

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	305
Land:	Cameroun
Kilde:	Lawyers for Lawyers (L4L)
Titel:	Individual Submission to the United Nations Universal Periodic Review, November 2023
Udgivet:	5. april 2023
Optaget på baggrundsmaterialet:	11. april 2024

Individual submission to the United Nations Universal Periodic Review

LAWYERS FOR LAWYERS

Republic of Cameroon

44th session of the Working Group on the UPR

Human Rights Council

November 2023

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A. Introduction

1. Lawyers for Lawyers (“L4L”) submits this report on the state of human rights in the Republic of Cameroon (“Cameroon”), particularly in respect of the legal profession, with recommendations for the 44th session of the Universal Periodic Review (UPR) Working Group in the UN Human Rights Council in November 2023.
2. L4L is an independent and non-political foundation based in the Netherlands, which was established in 1986 and is funded by lawyers’ donations. L4L promotes the proper functioning of the rule of law through the free and independent exercise of the legal profession around the world. L4L has special consultative status with ECOSOC since 2013.

B. Executive Summary

3. This submission highlights key concerns regarding Cameroon’s compliance with its international human rights obligations to guarantee the right to independent counsel as set out in the UN Basic Principles on the Role of Lawyersⁱ (“**Basic Principles**”) and other international rights instruments, focusing on the following issues:
 - (a) Harassment of Lawyers (Section D);
 - (b) Use of the Anti-terrorism law and military courts to persecute lawyers defending ‘separatists’ (section E); and
 - (c) Freedom of expression (Section F).

C. Normative and Institutional Framework of the State

4. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. Legal assistance can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors, are free to carry out their professional duties independently of the government and political pressure. This follows inter alia from the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (“**ICCPR**”). In particular, the protection and the independence of actors in the legal profession is a key component to ensure the well-functioning of justice systems and to combat impunity. This is a precondition to the right to a fair trial, protected by Article 14 of the ICCPR.
5. Furthermore, on 22 June 2017, the Human Rights Council (“**HRC**”) passed a resolution condemning in general “the increasingly frequent attacks on the independence of [lawyers], in particular threats, intimidation and interference in the discharge of their professional functions”. The HRC expressed its deep concern “about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession” and called upon States “to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable”.ⁱⁱ
6. In its task of promoting and ensuring the proper role of lawyers, the Government of Cameroon should respect the Basic Principles within the framework of its national legislation and practice. The Basic Principles provide a concise description of international standards

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relating to key aspects of the right to independent counsel. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to independent legal assistance.ⁱⁱⁱ

7. During the third UPR cycle in 2018, Cameroon received^{iv} and accepted^v some recommendations concerning the freedom of expression of human rights defenders, including lawyers, and ensure their freedom of assembly and their citizen's right to a fair trial. ^{vi}Cameroon supported one recommendation to comply with its international human rights obligations by investigating reports of arbitrary arrests^{vii}, as well as one recommendation regarding the overall protection of human rights defenders, among which lawyers.^{viii} Cameroon opted not to submit a mid-term report for the assessment on the implementation of recommendations made during the UPR cycle in 2018.
8. Reports gathered by L4L, including information received from lawyers in Cameroon demonstrate that Cameroon does not uphold the necessary guarantees for the proper functioning of the legal profession as set out in the Basic Principles. Consequently, lawyers encounter serious difficulties in carrying out their professional duties independently. This undermines the proper functioning of the judicial system, including the right to fair trial and effective access to justice.

D. No Effective Guarantees for the Functioning of Lawyers

a. Intimidation and harassment of lawyers

9. For this cycle of the UPR review, L4L has received information including firsthand reports that lawyers have faced intimidation and harassment for their work on cases involving the protection of minority groups in Cameroon, such as 'Amazonian Nationalists' or 'Separatists' in the Anglophone parts of the country. This harassment has taken the form of threats (including death threats) as well as verbal and physical assault.
10. Principle 16 Basic Principles states that "[g]overnments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference [...] and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Furthermore, the Basic Principles require authorities to adequately safeguard the security of lawyers who are threatened because of discharging their functions.^{ix}
11. L4L has been informed that lawyers are being subjected to harassment and to forms of police brutality including verbal and physical assault as a result of their professional activities. This can be illustrated by the following cases:

Tamfu Richards

Tamfu Richards is a barrister in Cameroon and specializes in the protection of human rights. On 10 November 2020, security forces tried to intervene in a case in the court of first instance in Douala-Bonanjo, accusing the lawyers present of corruption. As the lawyers asked the police to leave the courtroom, they were beaten and attacked with tear gas. Following this incident, two lawyers, among whom Mr. Richards, were arrested on 18 November 2020 and taken to New Bell prison. This arrest was allegedly linked to their critical stance against police crackdown on lawyers. To protest these incidents, the Cameroon Bar Council held a five-day strike. Pressure

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from the Cameroon Bar Council led to the release of the lawyers but with a suspended sentence of 6 months for three years.^x

This was not the last time Mr. Richards was harassed. In July 2022, he filed a complaint against a police officer for committing acts of torture and assaults against civilians in Buea and other parts of the South West Region of Cameroon. Upon the announcement of filing the complaint, he received death threats via a voice message from the same police officer who added he would kill the lawyers joining Mr. Richards in defending the claim.

Amungwa Tanyi Nicodemus

Mr. Nicodemus is a lawyer in Cameroon with his office in Buea. Among others he defends separatists within the context of the raging war in the former British Trust Territory the Southern Cameroons.

On Febr. 1, 2023, while attending to a client at the Service Central des Recherches Judiciaires of the Secretariat of State of National Defense at Yaoundé who was physically assaulted and tortured, Mr. Nicodemus received hate speech remarks and physical threats from a police officer. This officer threatened to throw him out of the police office and to never let him in again.

b. Violence against lawyers

12. It has been reported to L4L that lawyers face violence in Cameroon.
13. In 2020, the Special Rapporteur on Human Rights Defenders, among others, stated that “Cameroon needs to put an end to escalating intimidation and aggression towards human rights defenders to ensure they can continue their work” as attacks against human rights defenders have intensified in recent years, particularly since the beginning of the socio-political crisis in the Anglophone regions, which has led to serious human rights violations.^{xi}
14. One example of a lawyer that has faced violence is Mr. Nicodemus.

Amungwa Tanyi Nicodemus

On July 27, 2019, while Mr. Nicodemus was in Yaoundé to assist detainees against charges of terrorism and secession, Mr. Nicodemus was tortured to comatose by two gendarme officers. He had to be hospitalized for several weeks and was unable to work for several months. He almost lost his voice because he was strangled at the throat. His backpack with laptop, phone etc. had been taken by the officers. He filed a case against his attackers, which is now pending before the courts in Yaoundé. After three years, he is still waiting for a judgment.

15. Impunity for threats and attacks on lawyers by Cameroonian law enforcement officials creates an extremely high risk of a “chilling effect” on the legal profession, potentially preventing other Cameroonian lawyers from handling legal cases. Cameroonian authorities have failed to carry out prompt, thorough, independent, impartial, and transparent investigations into threats and attacks. Impunity for threats and attacks potentially leads lawyers to avoid certain kinds of cases or to fear risks to them or their families because of their work. L4L emphasizes that the risk of a chilling effect increases the longer the impunity for intimidation and attacks on Cameroonian lawyers remains the status quo.

E. Criminal prosecution of lawyers

a. Use of the anti-terrorism law

16. On December 23, 2014, Cameroon passed an Anti-Terrorism Law (Bill 2014/028) which lays out new grounds for implementing the death penalty and the jurisdiction of military tribunals over civilians. L4L has received reports of misuse of this law, specifically concerning the arbitrary detention and trial of lawyers in military tribunals.
17. Article 16(c) of the UN Basic Principles states that *“Governments shall ensure that lawyers shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties standards and ethics”*. As previously mentioned, during the third UPR cycle in 2018, Cameroon supported one recommendation regarding enabling human rights defenders, among which lawyers.^{xii}
18. However, reports gathered by L4L indicate that in Cameroon, lawyers are being sentenced in military courts where there are several violations of the right to a fair trial.

Amungwa Tanyi Nicodemus

During a meeting on May 31, 2022 at the office of the Service Central des Recherches Judiciaires of the Secretariat of State of National Defense at Yaoundé, Mr. Nicodemus was the victim of orally assaults by another lawyer. Mr. Nicodemus defended a client in a matter opposing another person. The other lawyer stated he was the attorney for that person, who was not present at that meeting. The other lawyer told the officer that Mr. Nicodemus had filmed his colleague on his phone. Mr. Nicodemus' phone was seized. Subsequently the officer accused Mr. Nicodemus of acts of terrorism, arrested him, and detained Mr. Nicodemus in a prison facility. It was only after the intervention of the Bar Association that he was liberated. His phone is under seizure and a case against Mr. Nicodemus is still pending.

F. Freedom of expression

19. Article 23 of the Basic Principles states that *“Lawyers are entitled to freedom of expression”* and *“they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.”*
20. However, lawyers in Cameroon who defend human rights cases are often subject to harassment and intimidation based on their expressed views. It has been reported that on a number of occasions, lawyers in Cameroon face repercussions for choosing to represent clients from minority groups, such as the Anglophones, and expressing themselves about their rights. The lawyers are sometimes also identified with their clients' causes and threatened as a result. L4L has received information about this type of harassment, particularly in the cases of lawyers defending people connected to the “Anglophone crisis” and LGBTQ+ individuals. Lawyers may never be harassed for taking part in discussions of matters concerning the law or the protection of human rights. Their freedom of expression should be respected and protected by the authorities.

21. The following case is an example of a lawyer facing threats for exercising his freedom of expression:

Felix Agbor Nkongho

Felix Agbor Nkongho is a human rights lawyer and prominent defender of the Anglophone minority in Cameroon. He advocates for a peaceful resolution to the Anglophone crisis. In October 2021, Felix Agbor Nkongho received multiple death threats on social media while attending an event in Canada. He received a voice message on Whatsapp calling “any separatist or ‘Ambazonian’ to kill him” should he be seen in the cities of Buea or Kumba.

G. Recommendations to the Government of Cameroon

- **Take immediate measures to ensure sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity.**
- **Immediately take effective measures necessary to ensure that crimes, harassment, and other violations against lawyers are effectively investigated and publicly condemned at all levels and that the perpetrators of such acts are prosecuted.**
- **Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in.**
- **Take immediate measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in article 23 of the Basic Principles on the Role of Lawyers, in particular their right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights, without suffering professional restrictions by reason of their lawful action;**

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ⁱ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on September 7 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on December 18 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

ⁱⁱ UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/35/12, 22 June 2017, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.20.

ⁱⁱⁱ During its 29th session (from 15 June – 3 July 2015), the Human Rights Council adopted without a vote a resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers. While recalling the Basic Principles on the Role of Lawyers and condemning the increasingly frequent attacks on the independence of lawyers, in particular threats, intimidation and interference in the discharge of their professional functions, the Human Rights Council reminded all States of their duty “to uphold the integrity of [lawyers] and to protect them, as well as their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment resulting from the discharging of their functions, and to condemn such acts and bring the perpetrators to justice”. See UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/29/6, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.11.

^{iv} Report of the Working Group on the Universal Periodic Review of Cameroon A/HRC/39/15, 12 September 2018

^v Report of the Working Group on the Universal Periodic Review of Cameroon A/HRC/39/15/Add.1.

^{vi} Recommendation 121.100 (Germany): Comply with procedural rights in trials, thus ensuring a fair trial for everyone, also in cases of alleged terrorism.

Recommendation 121.121 (Spain): Ensure freedom of expression, freedom to access of information and the right to assembly.

Recommendation 121.124 (Finland): Ensure the rights to freedom of expression, association and assembly for all, including journalists, human rights defenders, and opposition party members, and lift any restrictions on these rights that are not in line with the provisions of the ICCPR.

^{vii} 121.115 Guarantee the protection of the civilian population by ensuring that reported cases of violations and abuses committed by the security forces are independently investigated and their perpetrators brought to justice (Switzerland);

^{viii} Recommendation 121.125 (Ireland): Take all necessary measures to enable human rights defenders, journalists and other members of civil society to carry out their legitimate activities without fear of reprisal and free of all restrictions

^{ix} Article 17 of the Basic Principles.

^x See for instance at BBC, 23 November 2020, <https://www.bbc.com/pidgin/tori-55040437>.

^{xi} OHCHR Expert group a.o. Michel Forst Special Rapporteur on Human Rights Defenders, 28 April 2020, <https://www.ohchr.org/en/press-releases/2020/04/cameroon-must-protect-human-rights-defenders-un-experts>

^{xii} Recommendation 121.125 (Ireland): Take all necessary measures to enable human rights defenders, journalists and other members of civil society to carry out their legitimate activities without fear of reprisal and free of all restrictions.