/4052802.html> >

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| | | <p>According to Amnesty international as at 2017, prisons are still inherently overcrowded²⁰⁹ and there have recently (October 2017) been mass arrests of peaceful protestors, who should not have been detained, with the use of unnecessary and excessive force.²¹⁰ There were at least 200 arrested in the North West region and 300 in the South West region.²¹¹</p> <p>Furthermore, there have been a string of arbitrary arrests with the police not showing warrants and failing to produce ID cards upon arrests. These arrests are not based upon a “reasonable suspicion of crime”, and excessive force has once again been used in such arrests, with subjects being taken to ‘unofficial’ detention sites²¹² Cameroon’s Criminal Procedure Code (adopted in July 2005 subsequent to the case) prohibits the use of unofficial detention sites, however people have been held in such sites for up to 32 weeks.²¹³</p> <p>Despite initial denial of their existence the Cameroon government has admitted that they</p> | |

²⁰⁹ Amnesty International Report 2016/2017, ‘The state of the world’s human rights’ (2017) p 107.

²¹⁰ Amnesty International (2017) < <https://www.amnesty.org/en/latest/news/2017/10/cameroon-inmates-packed-like-sardines-in-overcrowded-prisons-following-anglophone-protests/>>

²¹¹ Amnesty International (2017) < <https://www.amnesty.org/en/latest/news/2017/10/cameroon-inmates-packed-like-sardines-in-overcrowded-prisons-following-anglophone-protests/>>

²¹² Amnesty International, ‘Cameroon’s Secret Torture Chambers: Human Rights Violations and War Crimes in the fight against Boko Haram’ (2017) p 20.

²¹³ Cameroonian Criminal Procedure Code (2005) s122.

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| | | <p>exist²¹⁴ thus showing a lack of progress made towards ensuring the adequate conditions of prisons and ensuring arbitrary detention is minimised. FIDH have noted the arbitrary detention of the president of the Touboro Youth Collective based on false accusation (2014 to present)²¹⁵ and the detention of 5 members of the ESU Youth Development Association (2016 to present).²¹⁶</p> <p>The Human Rights Committee has noted, as of November 2017, the poor conditions in almost all prisons facilities in Cameroon and the failure to segregate convicted individuals from accused persons.²¹⁷</p> | |
| | <p>Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views.</p> | <p>16 December 2009 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</p> | |

²¹⁴ Amnesty International, 'Cameroon's Secret Torture Chambers: Human Rights Violations and War Crimes in the fight against Boko Haram' (2017) p 21.

²¹⁵ International Federation for Human Rights (2014) < <https://www.fidh.org/en/region/Africa/cameroon/15924-cameroon-continuing-arbitrary-detention-and-judicial-harassment-of-mr>>

²¹⁶ International Federation for Human Rights (2016) < <https://www.fidh.org/en/issues/human-rights-defenders/cameroon-arbitrary-detention-of-five-members-of-the-esu-youth>>

²¹⁷ HRCtee, 'Concluding observations on the fifth periodic report of Cameroon', supra note 5, para 29.

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| | | <p>information from the Secretariat without providing any explanation why.²¹⁸</p> <p>19 June 2014 State submits response to HRC on compensation offer.²¹⁹</p> <p>There appears to have been no follow up by Cameroon to the Human Rights Committee’s Concluding Observations.²²⁰</p> | |
| | The State party is also requested to publish Views. | The HRLIP has found no information to indicate the Views have been made public. | |
| <p>Mazou Communication No. 630/1995 Views adopted: 26 July 2001 (NB. Link with African Commission communication No. 39/90_10R</p> | To reinstate the author of the communication in his career, with all the attendant consequences under Cameroonian law, | <p>‘By a note verbale of 5 April 2002, the state informed the Committee that the author had been reintegrated into the judicial corps, and that his career is following its normal course’.²²¹</p> <p>In 2004 the HRC’s Special Rapporteur on Follow up Views noted: The State party, however, noted that there is no right to “reconstitution” of the author’s career. It was open to the author to apply to the relevant administrative</p> | In relation to the linked Communication before the African Commission The delegation of Cameroon at the 20th session of the African Commission stated that: “After serving his sentence he was released, but the problem is that he was the subject of purely administrative measures based on existing laws at that time. These laws were however abrogated only in 1989.” (Decision, para. 16) |

²¹⁸ UN Doc. A/65/40, Vol.1., (2010), p.131

²¹⁹ UN Doc. CCPR/C/112/R.3, (2014), p.7.

²²⁰ Office of the United Nations High Commissioner for Human Rights website

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en accessed 30 March 2018.

²²¹ L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples’ Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, p.64.

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| Decision adopted: April 1997) | | <p>authority to this end, but to date he had not done so. As such, this element of the author’s claim should be considered admissible. 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.’</p> <p>29 June 2014 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.</p> <p>The follow-up dialogue in the case was closed as the Committee deemed that the State party had complied with the Views.²²²</p> | <p>In 2005 the Ministry of Justice noted: “Judicial practice is still marred by numerous bottlenecks, which prevent the rapid settlement of proceedings. This is, the Achilles’ heel of Cameroon’s judiciary as illustrated by the Human Rights Commission (Communication No.130/195 Abdoulaye Mazou vs. The State of Cameroon) [...] The State of Cameroon). Government envisages corrective measures particularly the recruitment of a larger number of judicial and legal officers’.²²³</p> |
| | Ensure that similar violations do not recur in the future State | <p>In 2004 the HRC’s Special Rapporteur on Follow up Views noted: The State party, however, noted 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 admissible. In any event, grade advancement is not automatic</p> | |

²²² UN Doc. CCPR/C/113/3, (2015), p.30 ; see also UN Doc. CCPR/C/119/3, page.39.

²²³ http://www.minjustice.gov.cm/pdf_download/droit_homme/English/Rapport_Minjustice_2005_Ang.pdf, para 476.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
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| | | 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". ²²⁴ | |
| | Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views. | By a note verbale of 5 April 2002, the state informed the Committee that the author had been reintegrated into the judicial corps, and that his career is following its normal course. ²²⁵ | |
| | The State party is also requested to publish the Views | The HRLIP has found no information to indicate the Views have been made public. | |

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| African Commission Decisions | | | |
| Legal Resources Foundation | State is urged to take the necessary steps to bring its laws and Constitution | On 5 January 2016, the President of Zambia gave his assent to an Act to amend the Constitution of | The controversial provision of the Constitution was final repealed in 2016 after several changes in President and government, as part of a broader |

²²⁴ UN Doc. CCPR/C/80/FU/1; 28 April 2004, pp 8-9.

²²⁵ L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, p.64.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| Communication No. 211/98 Decision adopted: May 2001 | in conformity with the African Charter | Zambia, 1991. ²²⁶ The controversial provision that gave rise to this communication has been removed from the Constitution. | reform of the Constitution by the then incoming President. Causality with the case is difficult to determine. |
| | The Commission requests the State to report back to the Commission through the submission of its next country report in terms of article 62 on the measures taken to give effect to the Commission's recommendation | The HRLIP was informed in November 2017 that 'implementation had been reported' and there was a 'substantial level'. ²²⁷ | |
| Amnesty International Communication No. 212/98 Decision adopted: May 2000 | The Commission requested the State to allow the family of Mr. Chinula bury him in Zambia. | From 9 - 13 September 2002, the African Commission undertook a promotional visit to Zambia. Commissioner Chigovera, who led the visit, engaged with the Justice Ministry around the implementation of the findings of the Commission in the case of Banda and Chinula. The Ministry confirmed that the President had revoked the deportation order and that the government has | Mr. Banda and Mr. Chinula were prominent political figures. They were leading members of UNIP, the party that had been in power since Independence in 1964. UNIP was defeated by MMD in the first multi-party elections of November 1991. |

²²⁶ See Constitution of Zambia Act, 2016 available at

http://www.parliament.gov.zm/sites/default/files/documents/acts/Constitution%20of%20Zambia%20Act%202016%20_0.pdf (accessed 5 November 2016).

²²⁷ Interview D13, November 2017.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | authorised that the remains of Chinula, who died in exile, be repatriated to Zambia for reburial. ²²⁸ | |
| | The Commission requested provisional measures in terms of rule 111 of its the Rules of Procedure and urged the State to allow Mr. Banda return to Zambia while his application for citizenship by naturalisation is processed. | Banda was allowed to return in 2001. ²²⁹ On 5 May 2002 the Zambian Minister of Home Affairs, Lackson Mapushi his Ministry's reversal of Banda and Chinula's deportation order. He stated that he had studied the matter closely and consequently found that the deportation of the two was not justified and invited them to return to Zambia unconditionally. ²³⁰ | |
| UN Human Rights Committee Decisions | | | |
| Chiti (deceased) Communication No. Views adopted: August 2012 | State is under an obligation to provide the author with an effective remedy including; investigation of the | May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that no response has been received and follow-up is ongoing. ²³¹ | Jack Chiti (deceased) was a military officer arrested on 28 October 1997 as a suspect in an attempted coup d'état. |

²²⁸ Report of the Promotional Visit to the Republic of Zambia, 9-13 September 2003, p 10. See also L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, p. 35.

²²⁹ Interview C5, 21 February 2018.

²³⁰ L. Louw, *An Analysis of State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights*, A Thesis submitted in fulfilment of the requirements of the degree of Doctor of Laws (LLD) at the University of Pretoria, South Africa, 28 January 2005, p. 35

²³¹ UN Doc. CCPR/C/119/3, page.72.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | torture the author’s husband suffered; furnishing the author with a detailed result of the investigation; prosecution of the perpetrators of the torture and making provision for appropriate compensation of the author. | [...]compensation has not been paid up till today.” “After [the case] went to the Committee, it came back, so I guess the delay in deciding compensation is ‘we would need the courts to re-determine the awards’ [...]”. ²³² | |
| | State is under an obligation to take steps to prevent similar violations in the future. | There is a draft anti-torture law being developed this is ready to be tabled before Parliament. ²³³ In December 2017 there are media reports that Cabinet approved the introduction of the Bill. ²³⁴ | Article 15, Zambian Constitution; “No person shall be subjected to torture, or to inhuman or degrading punishment or other like treatment.” Academic commentary and press reports: “There is no known case of a Zambian police officer charged with torture.” ²³⁵ “[the Zambian constitutional court] seem not to understand the “power” and the “rigidity of the |

²³² HRLIP focus group discussion in Zambia, 17 August 2017

²³³ Interview C5, 21 February 2018; <https://zambia.co.zm/news/headlines/2017/06/27/civil-society-advances-anti-torture-bill/>;

²³⁴ ‘Cabinet approves Bill to criminalise torture’, <https://www.themastonline.com/2017/12/10/cabinet-approves-bill-to-criminalise-torture/>

²³⁵ M. Ndulo, ‘Torture and Police Brutality in Zambia: The need to end Impunity’, 26 May 2017, <https://www.lusakatimes.com/2017/05/26/torture-police-brutality-zambia-need-end-impunity/>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | | <p>Constitution, which is regarded as any country's "Bible".²³⁶</p> <p>"Mr Mwandenga notes that there is no enabling legislation that either defines or prescribes penalties for perpetrators or remedies for the victims of torture in the country."²³⁷</p> |
| | Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views | The State does not appear to have responded, as of May 2017. ²³⁸ | |
| | The State party is also requested to publish Views. | <p>The HRLIP has found no information to indicate the Views have been made public.</p> <p>However the HRLIP has been informed that the 2016 Ratification of International Agreements Act "creates a mandate on [the Ministry of Foreign Affairs] to submit state reports in accordance with provisions of international agreements that [Zambia] have ratified and acceded to; and one of the reports that will be produced is the publishing</p> | |

²³⁶ Sosala, 'The Collapse of the legal system in Zambia- Chitimukulu', 6 March 2017, <https://www.lusakatimes.com/2017/03/06/collapse-legal-system-zambia-chitimukulu/>

²³⁷ 'Government to criminalize torture in Zambia-Lubinda', 27 June 2017, <https://www.lusakatimes.com/2017/06/27/government-criminalize-torture-zambia-lubinda/>

²³⁸ UN Doc. CCPR/C/119/3, 30 May 2017, p.72

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | of the Views of these Committees. ²³⁹ “It will provide a platform for [the government] to actually come forward with a sort of mechanisms and see how [it] can comply with the Views of the various Committees where it is the African Commission or the ICCPR”. ²⁴⁰ The Act would “give [the government] that leeway that when [it] accept to be bound by an instrument, decisions that would come from them, because now, to ratify instruments, it has to have National Assembly.” ²⁴¹ | |
| Kamoyo Communication No. 1859/2009 Views adopted: 23 March 2012 | State is under an obligation to provide the author with an effective remedy including either a retrial or his release as well as reparations and adequate compensation leading to his immediate release | May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that no response has been received and follow-up is ongoing. ²⁴² | Mr Kamoyo was a prisoner on death row. Zambia is a de facto abolitionist State. The last known execution was carried out in 1997. ²⁴³ |
| | State is under an obligation to avoid similar violations in the future. | There is a judgment pending in the Constitutional Court considering whether the imposition of | |

²³⁹ HRLIP focus group discussion in Zambia, 17 August 2017

²⁴⁰ HRLIP focus group discussion in Zambia, 17 August 2017

²⁴¹ HRLIP focus group discussion in Zambia, 17 August 2017

²⁴² UN Doc. CCPR/C/119/3, page.72.

²⁴³ <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=zambia>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | mandatory death penalty sentences in the Penal Code is unconstitutional. ²⁴⁴ | |
| | Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. | | |
| | The State party is also requested to publish Views. | The HRLIP has found no information to indicate the Views have been made public. Although the new Ratification of International Agreements Act may establish a duty for the Views to be published, as discussed above. ²⁴⁵ | |
| Mwamba Communication No. 1520/2006 Views adopted: 10 March 2010 | State is under an obligation to provide the author with an effective remedy which should involve a review of his conviction and adequate compensation. | The HRLIP has received information in August 2017 that Mr Mwamba received a presidential pardon, and was released. ²⁴⁶ "There were Views on that were given and there was nothing done when those Views were given. | Mr Mwamba was a prisoner on death row. Zambia is a de facto abolitionist State. The last known execution was carried out in 1997. ²⁴⁹ |

²⁴⁴ Interview C5, 21 February 2018.

²⁴⁵ HRLIP focus group discussion in Zambia, 17 August 2017

²⁴⁶ HRLIP focus group discussion in Zambia, 17 August 2017

²⁴⁹ <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=zambia>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | <p>So, there was follow-up that was made in 2015 which was submitted late December.”²⁴⁷</p> <p>“in that particular decision, one of the aspects deal with the sentence, and [...] at the time that follow-up was made, he had already been pardoned: there was a presidential pardon that was granted to him. So now, it was the issue of compensation, and I think that is where the standoff was: how do you authenticate that particular compensation to the individuals?”²⁴⁸</p> | |
| | State is under an obligation to take steps to prevent similar violations in the future. | There is a judgment pending in the Constitutional Court considering whether the imposition of mandatory death penalty sentences in the Penal Code is unconstitutional. ²⁵⁰ | |
| | Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee’s Views. | | |

²⁴⁷ HRLIP focus group discussion in Zambia, 17 August 2017

²⁴⁸ HRLIP focus group discussion in Zambia, 17 August 2017

²⁵⁰ Interview C5, 21 February 2018.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | The State party is also requested to publish Views. | The HRLIP has found no information to indicate the Views have been made public. Although the new Ratification of International Agreements Act may establish a duty for the Views to be published, as discussed above. ²⁵¹ | |
| Chisanga Communication No. 1132/2002 Views adopted: 18 October 2005 | State is under an obligation to provide the author with a remedy, including as one necessary prerequisite in the particular circumstance, the commutation of the author's death sentence. | On 12 November 2008, the author's wife informed the Committee that in August (2008), her husband's sentence had been commuted to life imprisonment. 17 November 2009, the state clarified to the Committee that on 29 July 2008 (described as August by the Author's wife), the author's death sentence was commuted to life imprisonment under article 59 of the Zambia's Constitution which relates to prerogative of mercy. Given the confirmation from the author and the state, the Committee decided that regard the state response as satisfactory, and considered it unnecessary to further consider this case under the follow up procedure. ²⁵² NB. However May 2017 in its Follow-up Progress Report on Individual Communications the Human | Mr Chsianga was a prisoner on death row. Zambia is a <i>de facto</i> abolitionist State. The last known execution was carried out in 1997. ²⁵⁴ |

²⁵¹ HRLIP focus group discussion in Zambia, 17 August 2017

²⁵² UN Doc. A/65/40/(Vol. I), pp. 161-162.

²⁵⁴ <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=zambia>

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | Rights Committee notes this case as under those where follow-up is ongoing. ²⁵³ | |
| | Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views. | | |
| | The State party is also requested to publish Views. | The HRLIP has found no information to indicate the Views have been made public. Although the new Ratification of International Agreements Act may establish a duty for the Views to be published, as discussed above. ²⁵⁵ | |
| Chambala Communication No. 856/1999 Views adopted: 15 July 2003 | The State is under an obligation to provide the author with an effective remedy including compensation for the time the author spent in detention from 7 February 1987 to | In July 2007, State delegation informed the Committee that that compensation had been paid to the victim as recommended by the Committee in its Views. The Committee however regretted that the information provided was insufficiently detailed; thus, urging the state to provide further details. ²⁵⁶ | |

²⁵³ UN Doc. CCPR/C/119/3, page.72.

²⁵⁵ HRLIP focus group discussion in Zambia, 17 August 2017

²⁵⁶ UN Doc. A/62/40/Vol. I), pp. 51-52.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | December 1988 as soon as possible | May 2017 in its Follow-up Progress Report on Individual Communications the Human Rights Committee notes that no response has been received and follow-up is ongoing. ²⁵⁷ | |
| | The State is under an obligation to ensure that similar violations do not occur in the future. | | |
| | Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views. | | |
| | The State party is also requested to publish Views. | The HRLIP has found no information to indicate the Views have been made public. Although the new Ratification of International Agreements Act may establish a duty for the Views to be published, as discussed above. ²⁵⁸ | |
| Chongwe Communication No. 821/1998 Views adopted: 25 October 2000 | The State is under an obligation to provide the author with an effective remedy including damages to the author if | The state sent a letter to the Human Rights Committee (HRC) on 23 January 2001 alleging non-exhaustion of domestic remedies by the author. On 28 December 2005, the state informed the Committee that it has offered the author US\$ 60, | The complainant was a Zambian advocate and chairman of a 13-party opposition alliance at the time of the incident on 23 August 1997 leading to the communication. The complainant later fled |

²⁵⁷ UN Doc. CCPR/C/119/3, page.72.

²⁵⁸ HRLIP focus group discussion in Zambia, 17 August 2017

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | it finds that State officials were responsible | <p>000 on a without prejudice basis. The author, according to the state, rejected the said offer. Following a series of negotiation, a package was worked out in the sum of US\$ 6,743,918.38. The Attorney General, by a letter dated 29 October 2009, wrote to Dr Chongwe offering to pay the said amount. Arrangements for payment were commenced but encountered difficulties when it was discovered that the Compensation and Awards Funds run by the Ministry of Justice had been exhausted for the year 2009, and the payment was also not included in the 2010 budget. It would appear any effort towards payment ended at that point.</p> <p>On 31 January 2011, the author submitted a copy of a letter he wrote to the state’s Minister of Justice. In the letter, the author claimed that the state was yet to pay him any compensation.</p> <p>On 28 January 2014, the author informed the Committee that the agreement reached with the state in October 2009 regarding compensation was yet to be implemented.</p> <p>In April 2014, the author instituted a legal action in the High Court of Zambia to enforce the agreement of 2009. The High Court upheld the author’s claim</p> | <p>the country and started proceedings at the national level for compensation.</p> <p>In 2003 the complainant appears to have returned to the Zambia.²⁶¹</p> <p>The HRLIP has been informed that Mr Chongwe “wrote several letters to the Ministry of Justice. In the process, there was negotiation and the Minister {of justice} offered \$60,000. So it may be a bit of an exceptional circumstance [...] that one relates to the type of person who makes the claim, so he was able to impose on the government at the time.”²⁶²</p> |

²⁶¹ UN Doc.A/66/40/(Vol. 1), p 187

²⁶² HRLIP Focus Group Discussion , 17 August 2017

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | | <p>and directed government to pay the agreed sum with interests at LIBOR rate.</p> <p>The Attorney General appealed the decision to the Supreme Court. In its decision dated 23 June 2017, the Supreme affirmed the High Court decision that the 2009 agreement is enforceable against the government, but failed to issue an order directing the government to pay.²⁵⁹</p> <p>Following the decision by the Supreme Court in May 2017 the matter is now with the Ministry of Finance in order to commit funds to pay the compensation.²⁶⁰</p> | |
| | The State should take measures to protect the author's personal security and life from threat of any kind | | |
| | To carry out independent investigations of the shooting incident and commence criminal proceedings against the persons responsible | In May 2007 during the consideration of Zambia's Initial Report to the <i>African Commission on Human and Peoples' Rights</i> , the government stated that it had conducted investigation into the subject matter complained of in this case. As a result of the outcome of the investigation, a provincial police commander was dismissed. ²⁶³ | |

²⁵⁹ UN Doc. CCPR/C/119/3, page.72.

²⁶⁰ Interview C5, 21 February 2018.

²⁶³ African Commission on Human and Peoples' Rights 'Zambia: Initial Report (1986 – 2004) 122 – 123.

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| Communication details | Reparation measures | Known status of implementation | Contextual aspects |
| | State is under an obligation to take steps to prevent similar violations in the future. | | |
| | Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views. | | |
| | The State party is also requested to publish Views. | <p>The HRLIP has found no information to indicate the Views have been made public.</p> <p>Although the new Ratification of International Agreements Act may establish a duty for the Views to be published, as discussed above.²⁶⁴</p> | |

²⁶⁴ HRLIP focus group discussion in Zambia, 17 August 2017