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ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights (ICCPR).

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

This submission was prepared by HRF for the Universal Periodic Review (UPR) of the Republic of Cameroon. In this submission, HRF evaluates Cameroon's implementation of recommendations made during its previous UPR as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: arbitrary arrests, detentions, and violations of due process of the law, extrajudicial killings, torture and ill-treatment, and violations of the freedom of the press.

FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent, and third cycle UPR of the Republic of Cameroon by the United Nations Human Rights Council (UNHCR) took place on the 16th of May in 2018 as part of its 30th Session. A total of 196 recommendations were made to

Cameroon, with the government accepting 135, noting 58, and partially accepting three.¹ However, Cameroon has not successfully implemented all the accepted recommendations.

2. As a member state of the United Nations (UN), Cameroon has committed to protecting, promoting, and respecting the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (UDHR). Cameroon has also ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention Against Torture and Other Cruel Inhuman or Degrading Punishment (CAT). Cameroon has also ratified the African Charter on Human and Peoples' Rights.
3. The Republic of Cameroon's Constitution of 1972, (Constitution) formally guarantees the protection of several human rights (*see infra Cameroon's National Framework for Protecting Human Rights*). However, despite these constitutional guarantees, in practice, individuals in Cameroon are routinely subjected to human rights violations, not least by the very existence of laws that criminalize and impinge on their fundamental freedoms.

CAMEROON'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

4. The Constitution of 1972 with Amendments² provides a basic framework for protecting the fundamental rights and freedoms of its citizens.
5. Regarding the right to freedom from arbitrary arrests, detention, and violations

¹ Cameroon: Responses to Recommendations – Third Review, Session 30, UPR-INFO (Feb. 6, 2019), https://www.upr-info.org/sites/default/files/documents/2019-05/cameroon_2rp.pdf.

² Cameroon: Cameroon's Constitution of 1972 with Amendments through 2008, Constitute Project (2008), https://www.constituteproject.org/constitution/Cameroon_2008.pdf?lang=en.

to due process of the law, *Article 8* the Constitution states:

No person may be prosecuted, arrested or detained except in the cases and according to the manner determined by law.

6. Regarding the right to freedom from torture and ill-treatment, *Article 12* of the Constitution states:

Every person has a right to life, to a physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane, or degrading treatment.

7. Regarding freedom of expression and freedom of the press, the Constitution states in *Article 16*:

The freedom of communication, of expression, of the press, of assembly, of association, and of trade unionism, as well as the right to strike shall be guaranteed under the conditions fixed by law.

POLITICAL BACKGROUND

8. After World War I, Cameroon was partitioned between Britain and France. France received four-fifths of the country, while Britain received one-fifth.³ After several periods of colonization, the Republic of Cameroon gained independence from France on January 1, 1960, and in 1961, British and French Cameroon were unified. However, the existence of different systems of government in each made the process difficult and marked the start of ethnic tensions that remain to this day.⁴
9. The first elected President of Cameroon was Ahmadou Ahidjo, a member of the Union Camerounaise. Under Ahidjo's rule, the country became a single-party

³ Emmanue Anyefru, *Cameroon: The Continuous Search for National Integration*, *Journal of Global South Studies*, Vol. 34, No. 1 (Spring 2017), <https://www.jstor.org/stable/48517876>.

⁴ Mark W. DeLancy, *Cameroon: History*, *Encyclopedia Britannica* (2021), <https://www.britannica.com/place/Cameroon>.

state run by the Union Nationale Camerounaise (UNC),⁵ and dictatorial practices were present from the start. In 1962, Ahidjo issued a decree to imprison critics of his regime under charges of “subversion.”⁶ He also used tactics to centralize power, such as abolishing the position of Vice President,⁷ and capitalized on the fear of ethnic conflict between the different communities in Cameroon in order to justify such practices. Following Ahidjo’s resignation in 1982, after nearly twenty years in power, former Prime Minister Paul Biya was appointed President by Ahidjo, and became leader of the Cameroon People’s Democratic Movement (CPDM).⁸

10. Originally, Biya promised to implement a democratic government by supporting legislation for a multiparty system. However, he used various tactics to keep CPDM as the dominant party, such as arresting prominent individuals who demonstrated opposition to his government, and repressing peaceful demonstrations.⁹ Tensions rose when the post-British rule Anglophone community started calling for a true democratic system.¹⁰ Cameroon began to fall into a serious economic crisis previously disguised under Ahidjo’s rule.

11. In subsequent years, Biya first extended presidential term limits, then abolished it entirely, resulting in him “winning” elections in 1992, 1997, 2004, and 2011.¹¹ Each election came with irregularities and controversy, and there were calls to annul the 2011 election results.¹² He then established a long-promised 100-seat senate, in which the CPDM won 56 seats, and the President was able to elect 30 members. In September 2013, National Assembly Elections gave the CPDM a majority, giving the party untethered control of all branches of the government.¹³ Biya remains in power, and the last election in 2018 was criticized for its low

⁵ *Id.*

⁶ Joseph Takougang, *The Post-Ahidjo Era in Cameroon: Continuity and Change*, *Journal of Third World Studies* (1993), <https://www.jstor.org/stable/45193445>.

⁷ Sammy Kum Bao, *President Ahidjo’s fifteen years*, *Africa Report* (1973), <https://www.proquest.com/openview/d9ddc044755af05521043ba596fd82b2/1?pq-origsite=gscholar&cbl=1820943>

⁸ Mark W. DeLancy, *supra* note 4.

⁹ Milton Krieger, *Cameroon’s Democratic Crossroads*, *The Journal of Modern African Studies*, Vol 32, No. 4 (Dec. 1994), <http://www.jstor.org/stable/161566>.

¹⁰ *Id.*

¹¹ Mark W. DeLancy, *supra* note 4.

¹² *Id.*

¹³ *Id.*

turnout due to voter insecurity and allegations of fraud.¹⁴

12. In October 2016, Anglophones of Cameroon began to protest against the oppressive Francophone government,¹⁵ marking the beginning of the ongoing civil war. Demonstrators spoke out against the dominance of the French-speaking region of the country, noting that British Cameroon is less developed, and English speakers are underrepresented in parliament and universities. They called for recognition of English in public administration, the judiciary, healthcare, and education sectors, as guaranteed by the Constitution. Some called for a complete split from Francophone Cameroon, into a new state of Ambazonia. When conditions worsened, Anglophone separatist groups began to emerge.¹⁶

13. Protests turned increasingly violent due to clashes between separatist movements and the central government.¹⁷ The killings of several citizens¹⁸ escalated the crisis, and the government began intensively cracking down on separatist groups, including by shutting down the internet for Anglophone Cameroon for months, and arbitrarily detaining activists and their relatives.¹⁹ As the conflict persisted, Biya continued to downplay and suppress it, and attacks are even more frequent at present day.²⁰

14. As COVID-19 hit in March 2020, separatist groups in the Anglophone regions of Cameroon ignored pleas to end attacks. As of 2021, more than 4,000 individuals had been killed by government forces or separatist groups, 712,000 had been internally displaced, and almost half of Anglophone Cameroonians remained in need of humanitarian aid, due to the ongoing conflict.²¹ Both the government of

¹⁴ Cameroon's president Paul Biya wins seventh term, BBC (Oct. 22, 2018), <https://www.bbc.com/news/world-africa-45940414>.

¹⁵ Mark W. DeLancy, *supra* note 4.

¹⁶ Antonio Cascais, *Separatism in Cameroon: 5 years of violent civil war*, Deutsche Welle (Jan. 10, 2021), <https://www.dw.com/en/separatism-in-cameroon-5-years-of-violent-civil-war/a-59369417>.

¹⁷ *Id.*

¹⁸ Adrian Kriesch, *Cameroon's 'senseless spiral of violence'*, Deutsche Welle (2018), <https://www.dw.com/en/cameroons-senseless-spiral-of-violence/a-45971182>

¹⁹ *World Report 2022: Rights trends in Cameroon*, Human Rights Watch (Jan. 13, 2022), <https://www.hrw.org/world-report/2022/country-chapters/cameroon>.

²⁰ Antonio Cascais, *supra* note 16.

²¹ Nancy-Wangue Moussissa, *Cameroon: Crisis grinds on due to anglophone divisions, Yaoundé's unwillingness to negotiate*, The Africa Report (Aug. 2, 2022), <https://www.theafricareport.com/228634/cameroon-crisis-grinds-on-due-to-anglophone-divisions-and-yaoundes-unwillingness-to-negotiate/>.

Cameroon and armed separatist groups continue to commit grave human rights violations.

ARBITRARY ARREST, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

15. Although Cameroon's Constitution protects the rights of detainees and prohibits arbitrary arrests,²² government forces continue to arbitrarily arrest individuals without fair trial and due process. Throughout the ongoing civil war, human rights defenders, activists, and supporters of political opposition groups have been arrested and jailed for taking part in largely peaceful protests against Biya's government.²³
16. In 2014, Cameroon created a "Suppression of Acts of Terrorism" law that seeks to harshly punish those who act against the Cameroonian regime, including sentencing people with the death penalty.²⁴ Since its ratification, human rights groups have highlighted its use as a tool to incriminate protestors and vocal supporters of the opposition.²⁵ For example, in September 2020, after demonstrations to denounce regional elections occurred, over 100 supporters and members of the Cameroon Renaissance Movement (CRM) were detained and sentenced to up to seven years in prison for crimes such as insurrection, rebellion, and endangering state security.²⁶ The same month, four men from Stand Up for Cameroon, a civil society organization, were arrested and sentenced to 16 months in prison for conspiring to revolt and allegedly having

²² Cameroon Constitution, *supra* note 2.

²³ Cameroon: More than a hundred detainees from Anglophone regions and opposition party languishing in jail for speaking out, Amnesty Int'l (Jan. 24, 2022), <https://www.amnesty.org/en/latest/news/2022/01/cameroon-more-than-a-hundred-detainees-from-anglophone/>.

²⁴ *Leglis Cameroon: Law n°2014/28 of 23 December 2014 of the suppression of Acts of Terrorism*, Republic of Cameroon: Ministry of Justice (May. 25, 2021), <http://www.minjustice.gov.cm/index.php/en/instruments-and-laws/laws/383-law-n-2014-28-of-23-december-2014-of-the-suppression-of-acts-of-terrorism>.

²⁵ Cameroon: New Law on Repression of Terrorism Passed, Library of Congress (Dec. 2014), <https://www.loc.gov/item/global-legal-monitor/2014-12-18/cameroon-new-law-on-repression-of-terrorism-passed/>.

²⁶ Amnesty Int'l, *supra* note 23.

mobilized before the September demonstrations.²⁷

17. Along with arbitrary arrests, Cameroon has repeatedly used military courts to try civilians who have aligned with Anglophone separatists. For example, in 2019, CRM leader Maurice Kamto was arrested and tried in a military court for offenses such as hostility against the homeland, threats to public order, and rebellion.²⁸ In June 2021, Sylvester Ngarba, a Catholic priest in the Anglophone region who attempted to open a Catholic school, was arrested and tried by military courts for collaborating with separatists.²⁹ He was, in fact, not collaborating with separatists but rather, standing up against them as they urged him not to build the school.³⁰ Additionally, in September 2020, a military tribunal sentenced 47 civilians who were members of the opposition party, to up to seven years in jail for “rebellion and attempted insurrection.” They were arrested while planning protests against President Biya.³¹

EXTRAJUDICIAL KILLINGS, TORTURE, AND ILL-TREATMENT

18. The Cameroonian regime has committed extrajudicial killings of unarmed civilians in non-conflict areas within the Anglophone regions.³²

19. On January 10, 2021, army soldiers killed nine civilians in Mautu, in Cameroon’s Anglophone southwest region, which has been affected by violence between the

²⁷ *Id.*

²⁸ *Shadow Report to the African Commission on Human and People’s Rights in Response to the 6th Periodic Report of Cameroon*, Human Rights Watch (Mar. 30, 2020), <https://www.hrw.org/news/2020/03/30/shadow-report-african-commission-human-and-peoples-rights-response-6th-periodic>.

²⁹ *Anglophone Crisis, Cameroon: Rev. Father Sylvester Ngarba, a Catholic Priest has been arrested by Military in the North West Region of Cameroon*, Human Rights and Legal Research Center (Jun. 4, 2021), <https://hrlrc.org/2021/06/04/anglophone-crisis-cameroon-rev-father-sylvester-ngarba-a-catholic-priest-has-been-arrested-by-military-in-the-north-west-region-of-cameroon/>.

³⁰ *Id.*

³¹ Moki Edwin Kindzeka, *Cameroon Military Tribunal Jails 47 Opposition Activists for Planned Protests*, Voice of America (Dec. 29, 2021), <https://www.voanews.com/a/cameroon-military-tribunal-jails-47-opposition-activists-for-planned-protests/6374106.html>.

³² *Cameroon: Nine Killed in Army Attack*, Human Rights Watch (Feb. 4, 2021), <https://www.hrw.org/news/2021/02/04/cameroon-nine-killed-army-attack>.

state and separatists.³³ An army spokesperson confirmed that infantry battalions had conducted an operation there, and falsely stated that terrorist groups had attacked the battalion during a preventative raid.³⁴

20. A similar incident occurred in February 2020, resulting in the deaths of 21 people – including thirteen children and a pregnant woman – in Ngarbuh, Cameroon’s northwest Anglophone region.³⁵ The government had initially blamed the deaths on an exploding fuel container³⁶ but after heavy criticism, admitted guilt.³⁷ The trial of the accused security forces has been delayed for over two years, calling into question the transparency and independence of Cameroon’s justice system.³⁸

21. Regarding prison conditions and inhumane treatment, there are reports that many of the over 1,000 Anglophones who were arrested by Cameroonian authorities between 2016 and 2021, were held incommunicado and tortured for several days, including with mocked drownings, fingernail removal, deprivation of food, and other necessities.³⁹ For instance, a detainee stated: “we were treated like animals; we were beaten twice a day with wooden clubs and machetes. The hygienic conditions were dreadful.”⁴⁰

FREEDOM OF EXPRESSION AND FREEDOM OF THE PRESS

22. Freedom of expression is a basic right formally recognized in the Constitution of Cameroon.⁴¹ However, media outlets, as well as individual journalists, struggle

³³ *Id.*

³⁴ *Id.*

³⁵ Aurore Bonny, *Delay in massacre trial raises questions about Cameroon’s justice system: Human Rights Watch*, Anadolu Agency (Feb. 14, 2022), <https://www.aa.com.tr/en/africa/delay-in-massacre-trial-raises-questions-about-camerouns-justice-system-human-rights-watch/2502497>.

³⁶ Jess Craig, *How an ‘execution-style’ massacre unfolded in Cameroon*, The New Humanitarian (Mar. 3, 2020), <https://www.thenewhumanitarian.org/analysis/2020/03/03/Cameroon-Ambazonia-Ngarbuh-massacre>.

³⁷ *Id.*

³⁸ Anadolu Agency, *supra* note 35.

³⁹ Amnesty Int’l, *supra* note 23.

⁴⁰ *Cameroon: Detainees tortured*, Human Rights Watch (Oct. 28, 2020), <https://www.hrw.org/news/2019/08/20/cameroon-detainees-tortured>.

⁴¹ *Cameroon Constitution*, *supra* note 2.

for their freedom and safety daily, and the regime uses its control over the media, including through intimidation tactics, to stifle dissent and silence the press. Additionally, President Biya appoints all members of the National Communication Council, the nation's media regulator, and the government retains control of the media, resulting in minimal press freedom.⁴²

23. Beyond its control over media outlets, the government has imprisoned, attacked, and even killed journalists and others who publish opposition pieces or statements. In May 2019, Paul Chouta, an online reporter in Cameroon, was charged with defamation and the spread of misinformation.⁴³ This came after Chouta repeatedly expressed his critical opinion of the government on the independent news website Cameroon Web, and posted hundreds of documents exposing corruption in Cameroon.⁴⁴ His trial was delayed for two years while he faced maltreatment and no access to healthcare in prison, until he was eventually released.⁴⁵

24. As of 2022, six journalists — Amadou Vamoulké, Emmanuel Mbombog Mbog Matip, Kingsley Fomunyuy Njoka, Mancho Bibixy, Thomas Awah Junior, and Tsi Conrad — still remain in prison on various fabricated and exaggerated charges, for criticizing the regime's handling of the protests across Anglophone Cameroon.⁴⁶ To date, Vamoulké has been held in detention the longest of any African journalist who has yet to be convicted of any crime.⁴⁷

25. In 2020, Mbombog Mbog Matip, director of a private newspaper known for political commentary, was arrested and charged with “propagation of false

⁴² Cameroon, Reporters Without Borders, (2022), <https://rsf.org/en/country/cameroon>.

⁴³ Emmanuel Vitus, *The Story of Paul Chouta, our Journalist who spent 2 years in jail for his opinions*, AfricaWeb Foundation (Oct. 21, 2021), <https://awfreefoundation.org/23-months-imprisonment/>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ 6 Journalists Imprisoned in Cameroon, Committee to Protect Journalists (Dec. 1, 2021), https://cpj.org/data/imprisoned/2021/?status=Imprisoned&cc_fips%5B%5D=CM&start_year=2021&end_year=2021&group_by=location.

⁴⁷ Amadou Vamoulké completes 2,000 days in prison in Cameroon without being convicted, Reporters Without Borders (Jan. 19, 2022), <https://rsf.org/en/amadou-vamoulke%20C3%A9-completes-2000-days-prison-cameroon-without-being-convicted>.

news.”⁴⁸ Njoka, a former correspondent on an English-language current affairs show, was detained after posting “anti-government and unpatriotic reports” on his social media platform.⁴⁹ Charges against the other journalists include “terrorism, secession, rebellion, inciting civil war,”⁵⁰ as well as spreading “false news” and promoting “anti-state” ideals.⁵¹

26. In March 2022, the government suspended the TV reporting station Equinoxe TV, along with its director, Séverin Tchounkeu, and presenter, Cédric Noufele, under claims of failing to manage a guest whose comments were “liable to amplify a potentially explosive social demand.”⁵² The government also claimed that Tchounkeu made offensive comments about the state, and that Noufele broadcasted an amateur video that was not related to the subject they were discussing, although the TV channel corrected this error.⁵³

RECOMMENDATIONS

27. HRF calls on the government of Cameroon to:

- a. Urgently release all individuals who have been arbitrarily detained for exercising their fundamental right to freedom of expression or association without substantial evidence, or without due process of the law;
- b. Take actions to end the practice of torture in Cameroon by:
 - i. Ending practices of *incommunicado* detention and

⁴⁸ *Cameroonian journalist Emmanuel Mbombog Mbog Matip detained since August 2020*, Committee to Protect Journalists (Apr. 14, 2021), <https://cpj.org/2021/04/cameroonian-journalist-emmanuel-mbombog-mbog-matip-detained-since-august-2020/>.

⁴⁹ *Kingsley Fomunyuy Njoka*, Committee to Protect Journalists (Dec. 2021), <https://cpj.org/data/people/kingsley-fomunyuy-njoka/>.

⁵⁰ *Mancho Bibixy Tse, in prison for promoting Anglophone rights*, OMTC World Organization against Torture (May. 5, 2020), <https://www.omct.org/en/resources/statements/mancho-bibixy-tse-in-prison-for-promoting-anglophone-rights>.

⁵¹ *Thomas Awah Junior*, Committee to Protect Journalists (Dec. 2021), <https://cpj.org/data/people/thomas-awah-junior/>.

⁵² *Cameroon: Two Journalists and an Equinox TV Programme suspended*, RSF (Apr. 6, 2022), <https://rsf.org/en/cameroon-two-journalists-and-equinox-tv-programme-suspended>.

⁵³ *Id.*

- ii. Investigating alleged cases of torture in prisons, and hold perpetrators accountable;
- c. Immediately stop extrajudicial killings of unarmed civilians in the Anglophone regions, and hold perpetrators accountable;
- d. Repeal or amend the Suppression of Acts of Terrorism Law that disproportionately targets opposition leaders and allows death penalty sentences for peacefully protesting;
- e. End practices of using military courts to try and sentence civilians; and
- f. Repeal or amend laws to ensure that vaguely-worded and ambiguous clauses relating to terrorism and spreading false news are clearly defined or removed, so they cannot be applied in an arbitrary manner to stifle legitimate and peaceful dissent, freedom of the press, and freedom of expression.