



# CAMEROON

## AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 30<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, MAY 2018

### FOLLOW-UP TO THE PREVIOUS REVIEW

During its second Universal Periodic Review (UPR) in 2013, 171 recommendations were made to Cameroon by other UN Member States.<sup>1</sup> Of these, Cameroon accepted 120 recommendations, partially accepted five and rejected 46 recommendations.<sup>2</sup>

Amnesty International is concerned that Cameroon rejected all recommendations intended to decriminalize consensual same-sex relations,<sup>3</sup> to abolish the death penalty and establish a moratorium on executions,<sup>4</sup> and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.<sup>5</sup>

The Penal Code continues to criminalize same-sex sexual acts<sup>6</sup> and LGBTI people continue to face discrimination, intimidation and harassment, although the number of arrests and prosecutions has fallen since the last review in 2013.<sup>7</sup> Since 2015, hundreds of people accused of supporting the armed group Boko Haram have been sentenced to death in military courts, including under a deeply flawed anti-terrorism law passed in December 2014;<sup>8</sup> however, since the 2013 review none has been executed.

In the previous review, the government committed to “prevent early and forced marriages”,<sup>9</sup> to “establish a national mechanism for the prevention of torture”,<sup>10</sup> to “initiate the procedure of ratification of the International Convention for the Protection of All Persons from Enforced Disappearances”,<sup>11</sup> and to “investigate allegations of human rights abuses by

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<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Cameroon, A/HRC/24/15, 5 July 2013, paragraph 131.

<sup>2</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Cameroon (addendum), A\_HRC\_24\_15\_Add.1, undated.

<sup>3</sup> A/HRC/24/15, recommendations 131.32-131.38 (Spain, Uruguay, Canada, France, Germany, Netherlands, Mexico).

<sup>4</sup> A/HRC/24/15, recommendations 131.92-131.97 (Slovakia, Slovenia, Togo, Belgium, France, Rwanda).

<sup>5</sup> A/HRC/24/15, recommendations 131.5-131.10 (Spain, Australia, Czech Republic, Estonia, Montenegro, Uruguay).

<sup>6</sup> Law No. 2016/007 of 12 July 2016, section 347-1, <https://www.prc.cm/en/news/the-acts/laws/1829-law-no-2016-007-of-12-july-2016-relating-to-the-penal-code>

<sup>7</sup> Amnesty International, Annual report, 2016/2017, Cameroon.

<sup>8</sup> Law n° 2014/028 of 23 December 2014 repressing acts of terrorism, princekmer.skyrock.com/3240467049-Loi-N-2014-028-du-23-decembre-2014-portant-repression-des-actes-de.html

<sup>9</sup> A/HRC/24/15, recommendation 131.119 (Uruguay).

<sup>10</sup> A/HRC/24/15, recommendation paragraph 131.30 (Tunisia).

<sup>11</sup> A/HRC/24/15, recommendation paragraph 131.20 (France).

the security forces and take measures to eliminate this practice".<sup>12</sup> The new Penal Code, in Section 356, makes forced marriage punishable by five to 10 years' imprisonment and subject to a fine of CFAF 25,000-1,000,000 (roughly US\$50-2,000). However, on the other issues, regrettably, there is little progress to report.

## THE NATIONAL HUMAN RIGHTS FRAMEWORK

On 23 December 2014, an anti-terror law, Law n°2014/028, was promulgated.<sup>13</sup> Amnesty International's analysis of the law indicates that it restricts basic rights protected under the Cameroonian Constitution and international human rights law.<sup>14</sup> The law sets out an overly broad definition of terrorism, which could be used to criminalize peaceful political activities, and infringes the rights to freedom of association and assembly. The law also limits suspects' procedural rights, including by giving military courts jurisdiction over all terrorism cases, and allowing suspects to be held without charge for a period of 15 days, renewable indefinitely. Finally, it mandates capital punishment for those found guilty of carrying out, assisting, or sponsoring acts of terrorism.

An amended version of the Penal Code, passed in July 2016, provides that tenants owing more than two months' rent can be sentenced to up to three years in prison.<sup>15</sup>

Cameroon has yet to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, as recommended by six states during the last review,<sup>16</sup> but regrettably rejected by Cameroon.<sup>17</sup> In addition, Cameroon is a signatory to, but has not yet ratified, the Convention for the Protection of All Persons from Enforced Disappearance despite accepting recommendations in 2013 to do so,<sup>18</sup> nor the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Cameroon committed to do during the previous review.<sup>19</sup>

## PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### Torture, illegal detention and death in custody

Amnesty International has documented the cases of 101 individuals who, between March 2013 and March 2017, were held incommunicado and tortured by Cameroonian security forces and authorities in facilities run by the military and intelligence services.<sup>20</sup> In all cases, the victims had been accused – often with little or no evidence – of supporting the armed group Boko Haram. They were all arrested without a warrant, and rarely provided with a reason for their arrest.

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<sup>12</sup> A/HRC/24/15, recommendation paragraph 131.99 (Sierra Leone).

<sup>13</sup> Law n° 2014/028 of 23 December 2014 repressing acts of terrorism, princekmer.skyrock.com/3240467049-Loi-N-2014-028-du-23-decembre-2014-portant-repression-des-actes-de.html

<sup>14</sup> Amnesty International Right cause, wrong means: Human rights violated and justice denied in Cameroon's fight against Boko Haram, (Index: AFR 17/4260/2016) (hereinafter: Amnesty International, Right Cause, Wrong Means); Amnesty International, Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram, 16 September 2015, (Index: AFR 17/1991/2015) (hereinafter: Amnesty International, Human Rights Under Fire)

<sup>15</sup> Law No. 2016/007 of 12 July 2016, <https://www.prc.cm/en/news/the-acts/laws/1829-law-no-2016-007-of-12-july-2016-relating-to-the-penal-code>

<sup>16</sup> A/HRC/24/15, recommendations 131.5-131.10 (Spain, Australia, Czech Republic, Estonia, Montenegro, Uruguay).

<sup>17</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Cameroon (addendum), A\_HRC\_24\_15\_Add.1, Undated

<sup>18</sup> A/HRC/24/15, recommendations 131.13 (Argentina), 131.131.20 (France), and 131.21 (Germany)

<sup>19</sup> A/HRC/24/15, recommendations 131.13 (Argentina) and 131.24 (Haiti).

<sup>20</sup> Amnesty International, Cameroon's secret torture chambers: human rights violations and war crimes in the fight against Boko Haram, 20 July 2017 (Index: AFR 17/6536/2017).

Brought to a number of unofficial detention facilities, in which they were held without any access to the outside world, they were eventually transferred to a formal prison to await trial.

Amnesty International has identified 20 sites where people were held incommunicado and tortured, including the headquarters of the elite unit of the Cameroonian army, the Rapid Intervention Battalion (*Bataillon d'Intervention Rapide*, BIR) in Salak, near Maroua, and a facility in Yaoundé run by the secret services of the General Directorate of External Research (*Direction Générale de la Recherche Extérieure*, DGRE), known as "DGRE Lac".

Amnesty International recorded 24 different torture methods, usually with the aim of forcing confessions or obtaining information about Boko Haram insurgents or activities, but also to punish and intimidate. Most commonly, the detainees were severely beaten with various objects, forced into stress positions or subjected to drowning. Most of the victims also suffered inhumane conditions of detention and the deprivation of food, water and medical treatment.

The severity of the torture inflicted led to many deaths in custody; 32 of the 101 individuals whose cases were documented said that they had witnessed the deaths of others following torture, ill-treatment, poor detention conditions and/or the lack of medical care. Amnesty International estimates that dozens of detainees have died in BIR and DGRE-run detention facilities since the end of 2013 to May 2017 as a result of torture and other ill-treatment, although the real number is likely to be higher.

Amnesty International's research also demonstrates that, due to the scale of the violations as well as the location of the offices of senior officers, it is highly likely that some senior military commanders stationed at the BIR headquarters in Salak would have known about the torture and incommunicado detention, but did nothing to prevent or punish it.

### **Enforced disappearances**

Amnesty International has documented the enforced disappearance of people accused of supporting Boko Haram, including more than 130 people from the villages of Magdeme and Doublé in the Far North region of Cameroon.<sup>21</sup> They were among more than 200 people arrested by the security forces on 27 December 2014, at least 25 of whom died in custody on the night of their arrest, and a further 45 of whom were transferred to Maroua Prison and charged under the anti-terror law. To Amnesty International's knowledge, all of the 45 who were transferred were acquitted in July 2017. During the operation at least nine unarmed civilians were unlawfully killed and about 70 buildings destroyed.

Amnesty International also documented more than 20 further cases of suspected enforced disappearance of people accused of supporting Boko Haram, committed by the security forces – most often by the BIR - in the far north region between April 2015 and February 2016.<sup>22</sup>

Amnesty International submitted a list of those disappeared to the authorities requesting information about their whereabouts, but has never received a response.<sup>23</sup>

### **Unnecessary or excessive use of force**

Amnesty International has documented more than 10 cases where the security forces used unnecessary or excessive force in cordon-and-search operations conducted in the far north in the fight against Boko Haram.<sup>24</sup> They include seven civilians killed by the security forces in Bornori in November 2014, the assault of dozens of teachers, students and bystanders in the village of Guirvidig in December 2014, and the unlawful killing of eight civilians, including a child, in the villages of Magdeme and Doublé also in December 2014. In January 2015, the security forces killed at least 30 civilians, many of whom were elderly, during an operation to recover the bodies of soldiers killed by Boko Haram in the town of Achigachiya.

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<sup>21</sup> Amnesty International Right cause, wrong means; Amnesty International, Human rights under fire

<sup>22</sup> Amnesty International Right cause, wrong means

<sup>23</sup> Amnesty International Right cause, wrong means; Amnesty International, Human rights under fire

<sup>24</sup> Amnesty International Right cause, wrong means; Amnesty International, Human rights under fire

The security forces have also used unnecessary or excessive force in the policing of peaceful assemblies, including a series of protests in towns across the south-west and north-west regions since October 2016. For example, on 8 December 2016, police fired tear gas and live ammunition to disperse a demonstration in Bamenda, killing at least two unarmed protesters.<sup>25</sup>

### **Restrictions on freedom of expression, association and assembly**

Since Cameroon's last UPR, the authorities have continued to restrict the rights to freedom of expression, association and peaceful assembly.

Kah Walla, President of the opposition Cameroon People's Party, was arbitrarily arrested on several occasions. On 8 April 2016, while peacefully protesting against the government, she and 11 members of her party were arrested at the Judicial Police station in Yaoundé, charged with "insurrection and rebellion against the State", but released shortly afterwards.

On 17 January 2017, following further protests in the English-speaking regions, the Minister of Territorial Administration banned the activities of the political party Southern Cameroon National Council (SCNC) and the Cameroon Anglophone Civil Society Consortium (CACSC).<sup>26</sup> The same day, the president of the CACSC, barrister Nkongho Felix Agbor-Balla, and its Secretary General, Dr. Fontem Aforteka'a Neba, were arrested after they had signed a statement calling for non-violent protest action. Held incommunicado at State Defence Secretariat (*Secrétariat d'Etat à la Défense, SED*), they were charged under the 2014 anti-terror law, without any indication that they had been involved in criminal activity. They were transferred to the Prison Principale in Yaoundé and released following a Presidential Decree on 30 August 2017, alongside 53 Anglophone individuals arrested between late October 2016 and February 2017 in the English-speaking regions of the country.

During the protests in the Anglophone regions, phone and internet services were cut in those regions between January and April 2017. No official explanation has ever been provided for the cut.

The authorities also moved to stifle the freedom of the press. For instance, the Radio France Internationale (RFI) correspondent in Cameroon, Ahmed Abba, was arrested in Maroua in July 2015 and charged under the 2014 anti-terror law with complicity in and non-denunciation of terrorist acts. He was tortured and held incommunicado for three months at a facility run by the DGRE before being convicted on 20 April 2017 and sentenced to 10 years imprisonment. On 25 April 2017, Ahmed Abba's lawyers appealed the conviction and sentence and by September 2017, he has appeared only once before the court. Amnesty International considers Ahmed Abba to be a prisoner of conscience.

In October 2014, three journalists - Rodrigue Tongué, Felix Ebole Bola and Baba Wamé – were charged with failing to disclose information and sources, after investigating allegations made by the intelligence services that an elite unit from the north of Cameroon was organising a rebellion in the east of the country. Their trial continues and if convicted they could face up to five years' imprisonment.

Charges of non-denunciation of terrorism have also been used against Fomusoh Ivo Feh who was arrested in December 2014 in Limbe for forwarding a joke about Boko Haram by text message. On 2 November 2016, he was sentenced to 10 years in prison by the Yaoundé Military Court. Amnesty International considers him a prisoner of conscience.

### **Unfair trials before military courts**

People continue to face unfair trials before military courts, which are often marred by irregularities. For example, in the trial of RFI journalist Ahmed Abba, some witnesses refused to testify and documents were not disclosed to defence lawyers. Fumusoh Ivo Few was also tried in a military court, sometimes without an interpreter.

Journalists Rodrigue Tongué, Felix Ebole Bola and Baba Wamé face trial at a military court, alongside Aboubakar Siddiki, the leader of the political party *Mouvement patriotique du salut camerounais*, and Abdoulaye Harissou, a well-known

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<sup>25</sup> Amnesty International, Cameroon: Excessive force that led to deaths of protesters must be urgently investigate, 9 December 2016.

<sup>26</sup> Amnesty International, Cameroon: Arrest and Civil society bans risk inflaming tension in English-speaking regions, 20 January 2017.

notary. Arrested in August 2014, Siddiki and Harissou were both held incommunicado at a DGRE-run facility in Yaounde for more than 40 days and tortured, before being transferred to the Prison Principale in Yaoundé. They were charged with illegal possession and use of weapons of war, murder, revolution, insulting the head of state and hostility against the state. They have already attended over 26 hearings before the Yaounde Military Court, during which some witnesses refused to testify, evidence extracted under torture was used and the military prosecutor did not disclose relevant documents to the defence ahead of the hearings.

Since late 2015, Amnesty International has observed the trial proceedings of dozens of people charged under the anti-terror law at the military courts in Maroua and Yaounde. The defendants face unfair trials in which the burden of proof is often reversed and people are convicted on the basis of limited and unverifiable evidence.

### **Impunity**

To Amnesty International's knowledge, no official investigations have been carried out into any of the allegations of human rights violations highlighted in this submission. The lack of such investigations would indicate that Cameroon has to date not fulfilled its obligation to investigate, prosecute and punish those suspected of responsibility for such violations, or to prevent such occurrences.

## **RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW**

### **Amnesty International calls on Cameroon to:**

#### *Accountability and reparations*

- Conduct prompt, impartial and independent investigations into all cases of human rights violations and crimes under international law, and bring to justice all those suspected of criminal responsibility in proceedings before civilian courts which uphold international fair trial standards and without recourse to the death penalty;
- Ensure that victims of human rights violations, and their family members, receive reparation, including compensation, restitution, rehabilitation, and guarantees of non-repetition.

#### *Torture and ill-treatment, incommunicado detention and deaths in custody*

- Immediately close down all unofficial and secret places of detention, and either transfer detainees to official places of detention, charge them with a recognizable criminal offence and try them in accordance with international standards or release them;
- Publicly order the security forces to end the practice of torture and illegal detention, including at military bases and facilities run by the secret services;
- Ensure that all persons deprived of their liberty are able to inform their families about their location and status of their detention, and access medical and legal assistance at all stages of detention;
- Grant independent international monitors, such as the International Committee of the Red Cross, unhindered access to all persons deprived of their liberty, and allow them to carry out unannounced inspection visits to all detention facilities, and to investigate and monitor conditions;
- Improve conditions in detention facilities, including by providing all detainees with professional medical care, adequate food and water, lighting, and cooling and ventilation, in accordance with international and regional standards;
- Maintain an up-to-date central register of all people arrested and detained, readily accessible to the relatives and lawyers of those detained, listing the personal details of the detainees, the date of arrest, the place of detention, the authority responsible for the detention, and any transfers;
- Ban the use of confessions or other evidence obtained through torture and ensure independent investigations into allegations of torture and ill-treatment;
- Ensure that all security forces are trained on international human rights standards on the prohibition of torture and ill-treatment;

- Ratify promptly the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a national mechanism for the prevention of torture.

#### *Enforced disappearances*

- Conduct a prompt, impartial and independent investigation into the disappearance of at least 130 people following their arrest in the villages of Magdeme and Doublé in December 2014, and provide the names and place of burial to the families of those who died in custody on the night of their arrest on 27-28 December 2014;
- Establish a system for cataloguing all cases of missing persons in Cameroon, with standardized criteria for the collection and registration of data, and make it accessible to the relatives of the disappeared;
- Ratify promptly the Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and inter-state complaints.

#### *Unnecessary and excessive use of force*

- Issue clear orders to the military, the gendarmes and police commanders not to use unnecessary or excessive force in the context of public gatherings, demonstrations and cordon-and-search operations;
- Take measures to ensure that security forces comply with international human rights law and standards on the use of force, including by providing appropriate training, conducting prompt and independent investigations into all allegations of unnecessary or excessive use of force, and bringing the perpetrators to justice.

#### *Restrictions on freedom of expression, association and assembly*

- Ensure respect for the rights to freedom of expression, association and assembly for all, including journalists, human rights defenders, opposition party members, and take measures to create an enabling environment for the exercise of these rights ahead of the 2018 presidential elections;
- Immediately and unconditionally release all prisoners of conscience deprived of their liberty solely for peacefully exercising their right to freedom of expression, including Ahmed Abba and Fomusoh Ivo Feh;
- Remove any restrictions on mobile or internet services, unless provided by law and demonstrably necessary and proportionate for a legitimate purpose, in accordance with Article 19 (3) of the ICCPR, and ensuring that any such limitations are imposed only by an independent and impartial body, and are subject to judicial review.

#### *Prosecution of same sex relations*

- Repeal Section 347-1 of the Penal Code, criminalizing same-sex sexual relations between consenting adults and take all necessary measures to prohibit and eliminate discriminatory treatment on the basis of sexual orientation or gender identity at every stage of the administration of justice.

#### *Anti-terrorism law, unfair trials and military courts*

- Bring the anti-terrorism law in line with international human rights standards by revoking the death penalty, giving civilian courts jurisdiction to adjudicate crimes of terrorism, providing a definition of terrorism that is consistent with the guidelines issued by the UN Special Rapporteur on human rights and counter-terrorism, and ensure all individuals are promptly brought before a court and charged with a recognizable criminal offence within 48 hours;
- Ensure that all detainees are charged with a recognizable criminal offence and tried in accordance with international standards, or released;
- Ensure that detainees are brought promptly before a judge and have access to a procedure through which they may challenge the legality of their detention;
- Ensure that the criminal jurisdiction of military courts is limited to trials of members of the military for breaches of military discipline and does not extend to crimes over which civilian courts have jurisdiction, human rights violations or crimes under international law.