

Shadow Report to the African Commission on Human and Peoples' Rights in Response to the 6th Periodic Report of Cameroon

I. Introduction

During its 66th Ordinary Session, the African Commission on Human and Peoples' Rights (ACHPR) will consider the 6th Periodic Report of Cameroon pertaining to the implementation of the African Charter on Human and Peoples' Rights, the Maputo Protocol, and the Kampala Convention. Human Rights Watch welcomes the submission of this state report and in conformity with Rules 74 and 75 of the Rules of Procedure of the ACHPR, Human Rights Watch (Observer Status number 17) submits this shadow report. This report includes findings from Human Rights Watch research into the human rights situation of Cameroon. The report covers violations of the right to life (article 4); the right to equal protection under the law (article 3); arbitrary arrest, detention, torture and other ill treatments (article 5 and 6); and violations of freedom of speech and assembly (article 9, 10 & 11).

II. Background: Crisis in the Anglophone Regions

The Anglophone North-West and South-West regions of Cameroon have been embroiled in a deepening human rights and humanitarian crisis since late October 2016, when teachers, lawyers, students, and activists, who had long complained of what they perceive to be marginalization of the two regions by the central government, took to the streets to demand more recognition of their political, social, and cultural rights. Government forces have responded by violently cracking down on peaceful protests, arbitrarily arresting local activists and peaceful protesters, curtailing the activities of civil society, and blocking access to the internet. Armed separatists have also killed, tortured, and kidnapped dozens of civilians, including teachers, students, and government officials. The crisis has led to the displacement of over 679,000 people, deprived more than 600,000 children from schooling in the two Anglophone regions, and claimed more than 3,000 lives.

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On September 10, amid increasing violence and following sustained international pressure, President Biya called for a “national dialogue,” a series of nationwide discussions aimed at addressing the crisis. The dialogue ended with the adoption of a special status for the two Anglophone regions and the release of hundreds of political prisoners, including Maurice Kamto, leader of the Cameroon Renaissance Movement (CRM) opposition party, and other persons arrested in connection with the unrest in the North-West and South-West regions.

III. Abuses by armed separatists

Armed separatists demanding the secession of the North-West and South-West regions from the Cameroonian state have killed, tortured, and kidnapped hundreds of civilians, including teachers, students, clergy, members and supporters of political parties, and government officials. Human Rights Watch has documented hundreds of cases of kidnapping of civilians by armed separatists. Most of the abductees were released after a ransom was paid.

Since early 2017, separatists have consistently targeted school buildings and threatened education officials and students with violence if they did not comply with separatist demands to boycott schools. They have also used schools as bases, deploying fighters and weapons in and near them, including in Koppin village (Mezam division), Tenkha village (Ngoketunjia division), and Mbuluf (Bui division), Bali (Mezam division).

In one case, on February 16, a group of armed separatists abducted 170 students, mostly girls under 18, a teacher, and two guards from a boarding school in Kumbo, North-West region. They were all released the following day amid rumors of ransoms being paid..

On June 18, separatists kidnapped at least 40 people, including women and children, beat and robbed them in Bafut, North-West region. They were released the following day.

On June 28, armed separatists beat and kidnapped John Fru Ndi, a well-known Cameroonian politician, from his home in Bamenda, North-West region. Three days before, armed separatists abducted and released another high-profile figure, Cornelius Fontem Esua, the archbishop of Bamenda.

In November, members of the Restoration Forces armed separatist group kidnapped 20 candidates for the February 9, 2020 municipal elections in the town of Jakiri, North-West region. The officials were held in a small house near a separatist camp in Vekovi village. They were released on December 8, after ransom payments believed to range between the amounts of 250,000 and 500,000 CFA (\$419-\$838) were paid for each abductee.

On January 5, 2020, armed separatists from the Restoration Forces group led by a commander known as “General Man Pass Man” kidnapped the mayor of Babessi, North-West region, along with four council members in Babessi. The Restoration Forces released them on January 22, following a ransom payment of 1,000,000 CFA

(US\$1,678). The separatists had also kidnapped and tortured the Babessi mayor in June 2019.

IV. Violations of Freedom of Assembly and Arbitrary Arrest and Detention of Opposition Members and Supporters (Articles 9, 10 &11)

Throughout 2019 Cameroonian authorities and security forces arrested hundreds of members and supporters of the Cameroon Renaissance Movement (CRM) opposition party and violently dispersed peaceful protests.

In late January 2019, CRM leader Maurice Kamto was arbitrarily arrested along with over 200 members and supporters of his party, including his closest advisors. Security forces fired teargas into the crowd and rubber bullets from close range to disperse protesters.

Kamto and other CRM leaders were unable to meet their lawyers for several days and were later charged before a military court with a number of offenses including hostility against the homeland, threats to public order and rebellion. Those charges appeared to be politically motivated.

In June 2019, at least 350 CRM members and supporters were arbitrarily arrested after they attempted to hold demonstrations across the country.

Almost all CRM members and supporters, including Kamto, were released on October 5, following a Presidential decree. Sixteen of them, however, including Mamadou Yacouba, CRM Vice President, remain in detention as of February 2020.

Issues not addressed in the 6th Periodic Report:

Cameroon's 6th Periodic Report (the Report) does not mention the arbitrary arrest and detention of opposition members or of the violent dispersal of demonstrators by members of the security forces. It also does not describe any measures taken by the Government of Cameroon to mitigate violations of freedom of assembly and public demonstration. The Report states instead that "freedom of assembly and public demonstration is guaranteed by Law No. 90/55." However, the government of Cameroon failed to uphold those freedoms for opposition members arrested during and following peaceful demonstrations, as documented by Human Rights Watch.

The arbitrary arrest and detention of hundreds of opposition members and supporters and the subsequent impediment of their access to legal assistance is contrary to Cameroon's own laws pertaining to freedom of assembly and its obligations as a state party to the African Charter on Human and Peoples' Rights. It also reflects a climate of rapidly shrinking political and civic space.

Suggested questions for the ACHPR to pose to the delegation from the government of Cameroon:

1. Could you please provide a response to allegations of torture documented in an August 2019 report by Human Rights Watch including the incommunicado detention and torture in detention of more than 100 detainees in the State Defense Secretariat (SED) between July 23 -August 4, 2019 in Yaoundé?

2. Has the government initiated any investigations into allegations of abuse and torture in detention by security forces, including the following:
 - a. The enforced disappearance and incommunicado detention of 26 individuals between January 2018 and January 2019 in the SED detention site
 - b. The torture of 14 individuals between January 2018 and January 2019 in the SED detention site.
 - c. The alleged systematic use of torture to extract confessions from detainees in the SED detention site.
3. Has the government initiated any investigations into allegations of abuses by security forces in the context of counter-insurgency operations in the North-West and South-West regions, including:
 - a. The destruction of property in the North-West and South-West regions between November 2018 and January 2020, including the burning of more than 60 homes in Abuh village in November 2018.
 - b. Alleged unlawful killings of civilians by security forces in the North-West and South-West regions since November 2018.
4. Have there been any prosecutions, convictions or disciplinary actions taken against officials or security force members involved in the human rights violations described in the August 2019 Human Rights Watch report? If so, could you provide detailed information about the number of cases, the nature of the crimes, the actions taken, and the status of the cases?
5. Has the government taken any concrete measures to mitigate further abuses by security forces? If so, could you please provide any details and documentation of these measures?

Recommendations:

Human Rights Watch urges the government of Cameroon to:

- Immediately end the practice of arbitrary arrests and detention of civilians, including opposition members and supporters, for exercising their freedom of expression and assembly.
- Immediately put an end to the use of military courts to try civilians.
- Ensure that security forces deployed to protests with the purpose of protecting public order are trained to respect human rights during their operations and refrain from using excessive force.
- Monitor failures to implement domestic laws and policies related to freedom of expression and assembly.
- Thoroughly investigate all allegations of excessive use of force by members of the security forces during protests, regardless of victims' political affiliation, and ensure that those implicated in abuses are adequately disciplined.

V. Human Rights Violations by Government Forces

Human Rights Watch's research shows how human rights violations by government forces have been rife since the crisis in the Anglophone regions began in late 2016. Security forces have killed civilians, burned dozens of villages, and arbitrarily arrested and tortured hundreds of alleged armed separatists.

Destruction of property (article 14)

In one case, security forces burned down more than 60 homes in Abuh village, North-West region, in a three-day security operation carried out in November 2018. Human Rights Watch has confirmed the burning through satellite imagery.

On November 22, 2018 gendarmes burned at least 13 houses in Bali village, North-West region.

Between December 3 and 6, 2018, following clashes between the military and armed separatists, security forces burned over 55 houses in areas of Kumbo known as SAC Junction and Romajay, as well as in Meluf, Kikaikom, and Nyaro, North-West region. Human Rights Watch confirmed the burning of houses through satellite imagery consistent with witnesses' accounts.

On May 15, 2019, following the killing of two Air Force soldiers by suspected armed separatists, security forces burned over 70 homes in Mankon, Bamenda, North-West region. Human Rights Watch confirmed the burning through satellite imagery consistent with witnesses' accounts.

Between January 17 and 20, 2020, security forces searching for armed separatists burned down over 50 homes in Bali, North-West region. Human Rights Watch confirmed the burning through satellite imagery consistent with witnesses' accounts.

Unlawful killings (articles 4 & 5)

On October 21, 2018 soldiers and gendarmes attacked Rom and Nsah villages and unlawfully killed at least four civilians, including a young man with a physical disability.

On December 5, 2018 the army unlawfully killed seven people in Meluf village, North-West region, including a 70-year-old man with a hearing impairment who was burned inside his neighbor's home.

On January 18, 2019 soldiers unlawfully killed a 28-year-old nurse who was seven months pregnant, while she was on her way to work in Kumbo, North-West region.

On February 6, 2019 soldiers from the Rapid Intervention Battalion (BIR) stormed the market of Bole Bakundu village, South-West region, and unlawfully killed up to 10 men. Community members said they believed that security forces were retaliating against civilians accused of collaborating with the separatists.

On April 4, 2019, [Cameroonian](#) soldiers, gendarmes, and members of the Rapid Intervention Battalion (BIR) carried out a deadly attack

on the North-West region village of Meluf. They unlawfully killed five civilian men, including one with a mental disability. Three of the bodies were later found mutilated, including one that had been decapitated.

On May 15, 2019, following the killing of two Air Force soldiers by suspected armed separatists, security forces unlawfully killed a 41-year-old man in Alachu, Bamenda, North-West region.

On July 10, 2019, soldiers from the Cameroonian Air Force, unlawfully killed a 20-year-old man with a mental disability, and another civilian, during security operations searching for armed separatists in Alachu neighborhood of the city of Bamenda, north-West region.

Soldiers, including members of the Rapid Intervention Battalion (BIR), and gendarmes unlawfully killed at least 4 civilians, including two men with intellectual disabilities, in a security operation in Bali village between January 17- 20, 2020.

Torture and incommunicado detention (articles 3, 5, & 6)

The Government of Cameroon publicly declared in 2017 that torture does not take place in Cameroon, however Human Rights Watch continues to receive reports of torture and inhuman and degrading treatment in detention. Cameroon's Periodic Report fails to demonstrate any progress on investigating the use of torture in detention and does not provide any evidence of cases brought before courts to hold to account security force members implicated in torture or ill-treatment in detention since 2017.

Human Rights Watch documented 26 cases of incommunicado detention and enforced disappearance and 14 cases of torture at the State Defense Secretariat (*Secretariat d'Etat a la defense*, SED) in Yaoundé between January 2018 and January 2019. Between July 23 and August 4, 2019 Cameroonian authorities held more than 100 people in incommunicado detention and tortured many of them in the SED prison in Yaoundé. Former detainees described low- to mid-ranking gendarmes using methods of torture, including severe beatings and near drownings, to humiliate, punish, and extract confessions from detainees, most of whom were civilians detained for suspected ties to armed separatist groups.

Human Rights Watch also documented that [Cameroonian](#) authorities held over 100 detainees in incommunicado detention and tortured many of them in SED, Yaoundé, from July 23 to August 4, 2019. The detainees were transferred to the facility the morning after inmates in Yaoundé's Central Prison rioted on July 22 in protest against overcrowding, dire living conditions, and delays in their cases getting to trial. The whereabouts of the majority of the detainees was unknown for almost two weeks. On August 3, 2019 the day after official acknowledgement of the whereabouts of the detainees, some lawyers were finally able to meet with some of their clients at the SED. Human Rights Watch interviewed 14 detainees held at the SED, all of whom said they were tortured and

held incommunicado during their time there, and heard credible accounts that scores more were also tortured.

Sexual violence (articles 3 & 4, Maputo Protocol)

Cameroon's 6th Periodic Report states that "from 2013 to 2017, 313 elements of Defence (*sic*) Forces were prosecuted before the courts for different offences," including rape and attempted rape, and notes that 30 of the 313 were convicted and sentenced. The Report however fails to provide evidence of any efforts on the part of the Government of Cameroon to prosecute those implicated in human rights violations, including sexual violence, committed in the Anglophone regions since late 2017, or any details of cases brought against security forces which were tried before courts.

The Report states that Sections 295 and 296 of the Penal Code introduced new penalties for offences of rape and Sections 346 and 347 include punishments for "offences on minors accompanied by sexual intercourse or rape." The Report affirms that 264 cases of rape were prosecuted in 2016 and 309 were prosecuted in 2017, however the Report fails to provide evidence of any investigations or prosecutions of cases of sexual violence. Human Rights Watch documented four cases of sexual violence by security force members. Two women and one girl from a locality in the North-West region each said that BIR soldiers raped them in January 2019. In another case in June 2019, a soldier reportedly raped a woman in Kumbo, North-West region. Human Rights Watch spoke to aid workers in the North-West and South-West regions who expressed concerns that there are many more cases of sexual violence by security forces which go unreported due to survivors' fear of social stigma.

Recommendations:

Human Rights Watch urges the government of Cameroon to:

- Take steps, in accordance with the African Charter on Human and Peoples' Rights and the Maputo Protocol, to guarantee the life, dignity, integrity and security of civilians, including specific measures to protect women and girls and to mitigate the risk of sexual violence.
- Direct local authorities, including law enforcement officials members of the security forces, to protect civilians, including women, girls, and children, in the Anglophone regions from the threat of kidnapping and hold to account authorities who fail in their duties to uphold the safety and security of all civilians, regardless of gender and ethno-linguistic identity.
- Initiate prompt, independent, and impartial investigations into allegations of rape and sexual and gender-based violence by armed separatists and security forces with the aim of bringing perpetrators to justice.
- Ensure adequate health and psychosocial services, including comprehensive post-rape medical care, are available to survivors of sexual violence by security forces.

VI. Conclusion

Cameroon has submitted 6 reports in the last 18 years. Cameroon's 6th periodic report fails to provide any comprehensive account of efforts to mitigate further abuses by security forces against civilians and to ensure that military operations are conducted with respect for human rights. The Report only claims that the International School for Security Forces (EIFORCES) offers a two-week course on human rights and protection of vulnerable persons. The course, albeit useful, can hardly address the urgent need for the government to effectively enforce respect for human rights by security forces and accountability for those who fail to do so. Human Rights Watch continues to document cases of serious abuses by Cameroonian security forces, including extrajudicial killings, sexual violence, the burning of hundreds of homes, torture and incommunicado detention. These abuses should be addressed by holding the perpetrators to account.

Final Recommendations:

Human Rights Watch urges the government of Cameroon to:

- Initiate prompt, independent, and impartial investigations into allegations of human rights violations, including destruction of property, extrajudicial killings, torture, enforced disappearances, sexual violence, and other abuses committed by members of the security forces.
- Develop and implement safeguards, in accordance with the African Charter on Human and Peoples' Rights and other international treaties, to ensure respect for human rights during security operations and the protection of civilians.
- Put an end to the use to torture and incommunicado detention in detention facilities, including in the State Defense Secretariat (SED).
- Ensure that victims of torture and ill-treatment have access to appropriate medical services, healthcare, and rehabilitation services.
- Allow the ACHPR, per its mandate (article 45) to carry out a fact-finding mission to assess and make recommendations concerning the human rights situation in Cameroon.

\$50 \$100 \$250

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