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Cameroon

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 173rd session (Geneva, 23 January to 7 February 2024)



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CMR01 – Dieudonné Ambassa Zang

Alleged human rights violations

- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of parliamentary immunity

A. Summary of the case

Mr. Ambassa Zang, then a member of the National Assembly, was accused of misappropriating public funds amounting to several billion CFA francs linked to the Wouri bridge renovation project when he was Minister of Public Works (2002–2004). The complainant rejects the charges and highlights the political and arbitrary nature of the proceedings initiated against Mr. Ambassa Zang. Criminal proceedings started after Mr. Ambassa Zang's parliamentary immunity was lifted on 7 August 2009. Mr. Ambassa Zang left Cameroon on 12 July 2009 and is currently living in France, where he has been granted political refugee status.

According to the Cameroonian authorities, the charges against him stemmed from an audit conducted following a complaint by the *Agence française de développement*, AFD (French Development Agency) and its German counterpart, which had funded the project in question. However, no proof of any such complaint has been made public, and in February 2020 the French Minister for Europe and Foreign Affairs stated that the AFD had not initiated a complaint against Mr. Ambassa Zang.

Case CMR-01

Cameroon: Parliament affiliated to the IPU

Victim: Majority member of the National Assembly

Qualified complainant(s): Section I.(1)(a) of the Committee Procedure (Annex I)

Submission of complaints: November and December 2009

Recent IPU decision: October 2017

Recent IPU mission: May 2011

Recent Committee hearings: Hearing with the delegation of Cameroon at the 126th IPU Assembly (March–April 2012); hearing with the complainant at the Committee's 152nd session (January 2017); meeting between a Committee member and the complainant (June 2018)

Recent follow-up

- Communication from the authorities: Letter from the Secretary General of the National Assembly (January 2019)
- Communication from the complainant: December 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (December 2023)
- Communication to the complainant: December 2023

In May 2011, a Committee delegation went on mission to Cameroon and expressed serious doubts that the case could be handled fairly and objectively should Mr. Ambassa Zang return to Cameroon.

On 15 October 2012, the Head of State ordered that the charges against Mr. Ambassa Zang be heard by the *Conseil de discipline budgétaire et financière*, CDBF (Budget and Finance Disciplinary Council). Although Mr. Ambassa Zang was denied the right to be represented by a lawyer in his absence in the criminal proceedings against him, he was authorized to be represented by a lawyer in the proceedings before the CDBF. According to the complainant, the criminal judicial authorities invoked section 349 of the Code of Criminal Procedure to justify denying Mr. Ambassa Zang the right to be represented by his lawyer, as required under article 14 of the International Covenant on Civil and Political Rights.

On 9 June 2014, Mr. Ambassa Zang was ordered to appear before the Special Criminal Court on the same charges as those examined in parallel by the CDBF. According to the complainant, this decision violates the *non bis in idem* principle, as set out in article 14 of the International Covenant on Civil and Political Rights. An IPU observer attended the Special Criminal Court hearing, held on 17 September 2014. According to the observer, the referral order makes no mention whatsoever of any criminal intent, let alone personal enrichment. Noting that the criminal proceedings before the Special Criminal Court and the disciplinary proceedings before the CDBF had indeed related to the same acts and had been conducted in parallel, the observer noted that they were likely to lead to conflicting outcomes.

On 18 June 2015, the Special Criminal Court found Mr. Ambassa Zang guilty and sentenced him *in absentia* to: (1) life imprisonment; (2) payment to the State of Cameroon the sum of 5.8 billion CFA francs in damages and interest; and (3) a lifelong forfeiture of his civil rights. Mr. Ambassa Zang appealed to the Supreme Court, which rejected his appeal on 17 October 2017. On 30 June 2017, the CDBF handed down its ruling and found Mr. Ambassa Zang guilty of a number of irregularities and mismanagement allegedly resulting in a loss of 7.5 billion CFA francs to the State Treasury. The CDBF also ordered Mr. Ambassa Zang to pay a special fine of 2 million CFA francs. On 15 December 2017, Mr. Ambassa Zang instructed his lawyer to lodge an appeal with the Central Administrative Court, requesting the annulment of the CDBF's ruling on grounds of abuse of power and, in the alternative, to order an expert report on the matters relating to the renovation of the Wouri Bridge. Since then, neither Mr. Ambassa Zang nor his lawyer have been informed of the outcome of this appeal.

On 29 June 2017, Mr. Ambassa Zang also submitted a complaint to the United Nations (UN) Human Rights Committee (HRC), which is competent to deal with violations of the International Covenant on Civil and Political Rights. The State of Cameroon failed to provide the HRC with its observations on the admissibility and merits of the complaint within the set deadline. On 14 July 2023, the HRC adopted its findings, stating that the State had committed a series of violations of the right to a fair trial in this case.¹ Among the numerous irregularities found by the HRC were excessive delays, the authorities' refusal to allow Mr. Ambassa Zang to be represented by his lawyer in criminal proceedings or to submit his observations in writing, as well as the arbitrary nature of Mr. Ambassa Zang's conviction by the Special Criminal Court, which adopted the prosecution charges without examining them or generating an adversary procedure. The HRC gave the Cameroonian State 180 days to grant Mr. Ambassa Zang adequate reparations for the harm suffered and to review the sentences handed down against him in accordance with fair trial guarantees. In addition, the HRC found that the State was obliged to ensure that similar violations do not recur. According to the complainant, the HRC's findings were not implemented within the set deadline.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores* the lack of progress in this case despite the concerns expressed by the Committee on numerous occasions regarding respect for the rights of Mr. Ambassa Zang, who has remained in exile in France as a refugee since 2009; *thanks* the French authorities for their official confirmation that the AFD did not issue a complaint against Mr. Ambassa Zang; and *hopes* to be able to count on their support for the satisfactory resolution of this case in the future and that

¹ Human Rights Committee, Views adopted on communication No 3214/2018 (French only): https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2F138%2FD%2F3214%2F2018&Lang=en

he will be able to return as soon as possible to Cameroon in complete safety and in full respect of his rights;

2. *Notes* the findings of the United Nations Human Rights Committee adopted on 14 July 2023; and *can only agree with* the United Nations (UN) Human Rights Committee in its findings concerning the multiple violations of Mr. Ambassa Zang's right to a fair trial by the judicial authorities of Cameroon in light of the numerous irregularities that have arisen in this case;
3. *Calls on* the Cameroonian authorities to implement without delay the findings of the United Nations Human Rights Committee in order to restore Mr. Ambassa Zang's rights, that is, to review all convictions against him in accordance with Cameroon's international human rights obligations, and to grant him adequate reparations for the harm he has suffered; *urges* the parliamentary authorities of Cameroon to take the necessary steps to ensure his safe return to his native country; and *wishes* to be kept informed of developments in this respect;
4. *Calls on* the Parliament of Cameroon to review national legislation to ensure that violations of this nature are not repeated and to carry out all the necessary reforms to ensure that national standards are compatible with international standards on the right to a fair trial, including section 349 of the Code of Criminal Procedure;
5. *Invites* the authorities to take advantage of the reports of the UN Special Procedures, in particular the Special Rapporteur on the independence of judges and lawyers, to ensure that international fair trial standards are respected in practice; and *suggests*, also, that the IPU offer assistance to the Cameroonian authorities in this endeavour;
6. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining the case.