
Advance Edited Version

Distr.: General
6 October 2022

Original: English

Human Rights Council
Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its ninety-fourth session, 29 August–2 September 2022

Opinion No. 59/2022 concerning Julius AyukTabe, Wilfred Fombang Tassang, Ngala Nfor Nfor, Blaise Sevidzem Berinyuy, Elias Ebai Eyambe, Fidelis Ndeh-Che, Egbe Ntui Ogork, Cornelius Njikimbi Kwanga, Henry Tata Kimeng and Cheh Augustine Awasum (Cameroon and Nigeria)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 42/22.
2. In accordance with its methods of work,¹ on 13 April 2022 the Working Group transmitted to the Governments of Cameroon and Nigeria a communication concerning Julius AyukTabe, Wilfred Fombang Tassang, Ngala Nfor Nfor, Blaise Sevidzem Berinyuy, Elias Ebai Eyambe, Fidelis Ndeh-Che, Egbe Ntui Ogork, Cornelius Njikimbi Kwanga, Henry Tata Kimeng and Cheh Augustine Awasum. Neither Government replied to the communication. Both States are parties to the International Covenant on Civil and Political Rights.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);
 - (b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);
 - (c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);
 - (d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

¹ [A/HRC/36/38](#).

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Submissions

Communication from the source

4. Julius AyukTabe was born in 1965 and is a senior university administrator, motivational speaker, human rights activist and philanthropist. He usually resides in Yola, Adamawa, Nigeria. He is the holder of an asylum-seeker certificate issued by the office of the United Nations High Commissioner for Refugees (UNHCR) in Nigeria in 2018.
5. Wilfred Fombang Tassang was born in 1970 and is a teacher, trade union leader and human rights activist. He usually resides in Rivers State, Nigeria. He holds a refugee status certificate issued by the National Commission for Refugees, Migrants and Internally Displaced Persons of Abuja in 2017.
6. Ngala Nfor Nfor was born in 1952 and is a political scientist, historian and human rights defender and advocate. He is also the National Chairman of the Southern Cameroons National Council, the non-violent² leading liberation movement advocating for the freedom and independence of the North-West and South-West regions of Cameroon. He usually resides in Abuja, and holds a refugee identity card issued by UNHCR in Nigeria in 2017.
7. Blaise Sevidzem Berinyuy was born in 1967 and is a senior human rights advocate, environmental activist, solicitor and notary public. He is also a *shufai* (traditional ruler) in Nsoland and Baforchu, Santa, North-West region, Cameroon. He usually resides in Abuja. He holds a refugee status certificate issued by the National Commission for Refugees, Migrants and Internally Displaced Persons of Abuja in 2017.
8. Elias Ebai Eyambe was born in 1969 and is a barrister, solicitor, notary public, and a human rights defender and activist. He usually resides in Abuja, and is the holder of a refugee identity card issued by Nigeria and UNHCR in 2017.
9. Fidelis Ndeh-Che was born in 1971 and is a lecturer, consultant, and humanitarian activist supporting refugees from the North-West and South-West regions of Cameroon. He usually resides in Yola, Nigeria, and is the holder of an asylum-seeker certificate issued by UNHCR in Nigeria in 2018.
10. Egbe Ntui Ogork was born in 1964 and is a university lecturer, structural engineer and human rights activist. He usually resides in Kano State, Nigeria, and is the holder of an asylum-seeker certificate issued by UNHCR in Nigeria in 2018.
11. Cornelius Njikimbi Kwanga was born in 1970 and is a university lecturer, economic consultant, entrepreneur, and human rights activist. He usually resides in Katsina State, Nigeria, and is the holder of an asylum-seeker certificate issued by UNHCR in Nigeria and the National Commission for Refugees, Migrants and Internally Displaced Persons of Abuja in 2017.
12. Henry Tata Kimeng was born in 1967 and is an associate professor of civil engineering, a consultant, structural engineer, entrepreneur, philanthropist, and human rights activist. He usually resides in Kaduna State, Nigeria, and holds an asylum-seeker certificate issued by UNHCR in Nigeria in 2018.
13. Cheh Augustine Awasum was born in 1968 and is a professor of surgery, researcher, fellow and instructor, philanthropist, and a human rights and environmental rights activist. He usually resides in Kaduna State, Nigeria, and holds an asylum-seeker certificate issued by UNHCR in Nigeria in 2018.

² The source refers to the motto of the Southern Cameroons National Council: “The force of argument, not the argument of force”.

14. According to the source, the 10 above-mentioned individuals have denounced their Cameroonian nationality and affirmed that of the North-West and South-West regions of Cameroon, including before an open military tribunal. The source notes that four of these individuals are refugees and six are registered asylum-seekers in Nigeria, as confirmed by UNHCR in Nigeria and the National Commission for Refugees, Migrants and Internally Displaced Persons of Abuja. In addition, Mr. AyukTabe, Mr. Ndeh-Che, Mr. Ogork, Mr. Kwanga, Mr. Kimeng and Mr. Awasum are reportedly lawful permanent residents of Nigeria. According to the source, the 10 individuals are active human rights defenders and activists, advocating for the rights to self-determination and restoration of the statehood of the territory and people of the North-West and South-West regions of Cameroon. In this regard, the source points to General Assembly resolutions 1352 (XIV) of 16 October 1959, 1514 (XV) of 14 December 1960 and 1608 (XV) of 21 April 1961, as well as articles 76 (b) and 102 of the Charter of the United Nations.

a. Arrest and detention in Nigeria

15. According to the source, the 10 individuals were abducted on 5 January 2018, around 7 p.m., at Nera Hotel, Abuja, as they were having drinks with other individuals. Allegedly, over 20 unknown armed men forced them to lie face down, at gunpoint. Reportedly, the 10 individuals were then handcuffed, hooded, pushed into cars and driven around Abuja for about one hour and a half, before being taken to the Defence Intelligence Agency of Nigeria, in Abuja. Allegedly, the forces who carried out the arrest were part of the Nigerian security forces and did not show any of the 10 individuals a warrant or decision for their arrest, nor did they explain the reasons for the arrests.

16. The source reports that, upon arrival at the premises of the Defence Intelligence Agency, the individuals were taken to underground cells while still hooded and handcuffed. Once their hoods were removed, they reportedly observed other detainees in the cells, some of whom were suspected of common law crimes and others who were captured Boko Haram leaders.

17. The source explains that the 10 individuals were detained in Nigeria for 20 days, from 5 to 25 January 2018, in the premises of the Defence Intelligence Agency. The source notes that during those 20 days, no warrant was ever presented to the individuals, and they were never informed of the reasons for their arrest. The source claims that, to date, the Government of Nigeria has provided no reason for their arrest.

b. Conditions of detention in Nigeria

18. The source reports that the 10 individuals were detained incommunicado throughout the 20 days of their detention in Nigeria, without access to family or legal counsel, except for a visit from representatives of UNHCR on 18 January 2018. The source explains however that UNHCR was mandated only to talk to them in reaction to the hunger strike they undertook to protest their incarceration and the lack of judicial process.

19. According to the source, during the first two weeks of their detention in Nigeria, the 10 individuals were held three floors underground, in tiny (3–4.5 square metres), cold and poorly lit cells. Each cell contained two bunk beds for four inmates and the 10 individuals were forced to share cells with individuals captured from Boko Haram, and other common law criminals. The source adds that the 10 individuals had no access to sunlight or fresh air and never knew if it was day or night. Reportedly, the individual health requirements of the individuals were not taken into consideration with regard to the meals they were given. Upon the intervention of UNHCR, the 10 individuals were allegedly transferred to a single large holding cell during the last week of their detention, where they had access to a small window.

c. Transfer to and detention in Cameroon

20. According to the source, on 25 January 2018, Defence Intelligence Agency officials told the 10 individuals to get ready and that they were going home. Allegedly, clothing items, identification papers and wallets that were removed from them during their arrest were returned to them. Items that were collected from their cars, and the computers that were taken from them, have reportedly yet to be returned to them or to family members who have

requested the return of those items. The source reports that the 10 individuals were not allowed to ask any questions and any question they did pose was met with silence. The source explains that they were blindfolded, put in a bus with other people, including armed soldiers in plain clothes, bringing the total number of people on the bus to 16, although the bus only had capacity for 12, and driven out of the facility. Their blindfolds were reportedly removed 15 minutes later and the 10 individuals were told they were on their way to the airport.

21. Reportedly, upon arrival at the military section of the Nnamdi Azikiwe International Airport, near Abuja, the 10 individuals were left in the bus for over two hours, in suffocating heat. Later in the evening, a military cargo plane displaying Cameroon insignia landed and heavily armed men in camouflage outfits and ski masks disembarked. The 10 individuals were reportedly handed over to those men with no explanation and, at 8.15 p.m., they were blindfolded, handcuffed and loaded onto the cargo plane. The source adds that the plane only had makeshift seats made of netting, and had no seat belts or air conditioning. The source reports that due to the tightly fitted handcuffs, the hoods, the severe heat and the overloaded aircraft, the 10 individuals became restless, extremely weak, dehydrated, tense and nervous, and were at a high risk of loss of consciousness. The source also reports that many armed military men stood over the individuals, who were not allowed to talk to one another, raise their heads, relieve themselves, stretch their legs or adjust their position if they were uncomfortable.

22. At 10.30 p.m., still on 25 January 2018, the 10 individuals reportedly arrived at the Yaoundé Nsimalen International Airport in Cameroon. The military officers allegedly switched off the lights and used flashlights to disembark the 10 individuals and dragged them onto a bus guarded by many heavily armed men dressed in black. According to the source, the 10 individuals remained handcuffed and hooded, and the bus was escorted by military trucks from the airport to the premises of the Secretariat of State for Defence in Yaoundé. The source reports that upon arrival at those premises, the 10 individuals were identified in French, which they do not understand, completely undressed and compelled to show their private parts to armed soldiers, some of whom touched them with their fingers. They were then taken to foul-smelling, dusty rooms, with bloodied walls, where they were held until 22 November 2018. On that day, they were reportedly transferred to Kondengui central prison in Yaoundé, where they have been detained since.

23. The source further alleges that at no point during the deportation to Cameroon did the Nigerian authorities explain why the individuals had been arrested or what crimes they had committed. They were reportedly not informed of their rights or of any legal avenue they could pursue.

24. According to the source, the 10 individuals were tried before a military tribunal in Yaoundé and were sentenced to life in prison on the following charges: complicity in acts of terrorism; support of acts of terrorism; recruitment and training; hostility to the fatherland; secession; insurrection; revolution; participation in an armed group; causing harm for which the maximum sentence is 10 years of imprisonment; spreading false information; threat to the internal and external security of the State; and non-possession of a Cameroon national identity card. Reportedly, the trial was carried out in the absence of their defence counsel and with no opportunity for any of the 10 individuals to talk in court. The source adds that the trial occurred in French, a language which none of the individuals understand.

25. The source reports that the appeal before the Court of Appeal in Yaoundé was carried out in 15 minutes, exclusively in French, and that the Court found in favour of the State of Cameroon, even though the latter had not filed any response to the 10 individuals' written submissions or any other documents related to the appeal.

d. Conditions of detention in Cameroon

26. In relation to the condition of the individuals' detention in Cameroon, the source reports that they were separated into groups of two per holding cell of approximately 9 square metres, at a facility of the Secretariat of State for Defence. Allegedly, they were subjected to regular degrading and intrusive searches, including cavity searches, and their private parts were often squeezed during searches. The source also raises the issue of poor hygiene conditions, including infestation by mosquitoes, rodents, cockroaches, ants, lizards, cats and

bats. The source adds that the small cells had no windows or ventilation, and the heavy metallic cell doors were sealed with metallic sheets, leaving only a very small space for air. In addition, the source explains that the metallic doors were welded and painted with carbide and lead paint and, as a result, the individuals inhaled toxic substances. The cells were reportedly occasionally sprayed with organophosphates while the individuals were locked inside, and guarded by heavily armed and hooded soldiers in black uniforms. Allegedly, there was running tap water, but it was reddish in colour, corrosive to metals and appeared turbid. Water filters were reportedly provided later on, but the filtering candles were replaced rarely, at the discretion of the director of the facility.

27. According to the source, the food served to the individuals was poor and neither their allergies nor cultural preferences were considered, which meant that they could not eat most of the time and suffered health complications, including vomiting, diarrhoea, gastritis, abdominal cramps and aches, fever, skin eruptions, scurvy, swollen lips, and itchy eyes, tongues and other parts of the body, including the scrotum. Their unbalanced diets reportedly left them emaciated, with mineral deficiencies and weakened bones. The lack of sunlight further contributed to bone softening, which exposed them to osteoporosis, osteoarthritis, osteomalacia, rheumatism, rickets, dental deterioration, fractures, involuntary extractions, encephalitis, blurred vision, ear infections, nasopharyngeal irritations and various inflammations.

28. During the first six months of their detention in Cameroon, the 10 individuals were reportedly not let out of the cells, except on the few occasions where they were blindfolded and led out in the middle of the night for interrogation. According to the source, the individuals were each given a single item of clothing and no underwear, and were not allowed any contact with their family, friends or lawyers during that period.

29. The source reports that, in the last week of July 2018, upon the intervention of the International Red Cross, the 10 individuals were each given an additional item of clothing, allowed access to lawyers, who were imposed on them, and granted family visits, for 15 minutes per week at first, and access to sunlight for 15 minutes per day, although the latter was reportedly not fully respected. The source adds that during their detention at the premises of the Secretariat of State for Defence, the individuals were subjected to frequent incidences of hate speech, insults and psychological and mental torture, and endured nights during which they would hear the screams of other detainees being physically tortured. The source also reports the confiscation of the belongings they carried on them as well as belongings found in their hotel rooms and cars.

30. According to the source, they were transferred to the Kondengui central prison at short notice and without any of the belongings they had brought from Nigeria. The source explains that the cells in Kondengui central prison are overcrowded, foul smelling, dirty and infested with rats, bed bugs, cockroaches and mosquitoes. The source adds that fighting, including with weapons and in open spaces, occurs regularly and the 10 individuals have come close to suffering serious injury. Reportedly, the food provided to the individuals has been practically inedible for the past three years, with some slight recent improvements, access to specialized health care is rare, and the individuals must bear the totality of the costs of treatment and medication.

e. Filings in national courts

31. The source notes that a writ for the enforcement of their rights was filed in Nigeria and, on 1 March 2019 and 28 November 2019, the Federal High Court of Nigeria in Abuja ruled that the fundamental rights of the 10 individuals had been violated, that the abduction and deportation to Cameroon of those individuals, who were residing in Nigeria as registered refugees and asylum-seekers, were illegal and unconstitutional, that the individuals should be returned to Nigeria immediately, and that they should be compensated for damages.³ The source notes that the Government of Nigeria has yet to implement these judgments.

³ The source refers to Federal High Court of Nigeria, *AyukTabe and others v. National Security Adviser and Attorney General of the Federation*, Suit No. FHC/ABJ/CS/85/2018, Judgment, 1 March 2019;

32. The source also reports that a habeas corpus application was filed on behalf of the 10 individuals, asking for their immediate release. Reportedly, it was thrown out by the High Court of Mfoundi in Yaoundé, without a hearing on the merits. The appeal filed before the Court of Appeal of Yaoundé on this matter was also allegedly thrown out without a hearing.

f. Legal analysis

33. The source contends that the arrest and detention of the 10 individuals are arbitrary in so far as they violate articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights, and articles 19, 21, 22 and 26 of the International Covenant on Civil and Political Rights.

34. The source recalls that the 10 individuals were arrested without being presented with a warrant at the time of their arrest or during the 20 days of their detention in Nigeria. The source adds that no charge was instituted against any of the individuals throughout the 20 days of their detention in the premises of the Defence Intelligence Agency, and no investigation of any kind was conducted by the police, a magistrate or any other judicial authority in Nigeria. The source argues that this constitutes serious violations of the individuals' right to due process and renders their detention arbitrary.

35. The source also submits that the 10 individuals were held incommunicado, without access to their family, to legal counsel or to sunlight, during the 20 days of their detention in the premises of the Defence Intelligence Agency in Nigeria, as well as during the six months of their detention in the facility of the Secretariat of State for Defence in Cameroon.

36. In relation to the deportation of the 10 individuals to Cameroon, the source argues that the individuals were subjected to rendition to Cameroon without being afforded judicial process and in violation of the principle of non-refoulement. The source notes that, as confirmed by UNHCR in Nigeria and the National Commission for Refugees, Migrants and Internally Displaced Persons, all 10 individuals are refugees or registered asylum-seekers in Nigeria, within the meaning of the Convention Relating to the Status of Refugees and the Protocol thereto, to which Cameroon and Nigeria are both parties. The source adds that Nigeria knew or had reason to know of their status as refugees and asylum-seekers. The source submits that Nigeria deported the individuals to Cameroon despite having granted them that status, and without allowing them to choose an alternative country to be deported to, breaching the fundamental principle of non-refoulement. The source recalls that, as refugees and asylum-seekers, all 10 individuals were protected persons under United Nations guidelines and international law, and that Nigeria was therefore duty-bound to protect them from political persecution in Cameroon.

37. Further, the source contends that the deportation of the 10 individuals at night, without any court order and with no consideration for or inventory of their property at the Nera Hotel, contributes to the arbitrary nature of their arrest and detention.

38. The source similarly argues that Cameroon, by collaborating with Nigeria in the deportation of the 10 individuals, also violated the principle of non-refoulement and the rights and freedoms of those individuals as enshrined in the constitutions of Cameroon and Nigeria. The source contends that the deportation of all 10 individuals violated Nigerian immigration laws and international refugee law. The source further submits that the deportation violated a 2009 ruling of the African Commission of Human and Peoples' Rights, sitting in Banjul.⁴

39. The source argues that the trial of the 10 individuals before a military tribunal violated their fundamental right to a fair trial, as guaranteed in the African Charter on Human and Peoples' Rights, to which Cameroon and Nigeria are both parties. In addition, the source submits that the individuals' right to a fair trial under article 10 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights were violated in so far as: they were not represented by counsel during their trial before the military tribunal in Yaoundé; their trial and conviction was carried out in French although

Tassang and others v. National Security Adviser and Attorney General of the Federation, Suit No. FHC/ABJ/CS/147/2018, Judgment, 1 March 2019; and *Ogork v. National Security Adviser and Attorney General of the Federation*, Suit No. FHC/ABJ/CS/271/2019, 28 November 2019.

⁴ The source refers to *Gumne and others v. Cameroon*, Decision, 27 May 2009.

none of the 10 individuals understand that language; they were not given an opportunity to speak during their trial; their appeal hearing was conducted in less than 15 minutes, exclusively in French; and the Court of Appeal in Yaoundé found in favour of the State of Cameroon despite the latter not having filed a response to the individuals' written submissions or any other documents relating to the appeal.

40. Furthermore, the source notes that the failure of Nigeria to implement the judgments of the Federal High Court dated 1 March 2019 and 28 November 2019 is proof of the criminal intent of Nigeria and constitutes a denial of the 10 individuals' fair-trial rights.

41. The source contends that the poor detention conditions that the 10 individuals experienced, including the denial of adequate access to food, health care and communication with the outside world and with their lawyers, and the frequent torture they were subjected to, violated their basic rights as guaranteed under the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The source explains that, under article 45 of the Constitution of Cameroon, international conventions take precedence over national laws and legislation.

42. Further, the source points to service note No. 003/SN/PPY/SP/2022 of the regional delegation for penitentiary administration for Yaoundé central prison, which outlines the disciplinary sanctions to be inflicted on all inmates found trafficking or in possession of a mobile telephone or any other prohibited object or substance inside that prison. According to the note, those disciplinary sanctions include: placement in a disciplinary cell for at least 15 days, to be divided in intervals of 5 days; placement of the detainee in chains for 15 days; placement in a disciplinary cell in chains; transfer to other wards; suspension of all forms of visits and communications for at least one to three months; and exclusion from all visits and communication. The source argues that the service note violates detainees' basic rights as guaranteed under the Nelson Mandela Rules.

43. Additionally, the source contends that the arrest and detention of the 10 individuals contravene provisions of the Constitution of Nigeria, which provides for the respect of fundamental human rights and freedom of speech, association and assembly, as well as the procedures for arrests and detentions set out under the national laws of Nigeria.

44. The source argues that the 10 individuals were deprived of their liberty on the basis of discriminatory factors, such as their affirmation of their citizenship of the North-West and South-West regions of Cameroon, the fact that they speak English and hold different cultural values, and their work to pursue the self-determination of the North-West and South-West regions of Cameroon.

45. The source submits that the acts perpetrated against the 10 individuals were carried out to deter them from exercising their rights and upholding their values. As evidence of the discriminatory nature of their arrest and detention, the source argues that they were arrested despite not having committed or being suspected of any offence or crime in Nigeria, which is allegedly why they were never presented to a judicial authority for investigation, within the 48 hours requirement under criminal law, or charged before a court throughout their 20 days of detention in Nigeria. The source also points to their incommunicado detention in Cameroon and Nigeria, their trial before a military court in Cameroon, the lack of arraignment, their prosecution in French, the lack of a defence counsel, and the allegedly trumped-up charges against them because they had denounced their Cameroonian nationality and affirmed their refugee or asylum-seeker status from the North-West and South-West regions of Cameroon. The source also points to the lack of a fair trial and the imposition of the extreme sanctions of life imprisonment and the payment of a joint fine of \$550 million.

46. Lastly, the source raises that the appeal was heard and determined prematurely, in French, and within less than 20 minutes, without responding to the 10 individuals' written submissions. As a result, the source submits that the individuals were deprived of their liberty on the basis of discriminatory grounds related to their national, ethnic or social origin, their language and their political opinion.

Response from the Government

47. On 13 April 2022, the Working Group transmitted the allegations from the source to the Governments of Cameroon and Nigeria under its regular communications procedure. The Working Group requested the Governments to provide, by 13 June 2022, detailed information about the current situation of the 10 individuals and to clarify the legal provisions justifying their continued detention, as well as its compatibility with the obligations of Cameroon and Nigeria under international human rights law, and in particular with regard to the treaties ratified by the States. Moreover, the Working Group called upon the Government of Cameroon to ensure the individuals' physical and mental integrity.

48. The Working Group regrets that neither of the Governments submitted a reply, and that neither sought an extension in accordance with paragraph 16 of Working Group's methods of work.

Discussion

49. In the absence of a response from either of the Governments, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

50. In determining whether the detention of the 10 individuals was arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a prima facie case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.⁵ In the present case, neither of the Governments have chosen to challenge the prima facie credible allegations made by the source.

51. Noting that the allegations concern two Governments, the Working Group shall proceed to examine the allegations separately in relation to each of them.

Allegations in respect of Nigeria

Category I

52. The source has argued, and the Government has chosen not to dispute, that the 10 individuals were abducted on 5 January 2018 by armed men in Abuja. They were handcuffed, hooded, pushed into cars and subsequently taken to the premises of the Defence Intelligence Agency where they were held underground until 25 January 2018, when they were forcibly removed to Cameroon.

53. The Working Group recalls that a detention is considered arbitrary under category I if it lacks legal basis. As it has previously stated, for a deprivation of liberty to have a legal basis, it is not sufficient that there is a law that may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case through an arrest warrant.⁶

54. Indeed, international norms on deprivation of liberty include the right to be presented with an arrest warrant, which is procedurally inherent in the right to liberty and security of person and the prohibition of arbitrary deprivation, under articles 3 and 9 of the Universal Declaration of Human Rights and article 9 of the Covenant, and in accordance with principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁷ Any form of detention or imprisonment should be ordered by, or be subject to the effective control of, a judicial or other authority under the law, whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence, in accordance with the preamble and principle 4 of the Body of Principles.

55. In the present case, the 10 individuals were never presented with an arrest warrant, nor were they told of the reasons for their detention or indeed presented with any charges

⁵ [A/HRC/19/57](#), para. 68.

⁶ See, for example, opinions No. 46/2017, No. 66/2017, No. 75/2017, No. 93/2017, No. 35/2018, No. 79/2018, No. 86/2020 and No. 72/2021.

⁷ See opinions No. 88/2017, para. 27; No. 3/2018, para. 43; and No. 30/2018, para. 39.

during the 20 days they were held at the Defence Intelligence Agency premises. The Working Group is particularly alarmed at the manner in which they were detained – by 20 armed officers, holding them at gunpoint in circumstances when there is no indication that any of the 10 men resisted. The Working Group finds a breach of article 9 (1) and (2) of the International Covenant on Civil and Political Rights.

56. The source has also argued that the 10 individuals were held incommunicado during the 20 days, as they were denied access to family and lawyers. However, by the source's own admission, representatives of UNHCR in Nigeria were permitted to meet with the individuals and indeed were instrumental in a slight improvement in their appalling conditions of detention (see discussion below); therefore the Working Group does not further consider this allegation.

57. Nevertheless, in accordance with article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judge to exercise judicial power. As the Human Rights Committee has noted, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee "promptly" before a judge or other officer authorized by law following his or her arrest; any longer delay must remain absolutely exceptional and be justified under the circumstances.⁸ The Working Group finds that this was violated in relation to all 10 individuals.

58. Furthermore, as the Working Group has consistently held,⁹ to establish that a detention is indeed legal, anyone detained has the right to challenge the legality of his or her detention before a court, as envisaged in article 9 (4) of the Covenant. The Working Group wishes to recall that, in line with the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Rights of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, the right to challenge the lawfulness of detention before a court is a self-standing human right, which is essential to preserve legality in a democratic society.¹⁰ This right, which is in fact a peremptory norm of international law, applies to all forms of deprivation of liberty,¹¹ and, moreover, applies to all situations of deprivation of liberty, including not only to detention for purposes of criminal proceedings but also to situations of detention under administrative and other fields of law, including military detention, security detention and detention under counter-terrorism measures.¹² This right was denied to the 10 individuals and thus their rights under article 9 (4) of the Covenant were violated.

59. The Working Group further considers that judicial oversight of detention is a fundamental safeguard of personal liberty¹³ and is essential in ensuring that detention has a legal basis. Given that the 10 individuals were not able to challenge their continued detention, their right to an effective remedy under article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant was also violated.

60. The Working Group now turns to the uncontested allegations that on 25 January 2018 the 10 individuals were transported to the military section of the Nnamdi Azikiwe International Airport, near Abuja, where they were effectively bundled up on a military cargo plane displaying Cameroon insignia and forcibly transferred to Cameroon. These exceptionally serious allegations were put to the Government, but it chose not to address them.

61. As the Working Group has previously observed,¹⁴ international law regarding extradition and transfer provides procedures that must be observed by countries in arresting, detaining and returning individuals to face criminal proceedings in another country and in

⁸ General comment No. 35 (2014), paras. 32–33.

⁹ See, for example, opinions No. 2/2018, No. 4/2018, No. 42/2018, No. 43/2018 and No. 79/2018. See also opinions No. 1/2017, No. 6/2017 and No. 8/2017.

¹⁰ [A/HRC/30/37](#), paras. 2–3.

¹¹ *Ibid.*, para. 11.

¹² United Nations Basic Principles and Guidelines on Remedies and Procedures on the Rights of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, para. 47 (a).

¹³ [A/HRC/30/37](#), para. 3.

¹⁴ [A/HRC/48/55](#), paras. 51–60. See also, for example, opinions No. 57/2013, No. 2/2015, No. 11/2018, No. 23/2020 and No. 25/2022, and [A/HRC/51/29](#).

ensuring that their right to a fair trial is protected. While the Working Group does not dispute the right of each State to deport aliens who pose threats to its national security,¹⁵ this does not place such aliens outside the protection of the law.¹⁶ Article 13 of the Covenant obliges States parties to ensure that aliens lawfully in their territory are expelled only in pursuance of a decision reached in accordance with the law, and to allow them to submit reasons against the expulsion and have the case reviewed by, and be represented before, a competent authority.¹⁷ This is also required under article 9 of the Universal Declaration of Human Rights.¹⁸ Involuntary expulsion to a foreign State without a hearing by judicial authorities cannot be in conformity with due process. In the present case, all 10 individuals were legally present in Nigeria, four of whom were recognized as refugees and six of whom were registered asylum-seekers.

62. The Working Group underlines that the right to challenge the legality of detention before a court, as protected under articles 3, 8 and 9 of the Universal Declaration of Human Rights and articles 2 (3) and 9 (1) and (4) of the Covenant, as well as principles 11, 32 and 37 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, belongs to everyone.¹⁹ Equally, the right to be notified of the reasons for the arrest or detention and to be promptly presented before a judicial authority, as set out in article 9 of the Covenant, belongs to everyone.²⁰ Forcible transfers that fail to respect the fundamental requirements of due process can never have a legal basis.

63. Further, as the Working Group and other experts stated in the joint study on global practices in relation to secret detention in the context of countering terrorism:

Secret detention, involving the denial or concealment of a person's detention, whereabouts or fate has the inherent consequence of placing the person outside the protection of the law. The practice of "proxy detention", where persons are transferred from one State to another outside the realm of any international or national legal procedure ("rendition" or "extraordinary rendition") for the specific purpose of secretly detaining them, or to exclude the possibility of review by the domestic courts of the State having custody of the detainee, or otherwise in violation of the well-entrenched principle of non-refoulement, entails exactly the same consequence. The practice of "proxy detention" involves the responsibility of both the State that is detaining the victim and the State on whose behalf or at whose behest the detention takes place.²¹

64. Moreover, in its resolution 37/3, the Human Rights Council stressed that no one should be held in secret detention, urged States concerned to ensure that all persons held in detention under their authority were provided with access to the courts and called upon States to investigate all alleged cases of secret detention, including under the pretext of counter-terrorism.

65. As the Working Group has explained, the practice of so-called renditions, because it is aimed at avoiding all procedural safeguards, is not compatible with international law.²² The Working Group has previously found a violation of article 9 of the Covenant and the detention to be arbitrary where persons were transferred to another country outside the confines of any legal procedure, such as extradition, and were not allowed access to counsel or to any judicial body to contest the transfers.²³

66. Finally, as the source has submitted and neither of the Governments have disputed, the removal of the 10 individuals took place after the Nigerian authorities took them to the

¹⁵ See Human Rights Committee, *V.M.R.B. v. Canada*, communication No. 236/1987, and *J.R.C. v. Costa Rica*, communication No. 296/1988.

¹⁶ See Human Rights Committee, *Alzery v. Sweden* (CCPR/C/88/D/1416/2005).

¹⁷ See also opinion No. 23/2020.

¹⁸ See also opinion No. 47/2020.

¹⁹ See also the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court.

²⁰ See also, for example, opinion No. 51/2020.

²¹ *A/HRC/13/42*, para. 6.

²² *A/HRC/4/40*, p. 2.

²³ Opinion No. 47/2005, para. 19.

military airport. There, a military cargo plane displaying Cameroon insignia landed and heavily armed men in camouflage outfits and ski masks disembarked and the 10 individuals were forcibly removed to Cameroon, where they were met and immediately taken into custody by Cameroonian authorities. In the absence of any other explanation, the Working Group concludes that the removal of the 10 individuals took place through secret collusion between the Cameroonian and Nigerian authorities.

67. It is indeed unthinkable that either of the authorities may not have been aware of what clearly must have been quite a large-scale operation at the military airport in Nigeria and involving a military plane from Cameroon. The Working Group therefore finds that the Government of Nigeria is jointly responsible with the Government of Cameroon for the arrest, detention and deportation of the 10 individuals to Cameroon and for any violations of their rights that took place in Nigeria and Cameroon.

68. The Working Group therefore finds that detention of Messrs. AyukTabe, Tassang, Nfor, Berinyuy, Eyambe, Ndeh-Che, Ogork, Kwanga, Kimeng and Awasum was arbitrary and falls under category I. The Working Group refers the case to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for appropriate action.

Category III

69. Further to its findings above concerning the forcible removal of the 10 individuals from Nigeria, noting that this was carried out in a manner devoid of any judicial oversight, consideration of the principle of non-refoulement and proceedings that would safeguard the right to a fair trial of these 10 individuals, the Working Group finds that their detention also violated article 14 of the Covenant and was therefore arbitrary under category III as well.

70. In the context of all the above discussion, the Working Group takes particular note of the rulings of the Federal High Court of Abuja on 1 March 2019 and 28 November 2019 recognizing the violations of the rights of the 10 individuals and finding their deportation illegal and unconstitutional.

71. The Working Group recalls that a State that forcibly removes an individual from its jurisdiction cannot absolve itself from responsibility over what happens to that person in the jurisdiction to which he or she has been forcibly removed. It has therefore consistently held that the removing State is fully responsible for the human rights violations suffered by the individual in the receiving State.²⁴ The Working Group therefore concludes that the Government of Nigeria is responsible for any violations of the rights of Messrs. AyukTabe, Tassang, Nfor, Berinyuy, Eyambe, Ndeh-Che, Ogork, Kwanga, Kimeng and Awasum that occurred in Cameroon (see discussion below).

Allegations in respect of Cameroon

Category I

72. The Working Group has already established the responsibility of the Government of Cameroon (see paras. 66–67 above) for the detention of the 10 individuals in Nigeria from 5 to 25 January 2018 as well as for their forcible transfer to Cameroon on 25 January 2018.

73. Further, the source has argued, and the Government has chosen not to rebut, that the 10 individuals were never presented with an arrest warrant or with reasons for their detention in Cameroon; they were held without access to their families or lawyers until 22 November 2018 in the Secretariat of State for Defence facilities in Yaoundé before being transferred to the prison where they remain to date. They were tried before a military court and sentenced to the heavy penalties of life imprisonment and a joint payment of \$550 million.

74. The Working Group has already stated (see paras. 53–55 above) that detention in the absence of an arrest warrant and in the absence of any explanation for the reasons for arrest violates article 9 (1) and (2) of the Covenant. Since this also took place in Cameroon

²⁴ [A/HRC/48/55](#), para. 60.

following the forcible transfer of the 10 individuals there, the Working Group finds a further violation of these rights in respect of all 10 individuals.

75. Similarly, the Working Group reiterates the discussion above (see paras. 57–59 above) concerning the right to be presented before a judicial authority within 48 hours and the right to challenge the legality of detention. Since these were further violated by the Cameroonian authorities, the Working Group finds a further breach of articles 9 (3) and (4) of the Covenant in relation to all 10 individuals.

76. Moreover, upon arrest, all 10 individuals were consistently and repeatedly addressed by the authorities in French, a language they do not understand, and there were no attempts to ensure appropriate translation. These allegations were put to the Government, but it chose not to contest them. In these circumstances, the Working Group finds further violation of article 9 (4) of the Covenant, as the 10 individuals were deprived of the possibility to effectively challenge their detention. In this regard the Working Group recalls that all individuals who find themselves in the territory or subject to the State's jurisdiction shall be guaranteed effective and free access to the courts of law, which includes the right to be informed orally and in writing of the reasons for detention, and on the rights of persons in detention, including the right to challenge the arbitrariness and lawfulness of detention, in a language the person detained understands. This may require the provision of information through qualified interpreters and translators at no cost to the detainee.²⁵

77. Finally, the Working Group notes the uncontested submissions that all 10 individuals were held incommunicado during the six months of their detention in the Secretariat of State for Defence facilities in Cameroon. As the Working Group has stated, holding persons incommunicado violates their right to challenge the lawfulness of detention before a court under article 9 (4) of the Covenant.²⁶ Judicial oversight of detention is a fundamental safeguard of personal liberty²⁷ and is essential in ensuring that detention has a legal basis. Given that the 10 individuals were unable to challenge their detention before a court, their right to an effective remedy under article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant was violated. They were also placed outside the protection of the law, in violation of the right to be recognized as a person before the law under article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant.

78. Noting all the above, the Working Group concludes that the detention of Messrs. AyukTabe, Tassang, Nfor, Berinyuy, Eyambe, Ndeh-Che, Ogork, Kwanga, Kimeng and Awasum in Cameroon lacks legal basis and is therefore arbitrary under category I.

Category III

79. The source has argued, and the Government has chosen not to dispute, that the 10 individuals, all civilians, were tried by a military tribunal and were not represented by a legal counsel, that the trial was conducted entirely in French (a language that none of the 10 men understand) and that they were denied an opportunity to speak at the trial. They all received the very heavy penalty of life imprisonment. Their appeal was dismissed in a hearing lasting less than 15 minutes, also conducted exclusively in French, even though prosecution had not filed a response to the written submission of the 10 appellants.

80. The Working Group notes that it is within its mandate to assess the overall proceedings of the court and the law itself to determine whether they meet international standards.²⁸ In relation to the jurisdiction of the military courts, the Working Group in its practice has consistently argued that the trial of civilians by military courts is in violation of the Covenant and customary international law and that under international law, military

²⁵ United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, para. 109.

²⁶ See opinions No. 45/2017, No. 46/2017, No. 35/2018, No. 9/2019, No. 44/2019, No. 45/2019, No. 15/2020, No. 16/2020 and No. 36/2020.

²⁷ [A/HRC/30/37](#), para. 3.

²⁸ See, for example, opinions No. 33/2015, No. 15/2017, No. 30/2017, No. 78/2017 and No. 3/2021.

tribunals can only be competent to try military personnel for military offences.²⁹ Moreover, in the present case the Government had the possibility to explain the trial by military of the 10 individuals, all civilians, but it chose not to do so. The Working Group therefore finds a breach of article 14 (1) of the Covenant.

81. Furthermore, the Working Group recalls that all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension, and such access must be provided without delay.³⁰ The right to legal assistance is an essential element of the right to fair trial, as it serves to ensure the principle of equality of arms is duly observed.³¹ In the present case, all 10 individuals were denied legal assistance prior to and during the court proceedings, as well as afterwards, when appealing the verdict. The Working Group finds that this violated article 14 (3) (d) of the Covenant. Moreover, none of the individuals were allowed to speak during the proceedings, which was a clear impediment to their ability to defend themselves. The Working Group finds that this was a further violation of article 14 (3) (d), and also a violation of article 14 (3) (e), of the Covenant.

82. Noting the uncontested allegations that all proceedings, including the appeal, were conducted in French, a language which none of the 10 individuals understand, the Working Group finds a breach of article 14 (3) (f) of the Covenant.

83. Turning to the appeals proceedings, the Working Group finds a violation of article 14 (5) of the Covenant. In this regard it recalls that article 14 (5) imposes on States parties a duty to substantially review both the conviction and the sentence as to the sufficiency of the evidence and of the law.³² In the present case, the appeal hearing lasted a mere 15 minutes, during which the 10 individuals were not allowed to speak, and the adverse decision was delivered although the prosecution had made no submissions. This is a particularly egregious violation of the right to appeal in the light of the life sentences imposed and affirmed by the appellate court on the 10 individuals. Moreover, as the Working Group has previously noted, a very brief trial for serious criminal offences suggests that the guilt of the 10 individuals had been predetermined, in violation of their right to the presumption of innocence under article 14 (2) of the Covenant and article 11 of the Universal Declaration of Human Rights.³³

84. Overall, the Working Group is struck by the behaviour displayed by both the court of first instance as well as the appellate court towards the 10 individuals, which can only be described as biased. In this regard, the Working Group emphasizes that a trial must also appear to a reasonable observer to be impartial.³⁴ This is clearly not the case here, as evidenced by the many violations of fair trial rights listed above, which all occurred in plain sight of the judicial authorities. The Working Group finds that a breach of the fundamental right to a fair trial occurred, in violation of article 14 (1) of the Covenant and article 10 of the Universal Declaration of Human Rights. In making this finding, the Working Group is also mindful of the submission that a habeas corpus application on behalf of the 10 individuals was filed with the High Court of Mfoundi in Yaoundé but was dismissed by the court, without a hearing on the merits. The Working Group refers the case to the Special Rapporteur on the independence of judges and lawyers for appropriate action.

85. Considering all the above, the Working Group concludes that the detention of Messrs. AyukTabe, Tassang, Nfor, Berinyuy, Eyambe, Ndeh-Che, Ntui Ogork, Kwanga, Kimeng and Awasum is arbitrary and falls under category III.

²⁹ [A/HRC/27/48](#), paras. 67–70. See also opinions No. 44/2016, No. 30/2017, No. 28/2018, No. 32/2018 and No. 66/2019.

³⁰ United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principle 9 and guideline 8, and the Basic Principles on the Role of Lawyers, paras. 16–22. See also [A/HRC/45/16](#), paras. 51–52.

³¹ [A/HRC/45/16](#), para. 52. See also, for example, opinion No. 35/2019.

³² See, for example, Human Rights Committee, *Bandajevsky v. Belarus* (CCPR/C/86/D/1100/2002), para. 10.13.

³³ See, also, for example, opinions No. 75/2017, No. 36/2018 and No. 83/2018.

³⁴ Human Rights Committee, general comment No. 32 (2007), para. 21.

Category V

86. The source has also argued that the detention of the 10 individuals was based on discrimination, namely, their affirmation of the citizenship of the North-West and South-West regions of Cameroon and the fact that they spoke English and held different cultural values. The Government has chosen not to address these allegations.

87. The Working Group recalls that detention is arbitrary under category V when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In the present case, the Working Group has not been presented with any reason for the arrest, detention and trial of the 10 individuals. Specifically, there is no evidence whatsoever of any criminal activity on the part of any of them. They all, however, have one distinguishing feature in common: they are all human rights defenders who have worked on the issues of the North-West and South-West regions of Cameroon. The facts as presented to the Working Group and not contested by the Government clearly indicate that this was the key reason for their detention, trial and subsequent imprisonment.

88. Moreover, all the individuals come from the English-speaking part of Cameroon, a fact that was well known to the authorities. Yet, as evidenced by the proceedings, they were always addressed in French, from the moment of their detention in Cameroon and throughout their trial proceedings. The Working Group has already observed a difference in treatment employed by the Cameroonian authorities towards its English-speaking population.³⁵

89. The Working Group has in the past concluded that being a human rights defender is a status protected under article 26 of the Covenant.³⁶ Accordingly, the Working Group finds that Messrs. AyukTabe, Tassang, Nfor, Berinyuy, Eyambe, Ndeh-Che, Ogork, Kwanga, Kimeng and Awasum were deprived of their liberty on discriminatory grounds, that is, due to their status as human rights defenders and their nationality and because they are English-speakers, in violation of articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant. Their deprivation of liberty is arbitrary under category V. The Working Group refers this case to the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on minority issues for appropriate action.

Concluding remarks

90. The Working Group would like to express its concern over the deplorable conditions in which the 10 individuals were held, both in Cameroon and Nigeria, and over the denial of medical assistance. While in the custody of Cameroonian authorities, the individuals were also subjected to degrading and invasive searches and denied meaningful contact with the family. The Working Group feels obliged to remind the two Governments that, in accordance with article 10 of the Covenant, all persons deprived of their liberty must be treated with humanity and with respect to the inherent dignity of the human person, and that denial of medical assistance constitutes a violation of the Nelson Mandela Rules, in particular rules 24, 25, 27 and 30, and principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

91. Moreover, the Working Group is particularly disturbed over the uncontested allegations that, when held in the Secretariat of State for Defence facilities in Cameroon, the metallic doors of their cell were welded and painted with carbide and lead paint and occasionally sprayed with organophosphates while the 10 individuals were locked inside. This appears *prima facie* to be a violation of article 10 of the Covenant, and the Working Group refers the case to the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes for appropriate action.

³⁵ See opinion No. 10/2021.

³⁶ See, for example, opinions No. 48/2017, No. 50/2017 and No. 19/2018, and [A/HRC/36/37](#), para. 49.

92. The present opinion concerns only the arrest and detention of Messrs. AyukTabe, Tassang, Nfor, Berinyuy, Eyambe, Ndeh-Che, Ogork, Kwanga, Kimeng and Awasum in Cameroon and Nigeria and is adopted without prejudice to the legal status of the North-West and South-West regions of Cameroon.

Disposition

93. In the light of the foregoing, the Working Group renders the following opinion in relation to the Governments of Cameroon and Nigeria:

The deprivation of liberty of Julius AyukTabe, Wilfred Fombang Tassang, Ngala Nfor Nfor, Blaise Sevidzem Berinyuy, Elias Ebai Eyambe, Fidelis Ndeh-Che, Egbe Ntui Ogork, Cornelius Njikimbi Kwanga, Henry Tata Kimeng and Cheh Augustine Awasum, being in contravention of articles 2, 6, 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2 (1) and (3), 9, 14 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, III and V.

94. The Working Group requests the Governments of Cameroon and Nigeria to take the steps necessary to remedy the situation of the 10 individuals without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

95. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy for the Government of Cameroon would be to release the 10 individuals immediately and for the Governments of Cameroon and Nigeria to accord them an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the global coronavirus disease (COVID-19) pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government of Cameroon to take urgent action to ensure the immediate and unconditional release of the 10 individuals.

96. The Working Group urges the two Governments to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of the 10 individuals and to take appropriate measures against those responsible for the violation of their rights.

97. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on minority issues and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, for appropriate action.

98. The Working Group requests the two Governments to disseminate the present opinion through all available means and as widely as possible.

Follow-up procedure

99. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the two Governments to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Julius AyukTabe, Wilfred Fombang Tassang, Ngala Nfor Nfor, Blaise Sevidzem Berinyuy, Elias Ebai Eyambe, Fidelis Ndeh-Che, Egbe Ntui Ogork, Cornelius Njikimbi Kwanga, Henry Tata Kimeng and Cheh Augustine Awasum have been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to the 10 individuals;

(c) Whether an investigation has been conducted into the violation of the rights of the 10 individuals and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Cameroon and Nigeria with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

100. The two Governments are invited to inform the Working Group of any difficulties they may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

101. The Working Group requests the source and the two Governments to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

102. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.³⁷

[Adopted on 1 September 2022]

³⁷ See Human Rights Council resolution 42/22, paras. 3 and 7.