REPUBLIC OF CAMEROON

MAKE HUMAN RIGHTS A REALITY

AMNESTY INTERNATIONAL

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1. INTRODUCTION

Amnesty International has for several decades been gathering information and reporting on allegations of human rights violations carried out, ordered or condoned by Cameroonian government and security officials. The violations have included extrajudicial executions, arbitrary arrests, unlawful detentions, torture and other forms of cruel, inhuman or degrading treatment or punishment, unfair trials, and persecution and imprisonment of people for their real or perceived sexual orientation and gender identity. Most of the perpetrators of these human rights violations – especially members of law enforcement forces - have usually enjoyed impunity.

This report documents the main human rights violations that Amnesty International delegates investigated during their visit to the country in August 2010 and December 2012. Freedom of expression and association continue to be severely curtailed and the report highlights cases of journalists, political opponents, human rights defenders being arrested, imprisoned and sometimes tortured solely for expressing their dissenting views or being perceived as critical of the authorities. It describes the harassment against members of the Southern Cameroons National Council (SCNC) and how the government is denying them their right to freedom of association. It highlights cases of possible prisoners of conscience, imprisoned for political reasons.

The document further explains how people accused of same-sex relations are being persecuted and the failure of the Cameroonian government to put an end to violence, arbitrary arrest and detention targeting individuals because of their real or perceived sexual orientation.

The report also describes the deplorable conditions of detention, including inadequate health services, severe overcrowding, poor food, as well as cases of ill-treatment and sometimes unlawful killings. It further exposes abuses against women and girls including female genital mutilation (FGM), rape and other forms of sexual violence which are tolerated by the government. Finally it gives an overview of the issue of the death penalty which is still in the law books.

A number of these concerns raised by Amnesty International have in recent years been highlighted by the African Commission on Human and Peoples' Rights (African Commission) and UN bodies, such as the Human Rights Committee, the Committee against Torture and the Human Rights Council. Given that the violations have continued regardless, Amnesty International is concerned that the recommendations have yet to be fully implemented, if at all. The organization urges the Cameroonian government to take the recommendations of these bodies with the seriousness that they deserve and urgently implement them for the good of the Cameroonian people, for whom the government has primary responsibility.

Amnesty International is publishing this report to bring the organization's continuing human rights concerns highlighted above to the attention of the Cameroonian government and the international community. The organization urges the Cameroonian government to take all necessary steps and establish mechanisms to prevent human rights violations, including by

bringing perpetrators to justice and granting remedies to victims.

The organization also calls on the international community, particularly foreign governments and intergovernmental organizations, to provide material and human resources to the Cameroonian government to uphold the rule of law in accordance with national, regional and international human rights standards, prevent human rights violations and end impunity.

METHODOLOGY

It is with a view to establishing and maintaining a dialogue with the Cameroonian authorities and to gather information on the respect, protection and promotion of human rights that for more than a decade Amnesty International repeatedly requested the government to allow its representatives to visit the country. Although the government did not say that it was opposed to such a visit, it repeatedly failed to give a green light to the organization's representatives to visit the country. Amnesty International eventually visited the country in August 2010 and more recently in December 2012. This report is largely the result of investigations carried out on these two occasions.

During the August 2010 visit, the Cameroonian authorities explained that the government systematically studied all Amnesty International reports and systematically ordered investigations into allegations of human rights violations contained in the reports. In a meeting with the Minister of Justice – also attended by more than a dozen of the ministry's senior officials – Amnesty International was presented with a government document entitled "Some responses to allegations of human rights violations in Amnesty International's 2009 and 2010 reports".[1] The document contained a 62-page summary of measures the Cameroonian government said it had taken in recent years to promote and protect human rights. The document also highlighted and responded to numerous allegations of human rights violations that Amnesty International had published - mostly between 2003 and 2010. The second part of the document contained 180 pages of legal texts and judgments concerning some possible prisoners of conscience whose cases were of concern to Amnesty International. The document largely dismissed allegations that the Cameroonian government ordered or condoned human rights violations. In other cases, the government claimed that it did not have any trace of the cases, individuals or groups of individuals highlighted in Amnesty International's various reports as having been victims of human rights violations.

In addition to the Minister of Justice, senior government officials met by Amnesty International included the Prime Minister and the Ministers of Defence, Territorial Administration and Decentralization and of Communications. Amnesty International also visited Cameroon's largest prisons of Kondengui in the political capital, Yaoundé, and of New Bell in the economic capital, Douala. While visiting the two prisons, Amnesty International had discussions with the prison directors and some inmates regarding prison conditions.

At the end of their visit in August 2010, Amnesty International's representatives agreed with the authorities that the organization would submit to the government a memorandum focussing on the organization's continuing concerns. The memorandum[2] was submitted to the Cameroonian government in September 2012. The memorandum highlighted Amnesty International's persisting human rights concerns in Cameroon. Virtually all the concerns contained in the memorandum had occurred during or after 2010 or were still of concern

during the period. The memorandum contained a set of recommendations to the government of Cameroon in order to strengthen the respect, protection and promotion of human rights in the country.

In December 2012, two representatives of Amnesty International visited Cameroon to hold talks with the Cameroonian authorities and collect their responses to the concerns and recommendations contained in the memorandum. The delegates met a number of senior government officials, including the Vice-Prime Minister and the ministers of Justice, Information and Defence. The organization's representatives also met the President and other officials of the Cameroonian National Commission on Human Rights and Freedoms, and visited Yaoundé's Kondengui and Douala's New Bell prisons. The representatives also held discussions with sections of the foreign diplomatic community, human rights defenders, journalists and victims of human rights violations.

During discussions with the officials and other people mentioned above, Amnesty International delegates concluded that human rights had continued virtually unabated since their previous visit in August 2010. The delegates obtained accounts of new human rights violations that had occurred after August 2010. At the end of their December 2012 visit, Amnesty International delegates received from the government a 10-page written response[3] to the organization's memorandum. Pertinent written and oral responses obtained from government officials and new cases and updates about human rights violations obtained from a variety of sources in December 2012 are included in this report.

2. FAILURE TO INVESTIGATE ALLEGATIONS OF SERIOUS HUMAN RIGHTS VIOLATIONS

Members of the security forces, including the police and gendarmerie, have over the years been accused of violating human rights with impunity. Human rights defenders and other observers[4] have on several occasions expressed concern that members of the security forces generally enjoy impunity for acts amounting to human rights violations, including excessive use of force when policing, torture and other forms of cruel, inhuman or degrading treatment or punishment and even extrajudicial executions. The human rights concerns are contained in reports by Amnesty International, including one entitled *Impunity underpins persistent abuse* (AI Index: AFR 17/001/2009), published on 29 January 2009.

Cameroon has ratified a number of international and regional treaties that impose an obligation on the government to investigate allegations of human rights violations and bring the alleged perpetrators to justice. The treaties Cameroon has ratified include the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the African Charter on Human and Peoples' Rights (ACHPR). ICCPR's Article 6(1) states that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his right to life." Its Article 7 states, in part, that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 4 of the ACHPR states that "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." A failure to take necessary measures to bring an end to human rights violations and enjoyment of impunity by law enforcement officials is in effect a violation of these treaties.

As a state party to the International Covenant on Civil and Political Rights, Cameroon has a general obligation to investigate allegations of violations of the rights under this treaty, including the rights to life and to be free from torture and other forms of ill-treatment. The Human Rights Committee has clearly stated that "[a] failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant."[5] "Where the investigations [...] reveal violations of certain Covenant rights, States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant."[6] In addition, Cameroon being a party to the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, the government has an obligation to ensure that its competent authorities proceed to a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed (article 12 of the UNCAT). Such obligation to investigate exists even in the absence of a complaint from the victim. Not only the state has to investigate allegations of mistreatment, coming either from the victim or his family or any other source, it also has to investigate whenever it is aware of facts giving rise to a reasonable ground to believe that

ill-treatment has occurred.

Cameroon's Constitution[7] states – in its preamble - that "every person has a right to life, to 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. According to Section 132 (a)(5) of Cameroon's Penal Code, torture is a criminal offence described as "…any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official or with his express or tacit consent …" Failure to investigate reports of these serious human rights violations are therefore inconsistent with such provisions of Cameroonian law.

GOVERNMENT DENIES VIOLATING HUMAN RIGHTS

Government and judicial officials as well as heads of law enforcement forces have repeatedly denied allegations that they ordered, carried out or condoned human rights violations. The authorities have always maintained that administrative and judicial action has consistently been taken to prevent abuses and bring to justice any members of the security forces responsible for human rights violations.

Mass protests in numerous Cameroonian towns in late February and early March 2008 feature among the most recent and serious cases when members of the security forces used excessive force against protestors during demonstrations which turned violent. Human rights organizations accused law enforcement forces of carrying out unlawful killings of civilians and enjoying impunity. According to human rights organizations (see Endnote 4), the security forces used lethal force against unarmed protestors and killed more than 100 people[8]. Government officials told Amnesty International that around 40 people died but none of these constituted, in their view, unlawful killings.

GOVERNMENT FAILS TO INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS

During meetings with several government ministers and their officials in August 2010, Amnesty International sought to understand how law enforcement forces are deployed and controlled during operations addressing civil unrest. Government officials informed Amnesty International that the Gendarmerie is responsible to and normally under the control of the Ministry of Defence. A government minister described the gendarmerie as "a military force with a civilian mission". It has responsibility for general policing. Unlike the police, the gendarmerie also has powers to investigate allegations of crimes committed by, and arrest, members of the armed forces. Whereas the police are generally responsible for law and order in urban centres, the gendarmerie is also tasked with investigations and law enforcement in rural areas. Senior officials in charge of the Gendarmerie denied reports that gendarmes used lethal force to suppress the 2008 protests. They further claimed that no gendarmes had carried out human rights violations. When asked whether investigations had been carried out to find out whether human rights violations had occurred, the officials claimed that any investigations would have been carried out by the Ministry of Justice.

Officials at the Ministry of Justice told Amnesty International that their ministry did not have responsibility for investigating allegations of human rights violations by members of the security forces involved in the quelling of the February 2008 disturbances. Senior officials at the ministries of Justice and Defence told Amnesty International that the Ministry of

Territorial Administration and Decentralization was responsible for the requisitioning, deployment and oversight of the operations of the security forces during civil disturbances. Officials of the two ministries claimed that their ministries did not have the legal or operational responsibility to investigate the conduct of members of the security forces in February 2008 or any previous or future internal civil disturbances.

In an initial meeting with the Ministry of Territorial Administration and Decentralization, officials told Amnesty International that the ministry did not have any security forces under its control. As a result - the officials claimed - the ministry did not have responsibility for ordering investigations into allegations of human rights violations by the security forces that suppressed the protests in February 2008. Following meetings with the ministries of Justice and Defence, Amnesty International sought a further meeting with the Ministry of Territorial Administration and Decentralization. During the second meeting, senior officials at the Ministry of Territorial Administration and Decentralization admitted that they indeed had responsibility for requisitioning and deployment of the security forces that suppressed the February 2008 disturbances. During the talks with the officials, Amnesty International expressed concern that no department, including the Ministry of Territorial Administration and Decentralization, had ordered an investigation into widespread claims inside and outside Cameroon that members of the security forces had committed serious human rights violations, including unlawful killings of scores of protestors. Inaction by the government amounted to granting *de facto* impunity to any members of the security forces, as well as to their commanders and political leaders, who would have ordered, carried out or condoned human rights violations.

The then Minister of Territorial Administration and Decentralization objected to a recommendation by Amnesty International that an independent and impartial investigation should have been carried out. Amnesty International believes that such an objection to an independent and impartial investigation into reports of unlawful killings and other serious human rights violations is inconsistent with a claim by numerous government officials that the government does not condone impunity. The organization believes that such a position by high-ranking government officials is very likely to encourage lower level government and security officials to believe in and expect to enjoy impunity.

Concerns expressed by Amnesty International and Cameroonian human rights organizations have been reiterated by the UN. At its July 2010 session, the UN Human Rights Committee[9] stated, in paragraph 18 of its Concluding observations dated 4 August 2010, that it was "deeply concerned about reported cases of human rights violations related to the social riots which took place in February 2008 … during which reportedly more than 100 persons died and more than 1,500 persons were arrested". The Committee regretted that "… more than two years after the events, investigations were still ongoing and that the State party was not able to give a fuller account of the events." The Committee recommended that "allegations of excessive use of force by security forces, of torture and ill-treatment of persons detained, and of summary trials are adequately investigated and that perpetrators are brought to justice."

At its Forty-fourth session held in May 2010, the UN Committee against Torture[10] stated, in paragraph 19 of its Concluding observations, that it was "concerned about credible reports from a variety of sources alleging that the security forces have carried out … extrajudicial killings, arbitrary detention, acts of torture and cruel, inhuman or degrading treatment, and

violations of the right to a fair trial." The Committee was also "concerned about the lack of thorough individual, impartial and forensic medical investigations of alleged extrajudicial killings and acts of torture and cruel, inhuman or degrading treatment by the security forces (arts. 2, 11, 12, 16)." The Committee recommended that "a full, thorough and independent inquiry be opened into the events of February 2008. The Committee added that "the State party should promptly begin thorough, impartial and forensic medical investigations into allegations of extrajudicial killings, acts of torture and cruel, inhuman or degrading treatment by the security forces and ensure that the perpetrators are brought to justice and sentenced appropriately."

During discussions with senior government officials in December 2012, Amnesty International delegates were – as in August 2010 – told that the government had decided that there was no basis for an independent and impartial investigation into allegations of serious human rights violations by the security forces in February 2008. In its written response to Amnesty International's memorandum, the Ministry of Justice's Department of Human Rights and International Co-operation stated:

"…Government's position has remained unchanged since the last visit of the representatives of Amnesty International. As a reminder, law enforcement officials acted in accordance with regulations in force for maintaining law and order. […] Therefore, Law enforcement forces acted in self-defence".

Therefore, the government has failed to implement the recommendations of both the Human Rights Committee and the Committee against torture. As of December 2012, the government had not taken the measures required to establish responsibility for the human rights violations that occurred in February 2008 and/or to ensure that perpetrators are brought to justice.

In August 2010, Amnesty International discussed allegations of unlawful killings, excessive use of force, torture and other forms of cruel, inhuman or degrading treatment or punishment with Cameroonian government and security officials. The authorities denied that the government ever ordered or condoned any such abuses by law enforcement officials.

The officials insisted that they always took action against any member of the security forces suspected of responsibility for torture and other forms of ill-treatment. Many human rights defenders with whom Amnesty International maintains regular contact claim that any action against members of the security forces allegedly responsible for human rights violations is the exception rather than the rule. Amnesty International is not aware of a case of a member of the law enforcement forces who has been brought to justice since 2010 charges of carrying out torture and other forms of ill-treatment.

The cases that Amnesty International brought to the attention of the authorities included reports of opponents and critics being subjected to ill-treatment while holding meetings or demonstrations deemed by the authorities to be unlawful or unauthorized. More recent cases include one in February 2011 when government opponents were reportedly subjected to beatings and other forms of violence while assembling in Douala for a demonstration. Those assaulted by the police included **Jean Michel Nintcheu**, a member of parliament and an official of the Social Democratic Front (SDF) opposition political party. He told the *Agence*

France Presse (AFP) news agency that he was beaten and had his trousers torn. **Célestin Djamen**, another member of the SDF, sustained an injury to the head.

In June 2010, *Le Messager* newspaper reported that government soldiers severely ill-treated several university students following what appears to have been a minor incident involving a young woman. Amnesty International was not able to independently investigate the report but remains concerned that the authorities failed to ensure that soldiers found to have carried out the ill-treatment were brought to justice. On 11 June 2010, two members of an army unit known as the *Brigade d'intervention rapide* (BIR) were on 15 June 2010 reported by *Le Messager* newspaper to have subjected several students of Yaoundé II university campus to severe beatings. The soldiers were, according to *Le Messager*, punishing the students because a ball which some of them had been playing with had hit a young woman, believed to have been a relative of one of the soldiers. A number of the students required medical treatment for the injuries they sustained. The victims included **Yves Samuel Bayia**, **Eugène Boris Dalle**, **Simon Pierre Ndoye** and **Lionel Saag Wassoumi**. The students attempted to lodge formal complaints with civilian officials and the gendarmerie but the authorities refused to record their complaints. Some students at the university campus filmed the violence on their mobile phones and, according to *Le Messager* newspaper, uploaded the recordings on the internet. Several days later, military officials visited the university campus and paid money to some of the students in exchange for their undertaking to delete any images portraying the soldiers beating the students. *Le Messager* reported that an army colonel threatened violence against journalists and students who published stories about the attack on the students. According to *Le Messager* newspaper, the Minister of Defence told parliament that action would be taken against the soldiers responsible for the violence. By December 2012, no effective investigation into acts of torture or other forms of ill-treatment had been conducted, in contravention of Cameroon's obligations under articles 12, 13 and 16 of the UN Convention against Torture.

Besides government authorities' responsibilities, the National Commission on Human Rights and Freedoms (NCHRF)[11] has competence to receive and investigate complaints relating to human rights violations. The government-funded commission's mandate includes the defence and promotion of human rights, which includes investigations of violations of human rights and referring cases of violations to competent authorities.[12] In a meeting with Amnesty International in August 2010, officials of the NCHRF said that they did not carry out any investigations into allegations of unlawful killings and other human rights violations during the February 2008 disturbances because they lacked the requisite resources, including funding. Amnesty International expressed concern that a key institution that has the responsibility to oversee the respect, promotion and protection of human rights had failed to carry out any investigations during events in which scores of people were killed unlawfully and many more injured by members of the security forces. In December 2012, officials of the NCHRF confirmed to Amnesty International delegates that due to lack of resources, the commission was still unable to investigate reports of human rights violations that occurred in February 2008.

Concerns relating to members of the security forces effectively enjoying impunity are not limited to the unrest in February 2008. During their visit to Douala in December 2012, Amnesty International met and interviewed a student who was on 1 November 2012 severely beaten and blinded in one eye by soldiers of the Military Engineers Regiment[13] .

The student, **Harold Benoit Nlend**, woke up early on 1 November 2012 to collect water from a nearby fountain in Douala's Japoma district before going to school. Several hours earlier, residents of Japoma had arrested, beaten and held a man accused by a woman of stealing property from her house. The accused man identified himself as a soldier but had no documents on him to identify himself. The suspected thief was allowed to use a mobile telephone to call an officer of the regiment to confirm his identity.

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Figure 1 Harold Benoit Nlend

Several dozen soldiers arrived later in Japoma aboard a military truck. The soldiers used military belts to indiscriminately beat civilians in the village, broke down doors and damaged other private property, including vehicles. It is during these attacks that Nlend was beaten and sustained blows to his left eye and other parts of his body. As Nlend was bleeding profusely from the eye, the soldiers left him and continued to attack other civilians they came across. His family took him to hospital where a doctor told them that the eye was permanently damaged and blinded. For two weeks, soldiers laid siege to Japoma. On 13 November, Nlend's parents obtained a letter from a principal[14] of his school asking the Commander of the Second Inter-Army Military Region to help with the costs of his treatment. On receiving the letter, the commander handwrote "What is this about?[15]" on the principal's letter and sent them to the regiment's commander. On arrival at the entrance to the regiment, soldiers on guard prevented Nlend's parents from gaining access to the commander. When Amnesty International delegates met Nlend and members of his family in mid-December, no action had been taken by judicial or military

officials to investigate the violence against civilians in Japoma and more specifically the injuries sustained by NIend.

3. FREEDOM OF EXPRESSION AND ASSOCIATION

The Cameroonian authorities have often been intolerant of criticism of the government's officials, policies and practices by journalists or other critics. The intolerance of criticism of the government and/or its policies has often extended to members of opposition political parties and human rights defenders. Journalists investigating allegations of corruption and other forms of abuse of office have been arrested and detained by members of the security forces, charged and/or imprisoned for defamation. Some of the journalists arrested have been subjected to beatings and other forms of ill-treatment by members of the security forces.

In its General Comment on freedom of opinion and expression[16], the UN Human Rights Committee underlined that "[f]reedom of opinion and freedom of expression are indispensable conditions for the full enjoyment of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society. The two freedoms are closely related, with freedom of expression providing the vehicle for the exchange and development of opinions."[17] Hence curtailment of freedoms of opinion and expression affects the basis of a free and democratic society. The Committee further stresses that "[f]reedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights."[18]

Furthermore, the Human Rights Committee has made clear that "[a] free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society. [...] The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion".[19] "[I]n circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high. Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties, albeit public figures may also benefit from the provisions of the Covenant. Moreover, all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition".[20]

In his 2012 report to the UN Human Rights Council, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression[21] has concluded that "the problem in ensuring the protection of journalists worldwide lies not in the lack of international standards, but in the inability or unwillingness of Governments to take effective measures..."[22] The Special Rapporteur expressed concern that "criminal defamation laws are inherently harsh and have a disproportionate chilling effect on free expression. Individuals face the constant threat of being arrested, held in pretrial detention, subjected to expensive criminal trials, fines and imprisonment, as well as the social stigma associated with having a

criminal record."[23] He further recommended that "[s]tates should give political support to strengthening media freedom and ensuring that independent, plural and diverse media can flourish."[24]

Amnesty International is concerned that Cameroonian state actions against journalists and government critics run counter to the observations and recommendations of the authoritative UN bodies overseeing the states' respect for the rights to freedom of expression. The government should effectively consider their conclusions and implement their related recommendations.

JOURNALISTS TARGETED FOR EXERCISING THEIR PROFESSION

In August 2010, Cameroon's Minister of Communication told Amnesty International that there are about 600 newspapers, 14 private television stations and 100 radio stations in Cameroon. According to the minister, although only four television stations and one radio station had obtained licences to operate, the government tolerated them and gave them an opportunity to fulfil their legal requirements.[25] Whereas there is no direct control of private media by the state, journalists have nevertheless been arrested, detained and convicted of criminal offences on the basis of their professional work. The minister emphasized in August 2010 and again in December 2012 that the government does not attempt and has no interest in dictating the media's editorial lines and they were therefore free to publish or broadcast what they wished. However, the minister told Amnesty International that the government would under no circumstances tolerate insulting the President.

In February 2010, three journalists – **Hervé Nko'o**, **Robert Mintya** and **Serge Sabouang** - accused of handling and attempting to publish articles based on allegedly forged documents were arrested and detained by members of the security forces in Yaoundé. The documents reportedly implicated Laurent Esso, Cameroon's Secretary General to the Presidency at the time and current Minister of Justice, and other senior officials of a government corporation in corruption. A fourth journalist - **Germain Cyrille Ngota** – also accused of handling the allegedly false documents was arrested in March 2010.

Amnesty International interviewed Mintya, editor of *Le Devoir* newspaper, and Sabouang, editor of *La Nation* newspaper, while they were being held at Kondengui prison in August 2010. The two journalists told Amnesty International that when they were first arrested in February 2010 they were interrogated by members of the external intelligence agency known as the *Direction générale des renseignements extérieurs* (DGRE) for more than 10 hours. They said that they were subjected to beatings while under interrogation. They claimed that members of the DGRE were beating them in order to force them to reveal how and from whom they had obtained the documents purporting to prove that Laurent Esso and other officials had been involved in corruption. Robert Mintya told Amnesty International that the authorities learned about the existence of the allegedly false documents after he contacted Laurent Esso's office to secure an interview with him about the alleged corruption. Hervé Nko'o was subsequently reported to have escaped from custody in March 2010 and his whereabouts were still unknown by December 2012.

During a meeting with Amnesty International delegates in December 2012, Justice Minister Laurent Esso provided documents that he said proved that there had been an attempt by the journalists to blackmail him for monetary gain. In some of the documents – the authenticity

of which Amnesty International delegates could not verify – some of the accused journalists appeared to threaten the minister with publication of allegations that he had been involved in corruption and illegal importation of military weapons, ostensibly to overthrow the government. The delegates explained that the organization would not condone any threats of blackmail or extortion. However, the delegates reiterated the organization's concern at reports that the journalists had been subjected to beatings and other forms of ill-treatment at the time of their arrest and while in custody. Furthermore, the authorities had failed to institute an independent and impartial investigation into the journalists' allegations and to bring the perpetrators identified by the investigation to justice.

Robert Mintya and Serge Sabouang were detained without trial for eight months. On 8 August 2010, Mintya was attacked by a fellow inmate and sustained injuries to his head. He was subsequently hospitalized from mid-August to mid-November and reportedly treated for a psychiatric illness. It is unclear to Amnesty International whether there was a relationship between the illness and the injury. The two journalists were released, reportedly on the orders of President Paul Biya, on 24 November 2010. Mintya and Sabouang were in December 2012 found guilty of handling forged documents and sentenced to a 3-year suspended prison sentence. Nko'o who was tried in absentia was sentenced to 15 years' imprisonment.

After he was arrested on 5 March 2010, Germain Cyrille Ngota was first detained by members of the security services. Several journalists interviewed by Amnesty International in August 2010 said that they had learned that members of the security forces had subjected Ngota to ill-treatment, including beatings. He was transferred to Kondengui prison. Senior officials at the Ministry of Justice told Amnesty International that Ngota was found to be ill soon after he arrived at Kondengui prison. Officials at Kondengui prison told Amnesty International that Ngota was admitted for treatment at the prison's infirmary. However, although his health deteriorated, Ngota was not referred to a hospital. He died on the night of 21 April 2010 and his body was handed over to his family the following day.

Amnesty International received information according to which Ngota was transferred on 10 March 2010 to Wing 9 of Kondengui prison. Ngota was reportedly examined by the prison's doctor who found that the detainee was suffering from several medical problems, including hypertension. The doctor reportedly saw no need to transfer Ngota to a hospital because, in his view, the prison infirmary had all the facilities and medication necessary to treat him. An autopsy examination reportedly concluded that Ngota had died from acute cardio-respiratory insufficiency, tuberculosis and hypertension. The autopsy was reportedly carried out by a team of doctors led by a professor. Ngota's family was not represented by an independent pathologist, as provided for in international standards.[26] Several government ministers told Amnesty International that Ngota had died from complications caused by HIV infection.

Amnesty International is concerned that journalists could be and were arrested, detained and even ill-treated on grounds of obtaining documents – whether forged or not – that accuse government officials of wrong-doing. The organization is concerned that Ngota, who was known by the authorities to have been suffering from poor health, was not provided with adequate medical care while in custody. Ngota's illness may have been exacerbated by prison conditions, including the ill-treatment he was reportedly subjected to after his arrest. In the government submission related to Amnesty International's memorandum, the Ministry of Justice stated that "An investigation has been opened into the death in prison of Germain

Cyrille Ngota and judiciary inquiry is ongoing." The officials did not reveal the identity of the persons carrying out the investigation and the judicial inquiry, or when their conclusions would be made public.

Amnesty International recommends that circumstances of Ngota's death should be subject to an independent and impartial inquiry consistent with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.[27] If such an investigation finds that Ngota has been mistreated while in detention, that his treatment in detention or that his conditions of detention contributed to his death, effective reparations must be provided to his family.

Some journalists have been arrested and/or prosecuted for criticizing government actions or policies. For example, three journalists and a teacher were arrested on 8 June 2008 after they criticized a government anti-corruption initiative known as *Opération epervier* and the arrest of two newspaper journalists[28] during a televised debate. Government officials ordered the live debate to be stopped. The three journalists, **Alex Gustave Azebaze** and **Thierry Ngogang** of the independent television channel STV2, **Anani Rabier Bindji** of Canal2 and university teacher **Manassé Aboya** were charged with "Conspiracy to hold a confidential document without authorization"[29] and "Conspiracy to make biased commentary"[30]. They faced up to two years' imprisonment if convicted. Their trial before the Douala-Bonanjo Court of First Instance (*Tribunal de première instance*) opened in January 2010 but was postponed at least six times during the year and again during 2011. **Jean-Marc Soboth**, First Secretary of the *Syndicat national des journalistes du Cameroun*, fled the country in January 2010 after he was reportedly threatened with arrest for criticizing the prosecution of the three journalists and the teacher. Their trial had not been concluded by December 2012 and Jean-Marc Soboth was reportedly still living in exile in Canada. In the government's submission to Amnesty International in December 2012, the Ministry of Justice stated that "…it is for the court to draw the legal consequences of this case in which a procedural issue that arose was referred to the Court of Appeal. The Court of Appeal rules on the issue and the proceedings will resume before the trial court."

Jean-Bosco Talla, editor of *Germinal* newspaper, was arrested on 10 December 2009 after his newspaper published extracts from a book about Cameroonian politics. The extracts alleged that a pact between President Biya and his predecessor, Ahmadou Ahidjo, had been sealed with a homosexual act. Talla was detained by the State Secretariat for Defence[31] security service for four days before he was transferred to Kondengui prison. On 28 December 2009, a court in Yaoundé found him guilty of insulting the head of state and sentenced him to a one-year suspended prison term, a fine of three million CFA francs and court costs of 154,000 CFA francs. After the trial, Talla was returned to prison pending payment of the fine. He was released on 13 January 2010 after well-wishers helped to pay the fine.

At its 47th session[32], the African Commission observed that "Defamation is criminalized under Cameroon's Criminal Law despite the Declaration of Principles on the Freedom of Expression in Africa, which urges State Parties to reform the laws that provide for criminal sanctions for defamation."[33] The Commission stated that it "had identified cases of violations of rights of journalists."[34] It recommended that Cameroon should "[h]armonize the national legislation with the Declaration of Principles on Freedom of Expression in Africa, notably by decriminalizing libel and adopting a law on access to information."[35] The

Commission urged the government to "[t]ake all the necessary measures to make effective the right to freedom of expression and to guarantee for journalists all the security required in the exercise of their professional activities."[36]

Some journalists have been arrested solely because they covered opposition activities. For example, *Agence France Presse* (AFP) correspondent **Reinnier Kazé** was arrested on 23 February 2011 by gendarmes while covering an opposition demonstration in Douala. The demonstrators had reportedly been demonstrating to demand the resignation of President Biya and to commemorate the killings of more than 100 people during anti-government protests in February 2008. Officers deleted recordings on his dictaphone before releasing him the following day. Other journalists arrested included **Alain Tchakounte** of *Cameroon Tribune*, a cameraman of Equinox Television and a photographer of the *Le Jour* newspaper. Following the arrests, the National Trade Union for Cameroonian Journalists[37] (SNJC) issued a statement condemning the arrest and ill-treatment of journalists by members of the security forces. The SNJC called on the government to guarantee the journalists' right to freely exercise their profession.

Some journalists in Cameroon have been arrested and threatened with violence or even death because of their professional activities. The purpose of such threats appears to be to compel journalists to reveal sources of their information or retract their articles. For example, on 10 December 2010, **Adolarc Lamissia** of *Le Jour* newspaper was arrested by soldiers in Ngaoundéré, the capital of Adamaoua province, and taken to the local branch of Military Security (*Sécurité militaire*, Semil).[38] Semil officers interrogated him for six hours demanding that he discloses the source of a story he had published about an alleged attempted murder of a military officer by a soldier. Lamissia refused to disclose his sources and was released without charge the following day. During subsequent days, Lamissia said that he continued to receive anonymous telephone death threats.

HUMAN RIGHTS DEFENDERS AT RISK

Amnesty International has over the years received reports of government and security officials using violence, arrests and detentions to stifle the rights of human rights defenders to exercise their right to freedom of expression. Some of the defenders have been targeted because they criticized the government for alleged human rights violations. Other human rights defenders have told Amnesty International that they received telephone threats of violence, including death, by people they believed to be government agents. The government has not taken action to bring those responsible for actual or threats of violence to justice.

In its Concluding Observations of May 2010, the African Commission stated that it had "received a considerable number of reports about cases of violations of the rights of human rights defenders in Cameroon."[39] The Commission recommended to the Cameroonian government to "[g]uarantee security in the exercise of their activities for the human rights defenders in conformity with the United Nations Declaration on Human Rights Defenders and the principles prescribed by the African Charter."[40]

In June 2011, Amnesty International was informed by human rights defenders in Cameroon that a government official had allegedly been involved in the killing of a human rights defender. **Gueimé Djimé**, a member of Organe de la Société civile (OS-Civile), a human rights group based in Kousséri, Extreme North province, was shot dead as he slept on the night of 10 June 2011. Members of OS-Civile had reportedly received anonymous death threats relating to the group's opposition to the appointment of two local chiefs. Although four men

suspected of killing Gueimé Djimé were arrested, no one had been brought to trial by the end of 2012. One of the suspects reportedly told gendarmes investigating Gueimé Djimié's murder that the gun he used to kill the activist had been given to him by a local government official. In its submission to Amnesty International, the Ministry of Justice said that the death of Djimié was "under judicial inquiry" and that the Mayor of Makary "suspected of involvement in his assassination, was indicted by the Examining Magistrate of the Military Tribunal in Maroua." In early January 2013, Amnesty International received confirmation that three men – Mahamat Emar, Abdoulaye Mahamat and Mahamat Kadre – suspected of involvement in the murder of Djimé had been in custody since June 2011 when they were arrested. Another two men – Mey Limane Mey and Goudoussou Garba – also suspected of involvement in the killing of Djimé were arrested in November 2012 and were still in custody at the start of January. In November 2012, the examining magistrate in Kousséri had ordered the detention of Alamine Aboukress, the mayor of Makary, and Abdoulaye Adoum, the traditional chief of Ngartoukoum, both suspected of involvement in the murder of Djimé. Amnesty International was informed that the two officials were released following the intervention of the governor of Extreme-North province. The President of OS-Civile, **Alhadji Mey Ali**, wrote a letter to the Minister of Territorial Administration and Decentralization protesting against the intervention of the governor to reverse an order by a judicial official. In December, Aboukress and Adoum lodged a complaint with the court in Kousséri accusing the President of OS-Civile of defamation and the matter was still pending before the court in mid-January. The two officials appear to have lodged the suit against Ali in order to silence him and his organization in their pursuit of justice on behalf of Djimé and his family.

Trade unionists are among human rights defenders who have been arrested, detained and at times charged with criminal offences for exercising their rights to freedom of expression and association. For example, on 11 November 2010, police in Yaoundé arrested seven trade unionists who were preparing to march to the office of the Prime Minister to submit a memorandum demanding the harmonization of retirement age and salary increases for civil servants. Those arrested included **Jean-Marc Bikoko**, president of the Affiliated Public Sector Trade Unions in Cameroon[41], and its accountant, **Eric Nla'a**. Others were **Maurice Angelo Phouet Foe**, secretary general of the National Autonomous Trade Union for Education and Training[42], **Théodore Mbassi Ondoa**, executive secretary of the Cameroonian Federation of Education Trade Unions[43], **Joseph Ze**, secretary general of the Unitary National Trade Union of Teachers and Lecturers[44], as well as two of its members, **Nkili Effoa** and **Claude Charles Felein**. They were charged with holding unlawful demonstrations[45] before they were granted provisional release on 12 November 2010 but ordered to appear in court on 15 November. Between November 2010 and November 2011, their trial was adjourned eight times and again on 16 January 2012. When the defendants reappeared in court on 5 March 2012 the court decided to dismiss the case against the trade unionists. During nearly 16 months that the case dragged on in court, it had a chilling effect on the defendants and their trade union activities. They could not freely exercise their rights to freedom of expression as trade unionists.

Human rights defender and Executive Director of the *Réseau des défenseurs des Droits humains en Afrique centrale* (REDHAC)[46] **Maximilienne Ngo Mbe** was in January 2012 threatened with rape by men who claimed to be members of the security forces. She fought off and fled from the attackers in Douala. On 7 September 2012, Mbe's 16-year-old niece was abducted, beaten and raped by men who told her that they were attacking her because of her aunt's activities against the government. She was abducted on her way from school after

she boarded what she thought was a taxi. The vehicle initially had a driver and two other men whom she believed to be passengers. A short time into the journey, another man wearing military-style trousers and boots, and dark glasses, boarded the vehicle. One of the men held what she believed was an anaesthetic substance to her face and when she came to she was seating on a chair in an isolated house. The men repeatedly asked her if she was Mbe's daughter and slapped her when she claimed to be. They released her later that evening after raping her.

Figure 2 Maximilienne Ngo Mbe

Defence lawyers for Lesbian, Gay, Bisexual, Transgender and Intersexual (LGBTI) people are among human rights defenders who have been targeted for intimidation. The most recent cases include lawyers **Alice Nkom** and **Michel Togué**. Between October and December 2012, the two lawyers received telephone calls and text messages from anonymous people who threatened them and members of their families with death. The people calling and sending text messages threatened to kill the lawyers' children if the lawyers did not stop defending homosexuals. Togué said that the callers had clearly been following the movements of his wife and children as they knew their names and the places they had visited during the days when he received the calls and text messages. Although the two lawyers reported the death threats to the authorities, the latter were not known to have carried out investigations to establish the sources of the telephone calls and text messages. The authorities also failed to publicly condemn the death threats and institute measures to protect the human rights defenders and members of their families.

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Figure 3 Alice Nkom

In December 2012, Amnesty International delegates raised the lawyers' concerns with the Minister of Justice and other senior officials of his ministry. The minister claimed that the two lawyers had not raised their concerns with his ministry and had instead resorted to giving interviews to foreign media. Amnesty International delegates saw copies of letters written by the two lawyers to senior Ministry of Justice officials and the NCHRF expressing their concerns for their own lives and those of members of their families. The letters had been signed, stamped and dated by ministry and NCHRF officials who received them. Amnesty International delegates urged the Ministry of Justice to ensure that the sources of the death threats are identified and brought to justice. The delegates added that it was critical that the Cameroonian government publicly condemn and take measures to deter any further threats against lawyers and other human rights defenders.

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Figure 4 Michel Togué

GOVERNMENT CRITICS TARGETED

Government and security officials have arbitrarily broken up or prevented meetings of civil society and human rights groups whose purpose or content was suspected or known to be critical of the government or its policies. For example, in May 2011, police prevented the public showing of a documentary on alleged human rights abuses linked to commercial banana production. The documentary reportedly claimed that small-scale banana growers were forcibly evicted from their land without compensation and that plantation workers were poorly paid. In its submission to Amnesty International, the Cameroonian Ministry of Justice said that "the festival officials … did not request, nor even bring the organization of the said festival to the attention of officials of the Ministry in charge of Culture." Although the ministry acknowledged that the coordinator had obtained authorizations [to screen] a dozen films, it claimed that he had done so irregularly from the Director of Cinematography and Audiovisual Production. From the ministry's explanation, it appears that the government prevented the screening of the documentary on the basis of its content that was perceived to be critical of the government and its policies.

Former opposition presidential candidate, **Vincent Sosthène Fouda**, and several people were arrested on 9 February 2012 in connection with a demonstration they held in support of a woman whose baby had reportedly been stolen from a Yaoundé hospital. Those arrested were held for several hours and released, but Fouda was rearrested on 10 February and charged with holding an unlawful demonstration before he was granted provisional release. Fouda appeared before court on 14 February but his case was adjourned to 8 May 2012. In its

submission to Amnesty International, the Ministry of Justice claimed that Fouda "did not declare the event [to the authorities] he organised at … the Gyneco-Obstetrics Hospital of Yaoundé. Amnesty International believes that Fouda was arrested and charged solely for exercising his right to peaceful assembly and to freedom of expression. He appeared to have been targeted for prosecution because of his activities as an opposition leader. If imprisoned, Fouda would be a prisoner of conscience. Amnesty International urges the Cameroonian authorities to drop the charges against Fouda.

Pierre Roger Lambo Sandjo, a musician and political activist was arrested on 9 April 2008 and accused of masterminding the February 2008 disturbances in Mbanga. Human rights defenders in Cameroon protested against his arrest and claimed that he was a prisoner of conscience. Months before he was arrested, Sandjo had written a song entitled "Constipated Constitution"[47], whose lyrics criticized a planned amendment of the Cameroonian Constitution in order to legalise President Biya's wish to remove presidential term limits. Some of the protesters who participated in the February 2008 disturbances denounced amendment of the Constitution. The Constitutional Amendment Bill which was adopted on 10 April 2008, allows unlimited presidential mandates and grants immunity to the president for any acts committed while in office. On 28 September 2008, Sandjo was found guilty of instigating the disturbances and was sentenced to three years' imprisonment and a fine of 330 million CFA francs. During his detention, Sandjo and human rights defenders in Cameroon repeatedly denounced his prosecution, conviction and sentence. He was released on 8 April 2011 after he completed his prison term, but without paying the fine. Amnesty International believes that Sandjo was a prisoner of conscience imprisoned solely for exercising his right to freedom of expression. In its submission to Amnesty International, the Ministry of Justice said that in the case of Sandjo the government was "examining the recommendations of the Working Group of the Human Rights Council, on arbitrary detention." The submission did not specify what the Working Group had recommended.

Some political and civil society activists have since 2008 tried to commemorate the February 2008 riots by holding meetings or demonstrations in protest against human rights violations committed by the security forces and to remember the causes of the disturbances. The authorities have repeatedly arrested those organizing or participating in such demonstrations and, in some cases, charged them with public order offences. For example, eight political and civil society activists were arrested in Yaoundé on 23 February 2011. Those arrested were former student leaders **Billy Batipe** and **Cyprien Olinga**, and political activists **Aboubakar Abba**, **Urbain Essomba**, **Bruno Dibonji**, **Michel Bouba**, **Patrick Nyamsi** and **Aimé Adoueme**. According to the Network of Human Rights Defenders in Central Africa[48] the activists were accused of rebellion and endangering the internal security of the state.[49] After their arrest, the eight activists were for several days denied access to legal counsel and repeatedly transferred to different detention centres. They were on 14 March 2011 charged with insurrection and granted provisional release. They had not been brought to trial by December 2012.

Bertrand Zepherin Teyou, a writer, was arrested in Douala on 3 November 2010 while trying to launch a book he wrote about Chantal Biya, the wife of President Paul Biya. Teyou had hired a room at the Somatel Hotel in Douala for the launch and signing ceremony of his book entitled *La Belle de la République bananière: Chantal Biya, de la rue au palais*[50] (The Banana Republic's Beauty: Chantal Biya, from the street to the palace). The book reportedly described Chantal Biya's humble origins and her ascendancy to become Cameroon's First

Lady. Just before the book was about to be launched in the presence of journalists, the hotel management refused to let him use the venue he had hired. Members of the security forces arrived soon after and arrested him. After his arrest, he was detained at a police station in Douala and subsequently charged with "contempt of a personality"[51] and "unlawful assembly".[52] He was subsequently transferred to New Bell, Douala's central prison.

On 10 November 2010, Bertrand Zepherin Teyou was tried by the Court of First Instance (*Tribunal de première instance*) in Douala, which found him guilty as charged. The court sentenced him to a fine of 2,030,150 CFA francs (approximately 4,425 US dollars) or two years' imprisonment if he was unable to pay the fine. Unable to pay the fine after his trial, he was sent back to New Bell prison. Teyou was released on 29 April 2011 after well-wishers raised the money and paid the fine imposed by the court.

According to Sections 152 to 156 of the Cameroonian Penal Code, the offence of contempt is only applicable to comments relating to senior government and legislative officials, as well as foreign dignitaries. It does not mention their spouses or members of their families. Furthermore, Bertrand Zepherin Teyou was not sued by the First Lady, nor was she a witness in the case after he was arrested and detained, or during his trial. In its General Comment, the UN Human Rights Committee has recommended that "defamation laws must be crafted with care to ensure that … they do not serve, in practice, to stifle freedom of expression".[53] The Committee adds that "[c]are should be taken by States parties to avoid excessively punitive measures and penalties." and "imprisonment is never an appropriate penalty."[54] As for the charge of unlawful assembly, Bertrand Teyou had informed the Cameroonian authorities, as required by law, of his intention for the launch of his book.

SOUTHERN CAMEROONS NATIONAL COUNCIL DENIED FREEDOM OF ASSOCIATION

In 1966, President Ahmadou Ahidjo at the time imposed a one-party state on Cameroon and opposition political parties became illegal. In 1989 Cameroon embraced a multiparty political system under President Paul Biya who had replaced Ahidjo in 1982. Although political dissent was often not tolerated by the government, political parties were nevertheless allowed to legally exist. One party, the Southern Cameroons National Council (SCNC) was, however, denied legal recognition and remains so to date. The SCNC – which was formed in the early 1990s - claims to represent the secessionist aspirations of Cameroon's Southwest and Northwest provinces. The SCNC claims that Anglophone Cameroonians are discriminated against and oppressed in favour of their Francophone compatriots and to have been illegally forced into a federation with the rest of Cameroon.

Amnesty International does not take a position on the merits or demerits of a Cameroonian federal state or indeed secession by Anglophone provinces. However, the organization believes that all Cameroonians should be afforded the right to express their non-violent views and freely organize themselves into groups or political parties without fearing or being subjected to persecution or other human rights violations. The right to freedom of expression and association and to participate in public affairs are enshrined in articles 19, 22 and 25 of the International Covenant on Civil and Political Rights, to which Cameroon is a state party. Article 19(2) states that "[e]veryone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print […] or through any other media of his choice". Article 22(1) states that "[e]veryone shall have the right to freedom of

association with others, including the right to form and join trade unions for the protection of his interests." By forming a political organization, SCNC and other organizations with similar views are seeking a political platform and possibly political office based on their political views and aspirations. Article 25 of the ICCPR guarantees the right "to take part in the conduct of public affairs, directly or through freely chosen representatives [as well as the right] to vote and to be elected at genuine periodic elections" The Human Rights Committee has underlined that "[i]n order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. […] It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas."[55] It further recalled that "[t]he right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25. Political parties and membership in parties play a significant role in the conduct of public affairs and the election process."[56] By denying the SCNC representatives the possibility to exercise their right to freedom of expression and association and to participate in public affairs, the government is also denying Cameroonian electors their rights under article 25 of the ICCPR.

During discussions with Amnesty International in August 2010, various government officials, including government ministers, claimed that SCNC members were not persecuted or denied the right to express their views. However, when the organization pressed them on complaints by SCNC that they were constantly harassed, arrested, detained and prosecuted for holding meetings, the authorities responded that this was because the party was not legally constituted or recognized. During the discussions, the officials said that the existence of the SCNC was a violation of Cameroon's Constitution which prohibits any organization that espoused secessionist views and that there was no prospect of such views ever being accepted or the party ever attaining legal recognition in Cameroon.

During meetings with Amnesty International, the authorities claimed that the African Commission on Human and Peoples' Rights had dismissed a complaint by the SCNC that its members were being persecuted by the Cameroonian State. The authorities further claimed that the SCNC had been advised by the Commission to form a political party and obtain legal status.

However, in its decision adopted during its 45th Ordinary Session held in Banjul, Gambia, in May 2009[57], the Commission found that the government of Cameroon had violated a number of the Articles of the African Charter on Human and Peoples' Rights in the actions it took against SCNC's members. The Commission found that the government of Cameroon had violated Article 2 (discrimination against people of Southern Cameroon), Article 4 (violation of the right to life during violent suppression of peaceful demonstrations), Article 5 (torture), Article 7 (right to a fair trial within reasonable time), Article 11 (right to assemble freely), Article 19 (right to equality of all people) and Article 26 (duty to guarantee the independence of the courts). The Commission also concluded that Cameroon had violated Article 1 of the ACHPR by failing to "adopt adequate measures to give effect to the provisions of the African Charter."

The Commission recommended to the Cameroonian government to take specific measures to guarantee the enjoyment by the people of Northwest and Southwest Cameroon of the rights it found had been violated. Members of the SCNC continue to complain that their rights enshrined in the African Charter have continued to be violated without regard to the decision and recommendations of the African Commission. In its December 2012 submission to Amnesty International, the Ministry of Justice said that "The Government will welcome the transformation of this movement into a political party, in accordance with the recommendations of the ACHPR". The government did not clarify how the SCNC would be allowed to transform itself into a political party, while the government continued to impose legal and political obstacles to such a transformation and failing to implement the recommendations of the ACHPR.

The government uses violence, arrests, detention and judicial harassment to stifle the right to freedom of expression, association and peaceful assembly that members of the SCNC have for decades been campaigning for. Declared an illegal organization, the SCNC is denied the right to organize meetings in public spaces or private properties. When members of the SCNC manage to evade detection before they meet, members of the security forces forcibly break up their meetings and arrest those they find in the vicinity of or approaching the meeting places. Those arrested are often detained for periods ranging from a few hours to several days or weeks. Although some are released without charge, there are numerous cases when those arrested are charged with criminal offences – usually relating to holding illegal meetings – and made to report endlessly to court without the cases coming to a final conclusion. To Amnesty International's knowledge, the courts have repeatedly failed to explain the reasons for adjournments of court hearings that go on for up to several years. Members of the SCNC have told Amnesty International that the defendants and their lawyers are usually told that prosecution witnesses did not come to court. Despite the repeated adjournments, the courts rarely dismiss the cases on the grounds that the prosecution has failed to show interest in bringing the case to a conclusion within reasonable time. Such adjournments have the effect of silencing government opponents who almost endlessly await their trials.

Some of those arrested and charged spend many months or even years reporting to court for trials that are adjourned for months or even years. For example, several dozen members of the SCNC were arrested on 20 January 2008. Some of those arrested were released without charge but as many as 40 of them were charged with holding illegal meetings. Those charged included SCNC Vice-Chairman **Nfor Ngala Nfor** who, at the time of his arrest, was preparing to address a press conference in Bamenda. Nfor Ngala Nfor and at least 12 others were held for about two months. They had their trial repeatedly adjourned until December 2008 when the case against them was dismissed by the court after prosecution failed to produce any witnesses.

On 6 October 2008, several dozen members of the security forces arrested 24 members of the SCNC holding a meeting at Mutengene in Southwest province. The meeting had been convened for SCNC leaders to meet SCNC National Chairman **Chief Ayamba Ette-Otun** who had just returned from a tour of several European capitals to lobby foreign governments to support SCNC's campaign for the independence of Cameroonian Anglophone provinces. Members of the security forces reportedly hit the SCNC members with gun butts and kicked them. One of those assaulted, **Linus Ndikun**, reportedly sustained internal bleeding for which he has since required frequent medical care. The SCNC members were detained for four days

at Tiko police station where they were reportedly denied beddings, food and water. Some of them could only find sleeping space in a toilet. Members of the police reportedly demanded money in exchange for allowing members of the detainees' families to provide food to the inmates. Those arrested were subsequently charged with holding illegal meetings and failure to produce national identity cards. The group was granted provisional release. Between 9 October 2008 and the end of 2011 the defendants had appeared in court nearly 30 times but the trial was each time adjourned due to failure by the prosecution to present its witnesses or absence of court officials, including presiding judges. The trial had not taken place by December 2012.

Chief Ayamba was again arrested together with his son on 9 February 2011. The two men had been travelling to Bamenda, the capital of Northwest province, when they were forced off a bus they were travelling on and arrested. Gendarmes arrested them on the grounds that they advocated secession by Anglophone provinces. Chief Ayamba was detained for five days at Bali police station. While in custody, Chief Ayamba was reportedly not provided with beddings, food or water. On 14 February, he was produced before a judicial official but not charged with any offence. He was released and ordered to return to the procuracy on 28 February when a judicial official instructed him to return to the procuracy on 28 March. When Chief Ayamba returned to the procuracy on 28 March, the judicial official reportedly told him that the judiciary was not in position to charge him but would notify him when it was ready. As of December 2012, Chief Ayamba is not known to have been charged with any offence relating to his February 2011 arrest. SCNC leaders and members have told Amnesty International that the continued and ongoing possibility of facing charges have a silencing effect on them and their political activities.

Three members of the SCNC - **Felix Ngalim**, **Ebeneza Akwanga** and **Makam Adamu** - were arrested in April 2012 and charged with secession (Section 111 of the Penal Code) and Revolution (Section 114 of the Penal Code) in connection with their membership of and activities relating to the SCNC. The offences are punishable by up to life imprisonment. Akwanga was reported to have escaped from Kondengui prison and fled Cameroon in May. Amnesty International was informed by the lawyer representing Felix Ngalim that police first tried to arrest Felix Ngalim in early April 2012 because he was wearing an SCNC t-shirt during the burial of a prominent member of the organization. The police failed to arrest him then because other members of the SCNC prevented the arrest. On 23 April, the police intercepted and arrested Ngalim in Bamenda, capital of Northwest Cameroon. The other two SCNC members were arrested soon after and detained at the central police station in Bamenda. In early May, they were transferred to Kondengui prison in Yaoundé.

Amnesty International received information according to which, for at least five days, members of the Territorial Surveillance[58] police department took Ngalim from the prison to their offices in Yaoundé and subjected him to beatings with a truncheon. The police beat him when he failed to reveal what they claimed were secessionist and other anti-government plans of the SCNC. The detainee had reportedly sustained injuries to the soles of his feet, legs and other parts of the body. When Ngalim complained of pain to prison authorities, he was given some pain killers by a prison nurse. Ngalim reportedly claimed that some of the pain killers had expired.

On 28 May, Ngalim was returned to Bamenda where he was detained at the central prison.

He appeared in the Bamenda High Court on 5 and 17 June and again on 3 July 2012. Each time, the hearing was adjourned by the court on the grounds that prosecution witnesses were unavailable to testify. He was granted provisional release on 4 December and released on 5 December. He told Amnesty International in January 2013 that he was in poor health as a result of the injuries he sustained when he was beaten by members of the security forces at the time of his arrest and while in custody. He had been unable to see a medical doctor because he lacked money to pay for consultation and medication. He had only been able to obtain traditional herbs and his health had not improved by January. He was expected to appear in court in Bamenda on 19 February 2013 to answer charges of promoting secession and revolution.

As many as 400 members of the SCNC were arrested on 1 October 2011[59] in Buea, the capital of Cameroon's Southwestern provice. Those arrested had been gathering to hold a public rally in commemoration of what they termed as their independence day. Operations by the security forces to prevent the gathering had started on 30 September 2011 when six SCNC members were arrested at the house of Mathias Arrey, SCNC Assistant Secretary General. The security forces also seized various SCNC paraphernalia, including t-shirts and banners that the activists had been intending to display and distribute during the rally. Those arrested on 1 October were travelling on foot and in vehicles to the meeting point in Buea. The security forces bundled them on to trucks and took them to detention centres in the city, particularly the gendarmerie's Mobile Intervention Group[60] and at the judicial police. As many as 50 SCNC leaders and other activists evaded arrest and took refuge at the Nigerian Consulate in Buea. Many of those arrested were released on 3 October 2011 after 136 of them were charged with holding illegal meetings. Those arrested included SCNC Secretary General, **Fidelis Chinkwo**, 65-year-old **Vincent Jumbam**, 73-year-old **Elias Mughem**, 85-year-old **John Tasi Foundo** and 28-year-old **Loveline Nge**. They appeared in court on 6 December 2011. The hearing was adjourned to 27 March 2012 but it did not take place. No trial date had been set by December 2012.

A year later, on 1 October 2012, more than 100 members of the SCNC had gathered in a church for prayers when they were surrounded by armed police. Among the congregation were two journalists, **Martin Fon Yembe** and **Baature Edua Mvochou**, who were covering the "independence" celebrations. Police arrested about 100 SCNC members and the journalists and drove them to Buea central police station. For several hours, the police took statements from and fingerprinted those they had arrested. The police denied the SCNC members and the journalists access to legal counsel during interrogation. Denial of access to legal counsel contravenes Section 37 of the Cameroonian Criminal Code[61]. Later that afternoon, those arrested were driven by the police to the Buea Court of First Instance where they were variously charged with secession, holding or participating in an illegal meeting and destabilizing the state. The SCNC members and the journalists were held in the court building up to midnight when they were released after they were instructed to appear in court on 3 October 2012. In its submission to Amnesty International, the Cameroonian Ministry of Justice stated that 57 SCNC members and sympathisers assembled in a church to "…celebrate the independence of Southern Cameroons." The ministry claimed that those arrested resisted police identification. The ministry added that three of the suspects were released by the State Council and others were charged with illegal demonstration and failure to hold a national identity card, and that SCNC Vice-Chairman Nfor Ngala Nfor and **Lawrence Chukuru Awah** were also charged with inciting a riot against the Government and its

institutions. “All the suspects were released on bail and the matter is pending hearing and determination.”

In what appear to have been pre-emptive arrests to prevent SCNC independence celebrations during the night of 28 September, police raided the homes of **Andrew Fokum** and **Lawrence Mwelem** and arrested the two men known to be members of the SCNC. They were taken to the Buea police station and detained. In its December 2012 submission to Amnesty International, the Ministry of Justice said that Andrew Fokum was arrested on 26 September 2012 after a search in his house resulted in the seizure of SCNC flags and documents. The ministry added that he was “charged with attempt to hold an illegal demonstration, failure to hold a national identity card and inciting a riot against the Government and its institutions.”

Amnesty International urges the Cameroonian government to reconsider its current position on the right of members of political and other organizations, including the SCNC, to exercise their rights to freedom of expression, association and peaceful assembly. Such organizations that do not advocate or use violence should not be prohibited from exercising these rights solely on the grounds that their methods or objectives run counter to the policies of the government. The government should stop arbitrary arrests, unlawful detentions and ill-treatment, as well as lift all restrictions, on SCNC members.

4. PERSECUTION OF PEOPLE ACCUSED OF SAME-SEX RELATIONS

Violence, arbitrary arrests and detention and other forms of human rights violations targeting individuals because of their real or perceived sexual orientation are commonplace in Cameroon, and have been on the increase since the mid-2000s. During its 39th Ordinary Session, the African Commission on Human and Peoples' Rights expressed concern at "an upsurge of intolerance against sexual minorities."[62]

Section 347 of the Cameroonian Penal Code criminalizes same-sex sexual acts and the offence is punishable by up to five years' imprisonment and a fine of up to 350 US dollars. This section, in itself, runs counter to Cameroon's international human rights obligations with regard to the rights to non-discrimination, privacy, liberty, and security of person. The existence of this provision is also used to justify abuse and discrimination against real or perceived Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) individuals both by state actors and in the community. Section 347 also violates rights enshrined in Cameroon's Constitution, including a declaration that "the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights;" The Constitution also affirms attachment to "fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and The African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto…"[63]

In its submission to Amnesty International in December 2012, the Cameroonian Ministry of Justice claimed that "… the position of Cameroon's law is based on … Articles 29(2) of the Universal Declaration of Human Rights and 29(7) of the African Charter on Human and Peoples' Rights that are safeguard clauses, invoked by each democratic society according to its moral specificities."

Victims of abuse and harassment are often scared to seek protection from the police, who too often participate in the abuse and subject individuals suspected of being gay, lesbian, bisexual, or transgender to cruel, inhuman, or degrading treatment, including beatings.

Most of those detained have been targeted on the grounds of their perceived sexual orientation, rather than on any alleged participation in prohibited acts. Individuals charged and convicted under Section 347 face increased threat of violence and discrimination in prison, and their health can be severely compromised because of the abuse and the lack of access to medication and treatment.

The Cameroonian Ministry of Justice justifies criminalization of sexuality as "not contrary to duly ratified international instruments that guarantee individual freedoms, namely, Article 12 of the Universal Declaration of Human Rights[64] and the provisions of Artile 26 of the International Covenant on Civil and Political Rights[65], in the sense that, homosexuals are not denied the enjoyment of a right or a service because of their presumed sexual orientation." Article 12 of the Universal Declaration of Human Rights (UDHR) guarantees the right to privacy of all persons, while Article 26 of the ICCPR guarantees the equality of all persons

before the law without discrimination. Amnesty International considers the government's statement to be a subversion of human rights standards as persecution, prosecution and imprisonment of individuals on the basis of their perceived or known sexual orientation cannot be understood to conform to, but rather a negation of, international human rights standards.

The United Nations Human Rights Committee, which oversees the implementation of the ICCPR, has clarified that the criminalization of homosexual practices cannot be considered a reasonable approach for the protection of neither public morals nor public health, and that such measures run against the obligations undertaken by states parties to the Covenant.[66] In its submission to Amnesty International in December 2012, the Cameroonian Ministry of Justice stated that "… homosexuality … is an unnatural activity that seeks to eliminate human reproduction. During the passage of before the Universal Periodic Review of the Human Rights Council, Cameroon rejected the recommendation relating to decriminalisation of homosexuality."

The threat of and actual detention of individuals because of their real or perceived sexual orientation also runs counter to the right to liberty and security of person without discrimination of any kind. As such, the arrests carried out on the basis of this section should be considered arbitrary—that is, not justifiable under international law because of their discriminatory intention and effect.

In addition, Amnesty International considers anyone imprisoned on the basis of their sexual orientation or practising sex between consenting adults to be a prisoner of conscience and calls for their immediate and unconditional release. The organization therefore calls on the Cameroonian authorities to repeal Section 347 of the Penal Code. The organization also urges the Cameroonian authorities not to discriminate LGBT people and to protect them from violence.

Further, the existence of the criminal provisions on homosexuality create a climate of fear and serve as justification when the police detain, torture and beat suspected lesbian, gay, bisexual or transgender individuals. This law also impedes health initiatives, particularly around HIV and AIDS, that attempt to reach vulnerable groups, including men who have sex with men, by driving individuals underground and making it harder for them to access safer sex information and services.

Over the past decade, politicians and other public leaders have pandered to public prejudices against LGBTI individuals through statements linking homosexuality to neo-colonialism and child abuse. Some politicians revealed to Amnesty International that their public stance against homosexuality indeed was meant to appease public opinion rather than express their own.

LEADERS AND SECTIONS OF THE MEDIA AGAINST LGBTI INDIVIDUALS

Political leaders not only condone these human rights abuses but many celebrate them as a way of opposing the "foreign imposition" of a "homosexual culture." High-level leaders fuel public prejudice against LGBTI individuals by linking homosexuality to child abuse, and the national human rights commission itself refuses to recognise the discriminatory aspect of the criminal law.

Of particular concern, the NCHRF supported Section 347 of the Cameroonian Penal Code, showing little willingness to promote the rights of people who were discriminated against and subjected to human rights violations and abuses because of their real or perceived sexual orientation or gender identity. Rather, senior NCHRF officials argued that LGBTI individuals could and should change their sexual preference in order to avoid being arrested and punished as prescribed by Cameroonian law. Like some officials at the Ministry of Justice, those at the NCHRF argued that Cameroonian law reflected the religious convictions of most Cameroonians as prescribed by the Christian Bible and the Muslim Quran. In this connection, it is relevant to note that international human rights standards protect the right to freedom of religion and thought of all individuals under the jurisdiction of the government, including those who do not adhere to a majority or any religion.

In January 2011, the government criticized the EU for giving a financial grant to a network of Cameroonian associations, *Adolescents contre le sida* (Sid'ado),[67] that defends the rights of sexual minorities. The Cameroonian government reportedly accused the EU of promoting homosexuality and demanded that it withdraws the funding. The Cameroonian Minister of Foreign Affairs reportedly summoned the head of the EU delegation in Cameroon and, according to the government newspaper, *Cameroon Tribune*, expressed the government's disapproval of "the financing of associations which break Cameroonian law".[68] The minister reportedly added, "The Cameroonian people are not ready or disposed to accept the promotion of such [homosexual] practices on their territory."[69]

In December 2012, Cameroonian officials at the ministries of Foreign Affairs and Justice told Amnesty International delegates that their objection to EU support to organizations that defend the rights of LGBTI people was based on the fact that the organizations were not legally registered by the government. The officials further said that organizations that worked to support the rights of homosexuals could not be granted legal recognition as they ran counter to Cameroonian laws. However, several organizations that work to protect civil and health rights of LGBTI people told Amnesty International that they operated within Cameroonian law and had not been served with an order to cease their activities. They added that the EU had made legal status a condition for obtaining funding.

The media, particularly newspapers, in Cameroon, have also been involved in fuelling prejudice and hatred against LGBTI individuals. For example, in January 2006, *L'Anecdote* and *Nouvelle Afrique* newspapers published lists of scores of people who they claimed were homosexuals. Several of the people whose names were published sued the newspapers for defamation. In March 2006, courts in Yaoundé found the publication directors of *Nouvelle Afrique* and *L'Anecdote* guilty of defamation and sentenced them to six and four months' imprisonment, respectively. It is important to note that the courts found the newspaper directors guilty of defamation because they could not prove that the plaintiffs had been involved in same-sex sexual relations and not of the violation of their privacy or publishing homophobic articles.

In October 2012, *L'Anecdote* newspaper was again in court to answer charges of abuse, defamation, contempt of public bodies and blackmail[70] in connection with articles it had published in June 2012. In the articles, the newspaper had published names of public authorities it claimed had been involved in same-sex sexual relations. The case against the newspaper had been brought by a joint action of the public prosecutor and a senior university

lecturer. When the hearing before the Ekounou Court of First Instance started on 3 October, lawyers for the publication director of *L'Anecdote* requested an adjournment. The court adjourned the hearing and the case had not concluded by the end of December 2012.

Religious leaders too have been involved in promoting prejudice against LGBTI individuals. For example, *L'Effort Camerounais*, a newspaper of the Cameroonian Catholic Bishops' Conference, reported in October 2009 that two months earlier "the Catholic Church in Douala Archdiocese carried out a protest against Cameroon's ratification of the Maputo Protocol, ..."[71] The Maputo Protocol of the African Charter on Human and Peoples' Rights seeks to promote and protect the rights of the woman. According to *L'Effort Camerounais*, "The Catholic Church encourages practices that promote and defend the rights of women, but finds fault with the protocol's stance on issues of reproductive health and same sex marriages, which she considers as an aberration."[72]. Although the Protocol's Article 14 forbids all forms of discrimination based on sex, it does not explicitly protect the rights of LGBTI people. At a press conference in October 2009, a government minister "denied the church's position that by ratifying the Maputo Protocol, Cameroon has legalized abortion and homosexuality, practices the Catholic Church abhors." [73]

In an article published in June 2012 by *L'Effort camerounais*, Fr Moses Tazoh wrote that "Homosexuality is an abnormal behaviour that goes against natural law and human nature. Thus it is detested and punishable as a crime in most African cultures and countries." He added that "The Church vehemently condemns homosexual acts that African politicians, soldiers, prisoners and some professions indulge in to gain spiritual, political and social power, promotion, status and riches." However, Tazoh counsels against persecution of gay and lesbian people, saying that "There should be caution to any physical brutality, murder, unjust imprisonment, loss of employment, voting rights, estrangement and isolation from the family." He adds that "We should speak out for tolerance and humane treatment of homosexuals and lesbians."[74]

Cameroonian government and security officials have allowed individuals or groups to target or attack individuals or groups defending the rights of LGBTI people. For example, on 27 March 2012, Cameroonian government officials prevented LGBTI rights activists in Yaoundé from holding a workshop on the rights of sexual minorities, although the workshop had been authorized by a local government official. The workshop had been financed by the EU. The action of the authorities followed a violent disruption of the workshop by the leader and other members of a self-confessed anti-LGBTI group known as the Rally for Cameroonian Youth.[75] Members of the security forces had earlier arrested **Stéphane Koche**, the organizer of the workshop and detained him for several hours. The authorities did not take any action against members of the Rally for Cameroonian Youth.

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Figure 5 Stéphane Koche

On 23 June 2012, the Rally for Cameroonian Youth published a statement calling for monetary contributions towards what they called World day for the fight against homosexuality slated for 21 August 2012. The statement claimed that the day was a commemoration of the day when in 2006 an 8-year-old child was raped and killed by homosexuals at the Hilton Hotel in Yaoundé. Human rights defenders contacted Amnesty International in early July expressing concern at the statement's inflammatory content, and the likelihood that LGBTI people would be targeted for acts of violence and other human rights abuses.

ARRESTS AND DETENTION OF REAL OR PERCEIVED LGBTI INDIVIDUALS

People in Cameroon accused of being gay or lesbian continue to be arrested and imprisoned. On 26 March 2010, two Cameroonians and an Australian national were arrested in the hall of a hotel in Yaoundé and accused of engaging in same-sex relations. The three men were detained for three days without charge. They were granted provisional release when they appeared in court at the start of April 2010. The Australian national is reported to have left Cameroon soon after the three men were granted provisional release. The case was adjourned several times between 7 June and December 2010 and the trial had not concluded by December 2012.

Two young men identified as **Depadou N**, aged 21 years, and **Paul Arno**, aged 24 years, were arrested on 22 November 2011 and detained by the police in Yaoundé. Their arrest followed

a denunciation by a third person who accused them of engaging in same-sex relations. They were, in December 2012, being held at Kondengui prison while awaiting trial on the charge of practising same-sex sexual relations.

Jean Jules Moussongo was arrested in Douala on 6 September 2011 after the parents of a young man asked gendarmes to arrest him for allegedly seeking contact with their son. Moussongo was released two days later after the respective parents of the two young men apparently reached an arrangement.

Stéphane Nounga and another man only identified as **Eric O**. were arrested in late August 2011 after they were tricked into meeting a man who dragged them to a nearby police station in Yaoundé where they were detained. Both men were subsequently released after the intervention of lawyers.

HOMOPHOBIA USED AS A COVER FOR EXTORTION AND SETTLING PERSONAL SCORES

Amnesty International has been informed that some of the alleged LGBTI individuals have been arrested after they were accused of practising same-sex relations by people who had tried and failed to extort money from them. For example, **Gideon**, aged 23, **Léonard**, aged 24, **Elvis**, aged 30, and **Raphael**, aged 22, were on 27 December 2011 arrested in Kumba. The four – all of them students - were accused of being homosexuals by a young man who had reportedly tried and failed to extort money from them. The young man raised an alarm informing people in the neighbourhood that he had identified homosexuals. People in the neighbourhood beat the four students before allowing them to go to their respective family homes. On arriving home, Raphael's brother-in-law dragged him to a local police station and denounced him as a homosexual. Police officers at the station reportedly beat Raphael, forcing him to claim that Elvis had had sexual relations with him. The four students were arrested by the police who detained them at Kumba police station between 28 December 2011 and 9 January 2012 when the local prosecutor formally ordered their detention. Amnesty International subsequently received reports that, while in custody, the four students were subjected to forced anal examinations by a doctor -- in breach of medical ethics -- which the authorities claimed would determine that they had had anal sexual relations.

The four students were later granted provisional release and were in December 2012 still awaiting trial on the charge of practising homosexuality.

Accusations of homosexuality in Cameroon have often been used to settle personal scores. For example, a man with a mobility disability known as **Gervais** was on 23 June 2011 arrested, undressed, insulted and beaten in Douala after a man he and his brother suspected of theft accused Gervais of being a homosexual. The man raised an alarm accusing Gervais of attempting to sexually assault him. People in the neighbourhood attacked Gervais before he was arrested by the police. Gervais' sister paid 100,000 CFA francs to secure his release the following day. Some young people reportedly threatened to kill Gervais if they saw him in their neighbourhood.

PERSECUTION AND PROSECUTION OF ALLEGED LESBIANS

Whereas most of the people arrested, detained and prosecuted for same-sex relations have

been men, women have not been spared. Women too have been arbitrarily arrested, ill-treated, detained and prosecuted for their real or perceived lesbian sexual orientation. For example, three women, **Martine Solange Abessolo**, aged 26 years, **Esther Aboa Belinga**, aged 29 years, and **Léonie Marie Djula** were on 14 February 2012 arrested in Ambam, Southern province. They were accused of being lesbians after Djula's husband reportedly told the authorities that his wife had been enticed by the other two women into engaging in same-sex sexual relations. After four days in custody, Djula reportedly denied having same-sex relations and effectively turned into a witness for the prosecution. Both Abessolo and Belinga were charged with practising same-sex relations and defaming Djula by allegedly claiming that she was Belinga's sexual partner. When they appeared in court on 20 February, the judge adjourned the trial to 8 March and granted them provisional release. In March, the trial of the two women was adjourned twice. On 29 March the women's lawyers appealed to the trial court to dismiss the case on the grounds that the authorities had violated the right not to be held for more than 48 hours without appearing before a judicial official and to be assisted by legal counsel during interrogation. The prosecution objected to the defence's request for dismissal of the case and the court scheduled the hearing for 5 April. The court of appeal had not pronounced itself on the appeal by December 2012. Fearing for their safety, the two women moved to Yaoundé. The children of Abessolo and Belinga were reportedly subjected to verbal insults by fellow pupils and their mothers were forced to remove them from the urban school and send them to rural schools. The women were also reportedly ostracized by members of their families on grounds of their perceived sexual orientation.

VIOLENCE WITH IMPUNITY AGAINST PERCEIVED LGBTI INDIVIDUALS

The pervasive prejudice against LGBTI individuals that is perpetuated by law and practice creates an environment in which people believe – often rightly – that they can abuse LGBTI individuals with impunity. For example, on 27 June 2011, relatives and other people beat and injured two young women known a Cathy and Sandrine after members of Cathy's family in the New Bell district of Douala accused them of engaging in same-sex relations. Fearing for the lives of the two women, members of Cathy's family sought police intervention. The police arrested Cathy and Sandrine but took them to a clinic for medical care and released them soon after. The authorities did not take any action against the assailants of the young women.

LONG PRISON TERMS FOR PERCEIVED LGBTI INDIVIDUALS

LGBTI individuals have been convicted and sentenced to prison terms ranging from a few months to the maximum of five years on account of their perceived sexual orientation. One of the most publicized cases of individuals imprisoned in Cameroon for suspected same-sex sexual relations is **Jean-Claude Roger Mbede**. He was arrested in Yaoundé on 2 March 2011 after sending a text message to a man saying that he was in love with him. The man invited Mbede to his home where gendarmes were waiting to arrest him. For several days, gendarmes subjected Mbede to severe beatings and other forms of ill-treatment, including by stripping him naked. He was subsequently transferred to Kondengui prison. A court in Yaoundé found him guilty of engaging in same-sex sexual relations and sentenced him to three years' imprisonment on 28 April 2011. Between November 2011 and July 2012, the court of appeal adjourned the appeal hearing seven times.

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Figure 6 Jean-Claude Roger Mbede

During June 2012, Amnesty International was informed by Cameroonian human rights defenders that Jean-Claude Roger Mbede was ill and required a medical operation. In a positive development, he was on 16 July granted provisional release by the court of appeal in Yaoundé. He was, however, not allowed out of prison until the night of 17 July after his well-wishers paid a 50,000 CFA francs bail which was a condition for his release. The court did not immediately set a new date for his appeal hearing, while the prosecutor was reported to have told the court that he was awaiting further unspecified instructions from his unspecified superiors. On 17 December 2012, the Court of Appeal in Yaoundé upheld the three year prison term against Mbede. Two days earlier, four men unknown to Mbede assaulted him outside Yaoundé University campus where he had resumed studies after he was granted provisional release. At the end of 2012, Mbede was at risk of being rearrested and imprisoned to complete the remainder of the prison sentence.

In November 2011, a court in Yaoundé found three men guilty of practising homosexuality and sentenced them to the maximum sentence of five years' imprisonment and a fine of 200,000 CFA francs. The three men, **Jonas Singa Kimie**, **Franky Ndome Ndome**, and **Hilaire Nguiffo**, aged 19, 25 and 36, respectively had been arrested in Yaoundé on 25 July 2011 after the authorities accused them of engaging in same-sex relations. In circumstances that remained unclear, Nguiffo was released and was tried in absentia. Kimie and Ndome appealed against their conviction and sentence. Between March and July 2012, the court of appeal adjourned the appeal hearing four times. The appeal hearing for Jonas Singa Kimie

and Franky Ndome Ndome took place on 21 September but no decision was made by the Court of Appeal. Between October and December 2012, the appeal hearing was adjourned four times.

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Figure 7 Jonas Singa Kimie

In early July 2012, Amnesty International learned that Franky Ndome Ndome was, on the morning of 18 June, subjected to insults and assault by several prison guards at Kondengui prison. According to a human rights lawyer who saw him after the attack, Ndome was assaulted while returning from Wing 8 of the prison where he had gone to buy condiments to prepare his food. A female prison guard saw him returning from Wing 8 and described him as a "pédé" (faggot). Three male prison guards joined her, threw Ndome to the ground and started kicking him as he lay on the ground. The lawyer told Amnesty International that he had been informed by Ndome that the assault lasted about 40 minutes. The female guard got a pair of scissors and cut his hair braids while pulling at them. The guards then used a chain to attach his hand to his foot and made him sit in an open drainage from the wing housing sick prisoners. Ndome told the lawyer that he remained in this position under the sun without food or water till 5pm. Ndome was reported to still be bearing scars from the beatings at the start of July. The lawyer told Amnesty International that the authorities had failed to investigate the circumstances and reasons for the assault or to take any action against the guards.

In December 2012, Amnesty International delegates visited Kondengui prison and met the

prison governor and doctor, as well as Ndome, Kimie and several other prisoners held there for homosexuality. The prison governor told the delegates that he had no knowledge of the assault against Ndome because the latter had not reported the incident to him. Ndome explained to the delegates that he was beaten by the prison guards because he had told the female guard that he was not available to plait her hair. He said that he told the guards that no amount of violence or other ill-treatment would make him do what he did not want or had no time to do.

Figure 8 Franky Ndome Ndome

Ndome and Kimie told Amnesty International's delegates that they had been arrested solely because they chose to wear women's clothes. They explained that at the time of their arrest they were not involved in any sexual act with each other or anyone else. When asked by the delegates if they admitted to being gay, they told the delegates that their sexual preferences were a private matter and no one else's business. Moreover, they added, given the hostility of the authorities and others among Cameroonian society towards gay and lesbian individuals, it would have been foolish for them to dress in a manner that would expose them to homophobia. They insisted that they were aestheticians and chose to dress like women from the time they met at a college in Yaoundé that trained beauticians. They told the delegates that they were aware of and were indeed subjected to prejudice and violence by prison authorities and fellow inmates but would not stop dressing the way they felt best comfortable with. "We always felt like females from the time we were children and no one would change that", Franky said. "We have been imprisoned for dressing differently and not because we are gay", Ndome told the delegates.

On 7 January 2013, Amnesty International received the good news that the Court of Appeal in Yaoundé had just declared Ndome and Kimie innocent of the offence of homosexuality. They were released on 11 January but reportedly pursued by a group of hostile individuals, including at least one policeman, seeking to attack them. Fearing being attacked, Ndome and Kimie were in hiding in mid-January.

In December 2012, Amnesty International delegates met and interviewed two men at New Bell prison awaiting trial for homosexuality. Thomas Leba, 24, said he was arrested in Douala on 15 October 2011 and accused of being gay. The Court of First Instance in Douala found him guilty of homosexuality and sentenced him to one year's imprisonment. He appealed against his conviction and sentence. When Amnesty International met him in December he had already been in prison for 15 months but had not been released, apparently because he was awaiting a decision of the Court of Appeal. Vincent de Paul Njike, 26, was arrested on 3 August 2011 and accused of having sexual relations with minors, two of them boys. He denied ever having sexual relations with the minors and claimed that he had been falsely accused by a woman who owed him money. His trial had not concluded by the end of December 2012.

MEDICAL PRACTITIONERS IMPLICATED IN ILL-TREATMENT OF LGBTI INDIVIDUALS

People accused of homosexuality have often been subjected to torture and other forms of cruel, inhuman or degrading treatment. Some have been beaten by members of the security forces and/or by ordinary members of the community largely motivated by homophobia. Some of the men accused of practising homosexuality have been subjected to anal examinations by medical personnel on the orders of judicial officials. Such forced examinations constitute cruel, inhuman or degrading treatment. The participation of medical personnel in forced anal medical examinations is also a violation of medical ethics. The Declaration of Tokyo of the World Medical Association prohibits physicians from being in any way involved in the practice of torture or other forms of cruel, inhuman or degrading treatment. According to the Principles of Medical Ethics Adopted by General Assembly resolution 37/194 of 18 December 1982, no health personnel may "engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment." In addition to not taking part in such acts, the sole relationship health personnel may have with detainees is to "evaluate, protect

or improve their physical and mental health."

Four men accused of being homosexuals were arrested in August 2011 and detained. One man, **Joseph Magloire Ombwa**, aged 46, was arrested at his home after his neighbours denounced him to the police as being homosexual on the basis of receiving many tourists at his home. Two others – **Sylvain Séraphin Ntsama**, aged 34, and **Emma Loutsi Tiomela**, aged 17 – were arrested when visiting Ombwa, who was then in custody at a gendarmerie station in Yaoundé. A fourth man, **Nicolas Ntamack**, aged 19, was arrested at the home of Ntsama. Amnesty International received information that Ombwa was subjected to a forced anal examination by a military medical doctor in a mistaken belief by the authorities that the examination would prove that he had had same-sex sexual relations. All were held for more than one week at the *Gendarmerie du lac* in Yaoundé. When, on 26 August, they appeared before a court in Mfoundi, Yaoundé, they were denied bail and remanded in custody and returned to Kondengui prison. On 20 July 2012, Tiomela and Ntamack were released and allowed to go to their respective homes, but Joseph Magloire Ombwa and Sylvain Seraphin Ntsama remained in detention. Ombwa and Ntsama appeared before a court in Yaoundé on 28 September when the trial was postponed to 2 October due to the unavailability of a judge on that day. When they appeared again before the Mfoundi Court of First Instance on 2 October, the hearing was adjourned to 5 December. Ntsama and Ombwa were still being held at Kondengui prison awaiting trial at the end of December 2012. Amnesty International welcomes the release of Tiomela and Ntamack and calls for others still detained on the basis of their actual or perceived sexual orientation to be released.

In its submission to Amnesty International in December 2012, the Ministry of Justice admitted that "Rectal examinations are carried out on presumed homosexuals upon request by investigators or judicial and legal officers in compliance with the laws and medical ethics that require practitioners to obtain the consent of the person concerned." Amnesty International delegates reminded the Cameroonian authorities there was no justification whatsoever for subjecting alleged homosexuals to rectal examinations in contravention of human rights standards and medical ethics. The delegates urged the authorities to immediately declare this practice illegal and to give clear instructions to law enforcement, judicial and medical officials to end it.

Some of the people accused of same-sex sexual orientation have been ill-treated and even raped while in detention. Two men identified as **Bruno A** and **Marc-Henri B** were arrested on 7 October 2010 by gendarmes in Yaoundé who accused them of being homosexuals. The gendarmes who arrested them claimed that they were investigating a theft when they reportedly found condoms and lubricating gel for men in a house inhabited by the two men. *Alternatives-Cameroun*, a local human rights organization reported that when the two men were released they claimed that they had been subjected to anal examinations, carried out or supervised by Gendarmerie Chief Medical Officer (*Médecin chef de la gendarmerie nationale*). The two men told *Alternatives-Cameroun* that while in custody at Kondengui prison they had been subjected to cruel, inhuman and degrading treatment, including beatings by other inmates and prison guards. One of the two men was also raped. In January 2011 the two men were convicted of homosexuality and sentenced to six months' imprisonment. They were released on 7 April after completing their sentence. The authorities are not known to have investigated the allegations of ill-treatment or taken any action against those alleged to have mistreated the two men.

The United Nations' "Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment" instruct physicians to refrain from any direct or indirect participation in torture. Principle 4 states:

"It is a contravention of medical ethics for health personnel, particularly physicians …to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments …"

Guidelines proposed by the International Dual Loyalty Working Group, an initiative of Physicians for Human Rights and South African medical professionals, also lay out principles for physicians working in "difficult" settings, including carceral conditions. Guideline 14 states:

"The health professional should not perform medical duties or engage in medical interventions for security purposes."

The Working Group comments that "Health professionals should never engage in medical interventions that are not in the individual's therapeutic interests, even when requested to do so by authorities for security purposes."

RESPONSIBILITY OF THE STATE TO PROTECT WITHOUT DISCRIMINATION

Police abuse against real or perceived LGBTI is contrary to several human rights, including the rights to liberty and security of person; freedom of torture or other cruel, inhuman, or degrading treatment; physical integrity; non-discrimination; and life. It also undermines the rule of law, because it sends the message that some people are arbitrarily excluded from protection under the law. Finally, police abuse contributes to further normalise violence against LGBTI individuals, prolonging the cycle of abuse.

Everyone has the right to freedom of association and assembly without discrimination of any kind, including on the basis of sexual orientation and gender identity. The state has an obligation to facilitate the full exercise of these rights.

State authorities have an obligation to address violence and discrimination in the community at large, both to investigate and punish those who attack others, but also to prevent abuse in the first place. In Cameroon, the authorities routinely ignore violence against LGBTI individuals, contributing to the overwhelming sense of impunity.

Amnesty International calls on the Cameroonian government to give serious consideration to the concerns of the UN Human Rights Committee, including regarding the violation of the rights of people known or perceived to be homosexual. In its July 2010 concluding observations[76], the Committee expressed concern at the "criminalization of consensual sexual acts between adults of the same sex…" The Committee added that "such criminalization violates the rights to privacy and freedom from discrimination enshrined in the Covenant. The information provided by the State Party did not allay the Committee's concern about arbitrariness in the implementation of Section 347, also observed by the United Nations

Working Group on Arbitrary Detention in its Opinion No. 22/2006 (Cameroon) (A/HRC/4/40/Add.1), and about reported cases of inhumane and degrading treatment of persons detained on charges of having sexual relations with a person of the same sex." The Committee recommended that Cameroon should "take immediate steps towards decriminalizing consensual sexual acts between adults of the same sex…" The Committee further recommended that the government "should also take appropriate measures to address social prejudice and stigmatization of homosexuality and should clearly demonstrate that it does not tolerate any form of harassment, discrimination and violence against individuals because of their sexual orientation."

5. PRISON CONDITIONS

Amnesty International's representatives were, with the help of prisons officials, able to visit Cameroon's two largest prisons in the political capital, Yaoundé, and in the economic capital, Douala, in August 2010 and December 2012. The organisation witnessed deplorable conditions of detention, including inadequate health services, severe overcrowding, poor food as well as cases of ill-treatment. Amnesty International also learned of and discussed with the authorities reports of killings of detainees attempting to escape.

Various UN human rights bodies have expressed concern about prison conditions in Cameroon and made recommendations to the government. Many of the recommendations, particularly on health services, overcrowding and poor food are yet to be adequately, if at all, implemented.

At its Forty-fourth session held in May 2010, the UN Committee against Torture stated that it "remains deeply perturbed by the deplorable living conditions in places of detention. The Committee has received reports of prison overcrowding; violence among prisoners; corruption (such as the renting of prison cells and sale of medical equipment); the lack of hygiene and adequate food; health risks and inadequate health care; the violation of the right to receive visits; and reports that some persons awaiting trial have been held in prison for a period longer than the sentence they face."[77]

The Committee recommended that Cameroon "… should take urgent steps to bring conditions in all places of detention, including gendarmerie and police stations, into line with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173)…"[78]

INADEQUATE HEALTH SERVICES

Rule 22 of the UN's Standard Minimum Rules for the Treatment of Prisoners states that "At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality. Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers."

Principle 24 of the UN's Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

The government should also institute measures to prevent deaths in custody and ensure that all inmates are provided with adequate medical care free of charge in conformity with the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment.[79] The African Commission on Human and People's Rights has underlined that "[t]he State's responsibility in the event of detention is even more evident to the extent that detention centres are of its exclusive preserve, hence the physical integrity and welfare of detainees is the responsibility of the competent public authorities".[80]

The cases highlighted below give Amnesty International ample reasons to believe that detainees do not have access to adequate medical care. The organization urges the authorities to develop policies and mobilise resources required to ensure that persons under any form of detention have access to adequate medical care.

Whereas the two prisons of New Bell in Douala and Kondengui in Yaoundé provide some medical services to inmates, the authorities admitted that the number of health workers in each of the two prisons was grossly inadequate. Amnesty International delegates who visited Cameroon in December 2012 confirmed that the situation has largely remained the same as in August 2010, and in some cases deteriorated.

The authorities told Amnesty International that inmates generally received free medical care and medication inside the prisons but both expertise and medications were in short supply or even often non-existent for inmates suffering from more complex medical conditions. Prisoners with more complex needs are vulnerable to being subjected to delays or refused transfer to a hospital. In complex cases, the authorities usually refer sick inmates to hospitals where services have usually to be paid for by the prisoner.

The authorities said that, outside the confines of the prisons, they were not responsible for the medical care of the inmates though this is contrary to the UN's Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which make clear that health care for prisoners should be free (Principle 24); this Principle would apply irrespective of *where* the prisoner received that care. Relatives of the sick inmates or charitable organizations are usually called upon to pay for the services. Inmates and human rights defenders Amnesty International interviewed in August 2010 and December 2012 said that inmates' relatives were usually indigent and therefore unable to pay for the services, leading to untreated illnesses and even preventable deaths due to lack of medical care.

Illnesses seen by prison medical staff include HIV and AIDS, as well as tuberculosis (TB) and skin infections resulting from poor hygiene. Authorities at the two prisons informed Amnesty International that they had stocks of anti-retrovirals for the care of HIV-positive inmates. They said that as a matter of routine all new inmates were advised by prison medical personnel to take an HIV test. Those found to be HIV positive would be provided free medical care as needed. While commending the authorities' commitment to provision of medical care for HIV infection, Amnesty International expressed concern at the inadequacy of preventive measures. Amnesty International recommends that detainees should have access to pre and post-HIV test counselling by qualified personnel. Detainees should be guaranteed confidentiality, including when they undergo tests and are disclosed the results. Those found to be HIV positive should have full access to treatment and the means to protect themselves from re-infection and/or passing the infection to others.

Prison medical workers were reluctant to discuss any initiatives they undertook to educate inmates about the risks of contracting HIV and other sexually-transmitted infections and the various ways in which they could avoid such infections. Several medical workers in the two prisons informed Amnesty International that they were reticent to overtly and proactively advocate prevention of HIV and other sexually-transmitted infections, including use of or provision of condoms for fear that they would be accused by the government of supporting or promoting same-sex sexual relations. Same-sex sexual relations are illegal under Cameroonian law. Limited data is available regarding HIV transmission in prisons[81] though some medical staff told Amnesty International, both in August 2010 and in December 2012, that they had suspicions that HIV infections occurred after entry into prison. However, there has yet to be carried out a systematic investigation of HIV prevalence in Cameroonian prisons.[82]

TB is also a concern in prisons in Cameroon, particularly in the context of risks of coincident HIV infection and where TB cases are not detected by current screening techniques. Medical researchers supported by German Technical Cooperation (GTZ)[83] concluded that the number of undetected cases of pulmonary tuberculosis remains unacceptably high and warned that "it is doubtful whether TB transmission can be controlled under conditions of confinement", such as those in Yaoundé Central Prison.[84]

The United Nations Joint Programme on AIDS (UNAIDS) regards prisoners as a "most at risk" population; in Africa, prisoners are predominantly young males, are held in over-crowded, under-resourced facilities in which health care and access to health protection is inadequate.[85] The evidence in prisons around the world shows that sexual activity takes place among inmates whatever regulations exist to prohibit it, and it is important that potentially life-saving policies and practices should be instituted to prevent HIV and other sexually-transmitted infections. Such policies should include education on how to avoid contracting infections, including the use of condoms, avoidance of cutting the skin with shared implements and other measures. Prisoners should have access to voluntary counselling and testing and those who require medication should be able to get it without cost.

Amnesty International was informed by the prison staff accompanying them that most of the detainees in Kondengui's Wing 10 were mentally ill. Amnesty International was unable to confirm this in the absence of a mental health expert but many inmates appeared disengaged from their surroundings, either staring blankly without focus or showing signs of agitation but again not connected to anyone in particular. As in August 2010, prison officials told Amnesty International in December 2012 that the prison did not have any capacity to diagnose mental illness or to implement any treatment. In December 2012, Amnesty International saw two male inmates in Wing 10 who were completely naked amidst a crowd of fellow inmates. Some of the inmates told the delegates that the two naked men were mentally ill and stayed like that most of the time without the intervention of prison staff to protect their dignity. A medical officer at Kondengui prison told the delegates that the prison never received visits by mental health workers to assess or treat inmates suspected to be mentally ill. The officer said that some of the detainees may have been brought to prison after they were mentally ill while others may have developed the illness after they were detained. The delegates urged the Cameroonian authorities to urgently assign mental health workers to assess prisoners for mental illness and move those found to have psychiatric problems to mental health facilities. Failure by the state to provide a psychiatrist and psychiatric treatment to detainees contravenes Rule 22 of the UN's Standard Minimum Rules for the Treatment of Prisoners.

POOR FOOD QUALITY AND QUANTITY

At New Bell in Douala and Kondengui in Yaoundé, prison authorities and inmates told Amnesty International that the prison diet was both poor and inadequate. The diet largely consisted of a mixture of beans and maize grains. Amnesty International was informed that in New Bell prison, inmates received two meals a day whereas those in Kondengui received one meal a day. Authorities at both prisons told Amnesty International that they did not have enough money to afford a balanced diet for a high prison population. In August 2010, senior officials at the Ministry of Justice told Amnesty International that all inmates, including those at Kondengui prison, were supposed to receive at least two meals a day and would inquire into why those at Kondengui received only one meal a day. The then Minister of Justice told the delegates that a single meal a day was irregular and all prisoners are expected to have two meals a day. In December 2012, Amnesty International delegates confirmed that inmates at Kondengui were continuing to receive one meal a day while those at New Bell continued to receive two meals a day. Like his predecessor, the new prison director at Kondengui prison said that inmates there continued to receive a single meal a day due to inadequate funding by the government. In its December 2012 submission to Amnesty international, the Ministry of Justice said that "… detainees in Cameroon's prisons are entitled to a healthy and balanced diet which should, as much as possible, respect the community's feeding habits. […] However, at least one meal is served daily to inmates in all the prisons." Amnesty International urges the Cameroonian authorities to ensure that detainees across the country are afforded a balanced and healthy diet.

Inmates who had relatives living close to the prisons occasionally received supplementary food from their relatives. However this was not the case for those who either did not have any relatives close enough to the prisons or indeed whose relatives were too poor to afford an extra food ration for the inmates. Those who often failed to receive any supplementary rations included previously homeless street children or those who did not have good relations with their relatives.

Amnesty International found make-shift markets and kitchens in both New Bell and Kondengui prisons. Given the poor quality and quantity of food provided by the prison system, it was understandable that prison authorities allowed inmates to supplement their diet. Inmates and prison staff told Amnesty International that trading within the prisons was occasionally a source of indiscipline and/or fights between inmates.

In August 2010, officials at the Ministry of Justice told Amnesty International that, compared to the situation outside the prison system, food and conditions at the two prisons were so good that some prisoners "would beg to return to prison after their release". Some of the released prisoners would - according to the authorities - commit new offences so they would be rearrested and detained. If this was and continues to be true, it is likely to be an indication of the desperate situation into which the prisoners were released.

The Cameroonian government should take all necessary measures and provide resources to gradually minimise and ultimately eliminate the need for prisoners to buy their own food. The authorities should ensure that all prisoners have food of adequate quality and quantify in conformity with the UN's Standard Minimum Rules for the Treatment of Prisoners. Rule 20 states:

"Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served."

OVERCROWDING IN CAMEROON'S LARGEST PRISONS

According to the Secretary of State in charge of prisons in Cameroon, there were, in August 2010, about 24,000 prisoners in Cameroon's 74 prisons. Of these prisons, Kondengui and New Bell are the largest. Between them, in August 2010, the two prisons held more than 6,000 inmates, compared to an established capacity of about 1,500. The two prisons therefore held about four times the inmate population they were built for. The authorities were unanimous that the two prisons were overpopulated but claimed that there was not much they could do in the short term to reduce the prison population. They informed Amnesty International that the government had plans to build a new and bigger prison in both Yaoundé and Douala to accommodate larger numbers of inmates. In December 2012, Cameroonian government officials told Amnesty International delegates that preliminary preparations were on-going to begin construction of the two prisons but there was no timetable established to start or complete the construction.

Amnesty International confirmed in December 2012 that the prison population had increased over the previous two years. Apart from the negative effects this has on the prisoners as individuals, this overcrowding led and apparently continues to lead to numerous problems in the prison system, including indiscipline, ill-health, budgetary insufficiency, acts of violence and a severe strain on the judicial system. The sum total of these and other conditions amounts to a threat to the lives of inmates and, in some cases, prison staff.

In August 2010, New Bell prison had an inmate population of 2453. Of these, 2,375 were adult males, 62 were women and girls, and 16 were male minors. The prison director (*régisseur*) told Amnesty International that the prison had until recently a capacity of 700 but this had been increased to 800 with the help of funding from the EU. However, this capacity had been further reduced in September 2012 when two cells were destroyed in a fire believed to have been caused by an electric short circuit. At 1,673, the number of detainees awaiting trial constituted about 68 per cent of the prison population. Ten prisoners were on death row. The prison director told Amnesty International in August 2010 that the congestion at New Bell had decreased from 3,000 inmates the previous year – a fall of 18% in the prison population. When Amnesty International delegates visited New Bell prison in December 2012, the prison housed 3,092 inmates – a rise of 639 compared to August 2010 – of whom 57 were women and 16 minors aged under 18 years. Of these, 2,033 were awaiting trial and nine were on death row.

Kondengui prison was constructed in 1967 and has an official capacity of 800 inmates. In August 2010, the prison housed 3,842 inmates: 2,559 awaiting trial; 998 serving sentences imposed by the courts; 250 people awaiting appeal against sentences and/or convictions; 22 on death row; and six serving life sentences. Defendants awaiting trial at Kondengui prison represented about 67 per cent of its inmate population; some had been held without trial for more than two years. Overcrowding at Kondengui had deteriorated further when Amnesty International visited the prison in December 2012. On the day the delegates visited the prison it housed 4,205 inmates. Of these, 127 were women and 233 were minors. As in August 2010, the vast majority of the inmates – 3,048 – were awaiting trial and 28 were on

death row.

It is evident from the above that one of the main factors leading to prison congestion is a large number of detainees awaiting trial for protracted periods. Officials at the Ministry of Justice told Amnesty International that the ministry did not have adequate numbers of prosecutors to process cases and ensure that suspects were promptly brought to trial. The authorities added that the numbers of trial magistrates was also insufficient and this led to a backlog of cases before the courts. Many suspects ended up staying months or even years longer in prison than the prison term they would have served if they had been tried, found guilty and sentenced. A senior official at New Bell prison told Amnesty International that prison officials were concerned that inmates were staying too long in detention without trial. He said that whereas, according to the Cameroonian Criminal Procedure Code; suspects should be tried within six months after their arrest, many spent as many as 20 months awaiting trial. The Minister of Justice told Amnesty International in August 2010 that he regularly wrote to prison officials to improve detention conditions. He said that he would institute an investigation to determine why inmates at Kondengui prison were receiving one meal, instead of two, a day. "We are Amnesty International's accomplices on improving prison conditions", the Minister said. The Minister told Amnesty International that the policy was that release on bail must be the rule and imprisonment or remand the exception. As of December 2012, overcrowding in both Kondengui and New Bell had deteriorated instead.

A senior Ministry of Justice official told Amnesty International delegates in December 2012 that a number of prisoners stayed longer in prison because they had failed to pay fines and legal fees imposed by the courts after conviction. Section 564 of the Cameroonian Criminal Procedure Code relating to Imprisonment in Default of Payment[86] imposes 20 days' imprisonment for amounts not exceeding 10,000 CFA francs (40 US dollars) and up to five years exceeding 5 millions CFA francs (10,000 US dollars).

According to article 9(3) of the ICCPR, anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

Whereas Kondengui prison was severely congested, Amnesty International was surprised in August 2010 to find that two new buildings inside the prison compound had been empty for as many as two years. Officials at the Ministry of Justice claimed that the two buildings had been erected to accommodate former government officials awaiting trial on charges of corruption. However, according to the Ministry of Justice officials, the former officials had refused to relocate to the new accommodation. During the visit of Kondengui prison in August 2010, Amnesty International noted that the quarters housing the former officials were comparatively better than the mostly overcrowded cells occupied by other inmates. Amnesty International expressed concern that detainees had been denied access to accommodation facilities that would have assisted to decongest some of the overcrowded cells.

In December 2012, Ministry of Justice officials told Amnesty International delegates that the previously empty buildings in Kondengui prison were occupied and were assisting to reduce

overcrowding. While visiting the prison, the delegates were surprised to confirm that only one room within one of the buildings was occupied by former Prime Minister **Ephraim Inoni** who was being held on charges of corruption. The rest of the buildings were empty. Prison officials explained that transfer of inmates to the new buildings had been delayed by lack of funding required to divide them into female and male wings. Contrary to declarations by the Ministry of Justice officials, the new buildings had not yet contributed to the alleviation of overcrowding at Kondengui prison. More than two years on, there was no indication as to when the two wings would be created.

Amnesty International welcomes some measures already taken by the government to alleviate poor prison conditions. For example, according to the Secretary of State responsible for prisons, the government improved ventilation to Maroua prison in northern Cameroon. However this only occurred after numerous deaths of inmates from heat exhaustion including six inmates who died in March 2010. In Ngaoundéré prison, there were numerous deaths from cholera in 2010. According to the Secretary of State, the government subsequently built toilet systems and improved hygiene in the prison. Amnesty International recommends that the government carries out a *proactive* audit of all Cameroonian prisons in order to ensure that they all are in a state that would not endanger the lives of inmates. The Cameroonian government should ensure that conditions in Cameroonian prisoners adhere to and conform to the UN's Standard Minimum Rules for the Treatment of Prisoners.[87]

USE OF FIREARMS AGAINST DETAINEES

There are regular attempted or successful escapes from Kondengui, Douala and other prisons. Dozens of inmates attempting to escape have, over the years, been shot and injured or killed by prison guards. The Secretary of State in charge of prisons told Amnesty International that as of August 2010, the ratio of prison warders to inmates was at best 1 for every 10 to 12 inmates. He said that the government's aim was to increase the ratio to one warder to four inmates. He said that the government was recruiting and training new warders but any increases in personnel were outstripped by retirement and other forms of staff loss. Insufficient numbers of warders appear to lead them to resort to firearms to prevent escapes and dissuade others from attempting to escape.

A senior Ministry of Justice official told Amnesty International in August 2010 that the government was planning to arm prison warders with more firearms. Firearms are not an alternative to adequate prison personnel and security and are more likely to cause more deaths and maiming of prisoners without improving security for personnel or inmates. The Cameroonian government should take measures to avoid the use of firearms as a means to enforce discipline in prisons, in compliance with the UN's Basic Principles on the use of Force and Firearms by Law Enforcement Officials and the UN Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International has for many years expressed concern about killings of prisoners allegedly attempting to escape or after they escaped from prisons. Prison warders appear to frequently use lethal weapons to prevent prison escapes or while trying to recapture those who had escaped.

In May 2010, three detainees were shot dead and seven others injured while attempting to escape from Garoua prison in northern Cameroon. The Garoua prison director reportedly told

AFP that the prisoners were shot after they refused to respond to warning shots. Garoua prison reportedly accommodated 1,300 inmates but has a capacity of 500.

Earlier, in January 2010, two detainees had been shot dead in Douala's New Bell prison and one killed while trying to escape from Kondengui prison. Three prisoners are reported to have been shot dead on 2 January 2012 after they escaped from Kondengui central prison. Sources in Yaoundé told the AFP news agency that at least one of the three prisoners was armed with a pistol, while others threatened prison guards with knives as they escaped. It was unclear whether the prisoners were killed during an exchange of fire with the warders. A gendarmerie officer told AFP news agency[88] that an inquiry would be carried out to establish the circumstances of the attempted escape. Amnesty International recommends that such an inquiry should seek to establish the circumstances in which the three prisoners were killed and whether all or some of the killings were unlawful. The findings and recommendations of the inquiry or inquires should be made public.

The use of firearms by Cameroonian prison officials to prevent escapes appears to be generally in violation of the UN's Basic Principles on the Use of Force and Firearms and Law Enforcement Officials[89]. In particular, Principles 9 and 16 state:

> 9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.
>
> 16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

ILL-TREATMENT IN PRISON

During visits of New Bell and Kondengui prisons, Amnesty International noted conditions in both prisons which amounted to cruel, inhuman and degrading treatment or punishment. In New Bell, the representatives came across five inmates who had their legs shackled in August 2010. The inmates said that they had been shackled for periods ranging from several weeks to several months. The shackles had been welded together and were permanently fixed to their legs. The shackles had visibly caused lacerations on the legs of the affected detainees. Senior officials at the Ministry of Justice told Amnesty International that they had not authorized this and were not aware of the use of shackles to restrain inmates. Prison authorities told Amnesty International that the inmates had been shackled after they had attempted to escape, which the prisoners denied. Prison officials at Kondengui and New Bell told Amnesty International delegates in December 2012 that shackles continued to be used, particularly against violent inmates or those who attempted to escape. However, use of shackles or leg irons breaches the UN Standard Minimum Rules for the Treatment of Prisoners, which states at Rule 33 that "Instruments of restraint, such as handcuffs, chains,

irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints".

During their visit of Kondengui prison, Amnesty International found two wings which had particularly harsh conditions and which breached human rights standards. Wing 9 was known to the detainees as "Kosovo" (named after the war there). The wing, with a population of 1,402 in December 2012, consisted of 27 cells which were estimated to be on average approximately 30 square metres. Each cell held an average of 50 inmates. In December 2012, Wing 8 of a similar size as wing 9, had a population of 1.038. Because the cells did not provide enough space for all residents to sleep at the same time, many of the inmates slept in the open space outside the cell without a roof or bedding. This space also served as a kitchen for the inmates. Numerous detainees met by Amnesty International in this wing complained about their detention conditions. In a subsequent meeting with officials at the Ministry of Justice, Amnesty International urged the authorities to improve detention conditions in prison in general and Wing number 9 in particular.

In its July 2010 concluding observations, the UN Human Rights Committee expressed concern at the "continuing problem of severe overcrowding and grossly inadequate conditions in prisons … inadequate hygiene and health conditions, inadequate rations and quality of food, and inadequate access to health care…"[90] The Committee recommended that "all persons deprived of their liberty are treated with humanity … and that conditions of detention comply with the Covenant and the United Nations Standards Minimum Rules for the Treatment of Prisoners."[91]

In its December 2012 submission to Amnesty International, the Ministry of Justice said that "Although living conditions in Cameroon's prisons are far from being the best, there is need to salute the efforts of public authorities to improve on these conditions generally and especially in the areas highlighted in the Memorandum since the visit of Amnesty International to Cameroon in 2010." Amnesty International remains concerned that prison conditions, especially at Kondengui and New Bell prisons, fall far short of international standards including the United Nations Standard Minimum Rules for the Treatment of Prisoners by which it and other governments will continue to be judged.

6. WOMEN AND GIRLS ABUSED: FEMALE GENITAL MUTILATION AND SEXUAL VIOLENCE

Amnesty International has in recent years received information about abuses of the rights of women and girls. Although the organization has not carried out an extensive study of many of the abuses, including domestic violence and breast-ironing, it wishes to highlight two of the abuses which several Cameroonian human rights defenders have expressed concern about. These abuses are Female Genital Mutilation (FGM) and sexual violence. Amnesty International recommends that the government should take immediate steps to protect women and girls from these and other abuses.

FEMALE GENITAL MUTILATION

Many girls in Cameroon are subjected to Female Genital Mutilation (FGM). The World Health Organization (WHO) defines FGM as "all procedures involving partial or total removal of the external female genitalia or injury to the female genital organs for non-medical reasons" and identifies four different types of FGM, ranging from the removal of the clitoris (Type I) to infibulation, the most severe form which involves the removal of the labia minora and the labia majora, and the narrowing of the vaginal orifice (Type III).

Whatever the motives behind it, FGM has been condemned by several United Nations agencies and human rights committees as an act of violence and a human rights violation. FGM has been recognized as a human rights problem for more than two decades. Many United Nations treaty monitoring bodies and other international human rights institutions have issued resolutions and statements calling for the eradication of FGM, and in 1990 the Committee on the Elimination of Discrimination Against Women issued a General Recommendation[92] calling for national governments to issue national plans of action to eliminate the practice. The Committee states, in part, that States parties should "take appropriate and effective measures with a view to eradicating the practice of female circumcision."[93] In December 2012 the Cameroonian government said in its submission to Amnesty international that "Government is developing a comprehensive strategy in this area built on prevention and punishment for the legal protection of women and girls." The government added that "Regarding punishment, the ongoing revision of the Penal Code will allow, where necessary, the taking into account of some relevant concerns expressed by Amnesty International."

Amnesty International has in the past expressed concern about this violation of the rights of women and girls. The organization has repeatedly urged the government to abolish the practice, including by instituting the requisite legislation.

Cameroonian authorities appear to minimise the gravity of the harm caused by FGM to women and girls. The Minister of Justice told Amnesty International that FGM in Cameroon only consists of slicing off a section of the clitoris and was not as dramatic as in West Africa.

However, senior officials at the Ministry of Justice said that they were in the process of revising the Cameroonian Penal Code and FGM was expected to be abolished and made a criminal offence in a future Penal Code.

While this reform process is underway, Amnesty International recommends that the Cameroonian should urgently enact emergency legislation to abolish and criminalise FGM. In its submission to Amnesty International in December 2012, the Ministry of Justice said that "Legal reforms suggested by Amnesty International in view of better protecting women's rights will be examined by the Government." The organization welcomes this commitment and urges the government to proceed expeditiously to implement its recommendations.

RAPE AND OTHER FORMS OF SEXUAL VIOLENCE

Amnesty International is seriously concerned about inadequate legislation for the prevention and punishment of rape. The Cameroonian Penal Code penalises acts of rape of women, but Sections 73 and 297 of the Cameroonian Penal Code exonerates perpetrators who marry their victims after the rape as long as the victim has attained puberty and has freely consented to the marriage. Section 297 states:

> "Marriage freely consented between the offender and the victim if over puberty at the time of commission shall have on any offence under either of the two last foregoing sections the effect of section 73(1) to (4) of this Code."

Section 73(1) states: "(1) Without prejudice to any civil right, an amnesty shall expunge a conviction and shall put and end to the enforcement of all penalties, whether principal or accessory, and of all preventive measures pronounced in consequence of the conviction, save confinement in a health institution and closure of an establishment."

The Committee on the Elimination of Discrimination Against Women has clarified that violence against women and girls is a kind of discrimination, prohibited by international law, and that there can be no discrimination against women based on marital status. Article 1 of the Convention on the Elimination of All Forms of Discrimination against women states:

"..."discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."[94]

Amnesty International is further concerned that, in practice, a rape victim is likely to come under pressure from family members and others in the community to agree to marriage with their rapist to avoid the stigma attached to sex outside marriage.

Amnesty International recommends that the government urgently repeals Sections 73 and 297 of the Penal Code and eliminates the provision which legalises impunity for a perpetrator of rape and entrenches the violation of the rights of his victim.

In its December 2012 submission to Amnesty International, the Ministry of Justice said: "Government has developed a national strategy to fight against sexual violence ..." The

government said that the strategy included "prevention; legal assistance and psycho-social care of victims; research; and fight against specific violence." The government added that "Government is raising the awareness of the national community on breast ironing." Amnesty International welcomes these initiatives and urges the government to ensure that they make a noticeable impact in reducing and eventually eliminating the scourge of FGM and other forms of violence against women.

7. POSSIBLE PRISONERS OF CONSCIENCE

During meetings with Amnesty International in August 2010, government officials repeatedly insisted that there was no one imprisoned for political reasons in Cameroon. However, during its research, Amnesty International came across numerous cases according to which the criminal justice system may have been used to prosecute and convict opponents of the government. Some of those convicted and/or their lawyers claimed that the judiciary routinely acted on explicit orders or expectations of the government. Some of the prisoners had been found guilty of corruption while others had been convicted of violent offences.

FORMER GOVERNMENT OFFICIALS ACCUSED OF CORRUPTION

Several dozen former government ministers[95], senior civil servants and heads of government-owned companies have been arrested, detained and brought to trial in courts of law on charges relating to corruption. Some of those found guilty of corruption have been sentenced to as many as 50 years' imprisonment, while several have been sentenced to life imprisonment.

During its visit to Cameroon in August 2010, Amnesty International met and interviewed more than 10 former government ministers and other officials convicted of or awaiting trial on charges related to corruption. Almost invariably, this category of prisoners – both in Yaoundé and Douala – protested their innocence. Virtually all of them blamed their imprisonment on jealousies of their former colleagues or victimization by those close to President Paul Biya.

During talks with government ministers, Amnesty International expressed concern that some of the detainees accused of corruption had already been in prison for several years without trial. According to article 9(3) and 14(3)(c) of the ICCPR, defendants must be afforded fair trials within a reasonable time. With regard to persons in pre-trial detention, article 9(3) of the ICCPR underlines that if they are not entitled to trial within a reasonable time, they shall be released pending trial. In addition, article 9(3) of the ICCPR recalls that "[i]t shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement". Article 7(1)(d) of the African Charter on Human and Peoples' Rights also guarantees the right of every individual to be tried within a reasonable time by an impartial court or tribunal.

In the political capital, Yaoundé, most of the former government officials were being held at Kondengui central prison while others were being held at the *Secrétariat d'Etat à la défense* (SED). At the SED - which also serves as the headquarters of the Gendarmerie - Amnesty International noted with concern a harsher detention regime for two prisoners. One of them is **Titus Edzoa**, a former professor of surgery and President Paul Biya's personal doctor. He also served as government minister and Secretary General at the Presidency. The other is **Thierry Michel Atangana**, a former director general of a government construction company.

Government ministers allowed Amnesty International to interview the two prisoners in private. The representatives also talked to their lawyers. The two prisoners had been singled out for harsher treatment, compared to other prisoners held at the SED or at Kondengui and New Bell, although they were at the time close to completing the prison term imposed on them by a court in 1997.

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Figure 9 Thierry Michel Atangana

According to Titus Edzoa, he got disillusioned with the government and on 20 April 1997 resigned his position as Minister of Health in order to stand as presidential candidate for the October 1997 general elections. Two days later, his passport was confiscated and he was shortly afterwards placed under house arrest by members of the security forces. Edzoa had reportedly announced that Thierry Michel Atangana was his campaign manager. Atangana has repeatedly denied that he was ever recruited or accepted to be Edzoa's campaign manager. On 12 May 1997, Atangana was arrested and detained.

On 3 July 1997, heavily armed members of the security forces in armoured vehicles arrested Edzoa without a warrant. They transferred him to Kondengui prison where he was held for 19 days. On 22 July, a special unit of the gendarmerie informed him that he was to be transferred to the SED for further investigations. He was transferred to the SED in the middle of the night and placed in a small cell. On 27 July he was transferred to a larger but poorly ventilated cell which he has occupied since then. For two-and-a-half years, he was allowed out of his cell for only one hour a day. Edzoa told Amnesty International that when he was

first moved into the cell, which he has occupied for nearly 15 years, it was humid and very poorly lit. Using his personal money, he had a fan, lighting, a table and a chair installed. When Amnesty International visited him, the organization was concerned that he lived in perpetual isolation in a cell with three heavy metal doors. He told Amnesty International that when he was in the cell, the two outer doors were always locked. Edzoa had over the years

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Figure 10 Titus Edzoa in his cell

suffered several bouts of poor health which he believed had been exacerbated by his detention conditions and advancing age. He was 65 years old in 2010.

Atangana, a 49-year-old French national of Cameroonian origin, told Amnesty International that he was arrested by about 100 heavily armed gendarmes. After 19 days at the judicial police, he was transferred to Kondengui prison. He requested but was denied consular visits as a French national. Several days after visiting Atangana, Amnesty International expressed concern to the authorities about Atangana's detention conditions, including denying him consular visits. The Minister of Justice told Amnesty International that he had not been aware that Atangana had been denied consular visits. Amnesty International subsequently learned that a French diplomat had been allowed to visit him. Like Edzoa, Atangana lives in virtual isolation with virtually no contact with any other prisoners held at the SED.

Days before the 11 October 1997 elections, Atangana and Edzoa were taken to the Supreme Court in Yaoundé to rule on whether Edzoa's candidature was valid. The court ruled that his candidature was invalid on the grounds that he lacked a birth certificate. On the evening of the same day, they were transferred to the High Court in Yaoundé to be tried on charges of corruption. Their defence lawyers protested to the court and requested an adjournment to give them time to prepare Edzoa's defence. The court and the prosecution rejected the defence lawyers' objections. The defence lawyers withdrew from the court in protest but the trial continued through the night till the early hours of 3 October 1997. The High Court found Edzoa and Atangana guilty of corruption and while the prosecution had asked the death penalty, sentenced them to 15 years' imprisonment. They appealed against their conviction and sentence, which were confirmed by the Court of Appeal in 1999.

As the two men approached the end of their 15-year prison term, the authorities instituted in 2009 new charges of corruption. The two prisoners and their lawyers believe that the new charges are politically motivated and intended to keep them in prison indefinitely, in part because Edzoa refused to renounce his intention to resume politics as an opponent of President Paul Biya. On 18 July 2012 when the verdict was expected by the defendants and their lawyers, the court's president announced that their trial would have to start afresh on 30 July 2012. The president announced that one of the three judges who had been presiding over the trial had been transferred to a new post and as a result a new team would be constituted to preside over a new trial. On 30 July, it was announced that a second member of the team of judges presiding over the trial had been removed. Two new judges were appointed and deliberations resumed. Edzoa and Atangana were on 4 October 2012 convicted and sentenced to 20 years' imprisonment. Having already served 15 years' imprisonment after their initial sentence in 1997, they were expected to stay in prison for five years.

Amnesty International delegates visiting Cameroon in December 2012 met both Edzoa and Atangana at the SED. While thanking Amnesty International for not forgetting them, the two prisoners separately reiterated their concern that they had twice been victims of unfair and politically motivated trials. They expressed their hope that a truly independent and impartial court would eventually acquit them and order their release. They were, however, sceptical that there would be a judge with sufficient courage and professional rectitude to order their

release or whether the government would agree to implement such a judicial decision. Even after they had served the additional five years, the two prisoners faced, according to Section 564 of the Criminal Procedure Code, a prospect of remaining in prison for as many as five additional years on the grounds that they had not paid fines and legal fees imposed by the trial courts..

The protracted prosecution of Edzoa and Atangana appears to be motivated by their real or perceived opposition to the government and, as such, the two men would appear to be prisoners of conscience. Amnesty International believes that these cases illustrate how judicial processes may be abused to silence individuals for their real or perceived opposition to the government. Representatives of foreign governments which had previously supported prosecution of government and other officials suspected of corruption told Amnesty International that many now believed that trials for corruption were largely being used to settle political scores and less to fight corruption. Amnesty International calls for an urgent review by an independent and impartial judicial body into the legality and fairness with which Edzoa and Atangana were prosecuted and tried, including the timing and appropriateness of the removal of judges while the second trial was taking place. Each one of the two prisoners should be represented at the review by legal counsel of his choice and granted provisional release while awaiting the deliberations and decision of the judicial body. If the judicial body concludes that they did not commit the offences they have been charged with, it should order the charges to be dropped and for them to be granted compensation for wrongful imprisonment.

PRISONERS PROSECUTED IN CONNECTION WITH THE FEBRUARY 2008 DISTURBANCES

In late February 2008, young people in many Cameroonian cities took part in demonstrations against the escalating cost of living and President Biya's intention to amend the Constitution and remove presidential term limits. Many of the demonstrations degenerated into disturbances, especially after the security forces used firearms and other lethal weapons to suppress the demonstrations.

Key among prominent leaders who were arrested in connection with the disturbances was **Paul Eric Kingué**, the then mayor of Ndjombe Penja in northern Littoral province. He was charged with inciting riots in his jurisdiction and the destruction of property belonging to a company growing bananas for export. Amnesty International has interviewed or received testimonies from more than a dozen Cameroonian lawyers and members of the civil society. They all concur that Kingué did not instigate or participate in the February 2008 disturbances. They believe that Kingué had been targeted because he denounced human rights violations committed by members of the security forces during the disturbances and for demanding that the companies exporting bananas pay taxes that he claimed they had evaded for many years, with the complicity of senior government officials.

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Figure 11 Paul Eric Kingué

Amnesty International met and interviewed Kingué in private inside New Bell prison where he was still being held by the end of 2012. He told Amnesty International that when the disturbances began in February 2008, he and other local leaders attempted to call on local youths not to use violence during demonstrations. However, the youths responded that they would not renounce violence as long as members of the security forces used excessive and lethal force against demonstrators. They told Kingué that they would end their protests if he publicly informed the authorities that the security forces had used violence against peaceful demonstrators and other people who had not taken part in the demonstrations. In response, Kingué told a local television station, Canal 2, that members of the security forces had been responsible for human rights violations, including extrajudicial executions. Shortly afterwards, members of the security forces surrounded Kingué's home. During the 1pm news bulletin, the government announced that Kingué had been suspended from his position as mayor of Ndjombe Penja. He told Amnesty International that one hour later, some 300 members of the security forces entered his compound, arrested and took him to Nkongsamba where he was interrogated by judicial police about his claims that members of the security forces had killed civilians.

At Nkongsamba, Kingué spent 21 days without beddings and sleeping naked on a bare floor. He was also denied visits by members of his family. During interrogation, the local prosecutor first accused Kingué of inciting strikes, then accused him of participating in looting, and then complicity to riot. While these interrogations were going on and as Kingué demanded

that the prosecutor produced evidence of his culpability, an official entered the prosecutor's office with a dossier purporting that Kingué had embezzled 1.4 million CFA Francs. He was held for a further three months without trial. During that period, 32 youths accused of participating in the disturbances and held with Kingué told him that the authorities had told them to claim in court that he had ordered them to riot. Kingué claimed that the youths told him that they had refused to implicate him. In June 2008, a detainee told Kingué that he had been offered and refused to take 5 million CFA francs to testify against Kingué. Kingué told Amnesty International that another man who had said that he would testify in his defence was shot dead by a policeman the same month.

During his trial, local government and security officials told court that Kingué was not among people they knew to have participated in the riots. In October 2008, Kingué was found guilty of inciting riots and was sentenced to six years' imprisonment. In August 2011 the court of appeal reduced the sentence to 3 years' imprisonment[96]. Although Kingué had already served the three year prison term, he was kept in detention because he was still serving a 10-year prison term imposed on him in January 2011 on charges of embezzlement.

While Kingué served his sentence the authorities accused him of seeking to use witchcraft to prevent his prosecution for corruption. In February 2010, Kingué's sister who came to visit him in custody was arrested and accused of consulting a witchdoctor to influence the case against him. Kingué told Amnesty International that the alleged witchdoctor his sister was supposed to have consulted denied ever meeting Kingué or his sister. The authorities dropped the accusations of witchcraft.

Lawyers and human rights defenders in Cameroon that Amnesty International has been able to contact are unanimous that Kingué was not involved in the 2008 demonstrations and disturbances, and that the authorities have failed to adduce any evidence that he embezzled public funds. They are all unanimous that Kingué was victimised for having spoken out against human rights violations by the security forces, as well as for taking a stand against tax evasion by banana producing companies. Paul Kingué has regularly written to Cameroonian political leaders, including President Biya, informing them of his innocence and asking for their intervention to ensure that he gets a fair trial and is eventually released. In December 2012, Kingué told Amnesty International that he never received any response from any of the political leaders he wrote to.

On a development similar to that of Edzoa and Atangana, barely two months before he was due to complete his 3-year prison sentence for his alleged involvement in the 2008 disturbances, the Moungo High Court found Paul Eric Kingué guilty of embezzling 1.4 million CFA Francs and sentenced him to 10 years' imprisonment on 14 January 2011. Kingué and his lawyers appealed against the conviction and sentence, maintaining that he was innocent. The lawyers claimed that no witness or evidence was adduced before the court to prove that he ever committed the offence. While appeal hearings against the January 2011 judgment were making a slow progress at the court of appeal in Douala, new charges of embezzlement were lodged against him. He was accused of embezzling 10, 296,200 CFA francs allocated for the provision of potable water in Ndjombe-Penja. Kingué denied the new charges. On 29 February 2012, the Nkongsamba High Court found him guilty and sentenced him to life imprisonment. His lawyers lodged an appeal against the latest conviction.

Just over one month after he had been sentenced to life imprisonment, the court of appeal in Douala quashed the January 2011 conviction and annulled the 10-year prison term on 26 March 2012. The Court of Appeal accepted that the Nkongsamba High Court had erred in the trial that concluded on 29 February but maintained him in prison. The Court of Appeal decided to carry out a new trial on the same charges, found him guilty on 14 November 2012 and sentenced him to 10 years' imprisonment. Kingué once again appealed to the Cassation Court against his conviction and sentence by the Court of Appeal. The Cassation Court hearing had not started by the end of December 2012.

The Minister of Justice told Amnesty International delegates in December 2012 that life imprisonment for the offences Kingué was accused of appeared to be excessive. However, he blamed the harsh sentence on Kingué himself for not having cooperated with the court and respected the judge during his trial. He claimed that the sentence was likely to be revised to a less harsh prison term by the Court of Appeal. The Minister appeared to be unaware that the Court of Appeal had already in November 2012 reduced the life sentence to 10 years' imprisonment. In its submission to Amnesty International in December 2012, the Ministry of Justice did not comment on any of the concerns or recommendations relating to individual cases highlighted by Amnesty International in the memorandum submitted to the government in September 2012. The Ministry of Justice only stated that the trials of "political figures" were conducted in accordance with the Cameroonian Penal Code and Criminal Procedure Code, and they received visits by institutions such as the NCHRF and the International Committee of the Red Cross (ICRC), as well as by their lawyers and family.

The information that Amnesty International has received about the cases brought against Paul Eric Kingué has led the organization to conclude that he may be a prisoner of conscience solely imprisoned for exercising his right to freedom of expression. His prosecution and imprisonment appear to amount to abuse of the judicial process in order to silence a government critic. Amnesty International calls for an urgent review of Kingué's outstanding conviction and sentence by an independent and impartial judicial body. Kingué should be represented at the review by legal counsel of his choice and granted provisional release while awaiting the deliberations and decision of the judicial body. The judicial body should order the case against him to be quashed and be granted compensation if it concludes that he was wrongly convicted.

A WRITER IMPRISONED FOR ARMED ROBBERY

Dieudonné Enoh Meyomesse, an author of books critical of President Paul Biya and President of the Cameroon Writers Association who aspired to stand as a presidential candidate under a coalition known as *Front national uni*[97] in 2011 was arrested on 22 November 2011 at Yaoundé airport on his return from a business trip in Singapore. While he was away in Singapore, gendarmes broke into his house without a search warrant on 18 November and took documents, compact discs, flash drives, photographs and other personal property. When Amnesty International delegates met him in December 2012 at Kondengui prison, Meyomesse told them that he had travelled to Singapore to meet potential business partners there. His three co-accused, **Sanga Kanga**, **Benoit Ndi** and **Bernard Manda** were personal friends who had been involved in his political campaigns. Before travelling to Singapore, Meyomesse had asked them to travel to the Eastern region to gather information about

opportunities, including gold mining, for prospective Australian business partners he was going to meet in Singapore.

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Figure 12 Dieudonné Enoh Meyomesse

Several days after their arrest, gendarmes transferred Meyomesse and his friends in the middle of the night to Bertoua, the capital of Eastern region, where they were held incommunicado. Meyomesse told Amnesty International that while being held in Bertoua, he and his co-accused were deprived of food and water for several days at a time and made to sleep on bare floor in a dark cell infected with insects. A judicial interrogator put a gun on a table in the interrogation room and threatened to shoot them in the thigh if they did not admit to having been involved in plotting to overthrow the government and an armed robbery. Meyomesse and Ndi separately told Amnesty International that fearing for their lives, the detainees signed statements that they were not even allowed to read. Meyomesse said that during interrogation, a judicial official handed him a mobile telephone to call his business partners to send him 15 million Euros which he would in turn give to the investigators. He did not call the partners.

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Figure 13 Benoit Ndi

While Meyomesse's family was searching for his whereabouts, on 19 December 2012, *Le Jour* newspaper broke the news that he was being held in Bertoua. On 22 December, Meyomesse and his co-accused were presented to the press as armed robbers. The accusation of plotting to overthrow the government was not mentioned at the press conference. The detainees were subsequently transferred to Kondgengui prison. Their trial by the Yaoundé military tribunal started in July 2012 and in December the military tribunal found the four men guilty of armed robbery. During the trial, the alleged victims of the armed robbery were never presented or named in court but only identified by the military prosecutor as "Koreans". On 27 December, Enoh Meyomesse was sentenced to seven years imprisonment, Sanga Kanga was sentenced to nine years imprisonment, Benoit Ndi was sentenced to three years' imprisonment and Manda was sentenced to two years' imprisonment.

8. DEATH PENALTY

Although Cameroonian courts impose death sentences on defendants found guilty of violent crimes, including murder, there have been no judicial executions since 1987. Amnesty International has repeatedly welcomed the fact that nobody has been executed in Cameroon for what is now 25 years, and classifies the country as abolitionist in practice. However, the organization encourages the government to pronounce an official moratorium on executions, with a view to abolishing the death penalty, as called for by UN General Assembly resolution 67/176(2012), and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty. This would be in line with the increasing worldwide trend, including in Africa, to move away from the death penalty. Steps towards abolition of the death penalty have been recommended by the African Commission[98] and the UN General Assembly.[99]

The African Commission has also recommended that Cameroon take urgent steps to abolish the death penalty. At its 47th session held in May 2010, the African Commission expressed concern that:

> Cameroon still maintains the death penalty in its national laws and does not envisage abolishing it, despite the Resolutions adopted by the African Commission on moratorium and on the abolition of the death penalty.[100]

The Commission recommended that Cameroon:

> Take the required and urgent measures for the abolition of the death penalty in Cameroon by taking into account the international standards and the Resolutions of the African Commission on the abolition of the death penalty.[101]

More recently, in its 2011 annual report[102] published in November 2012, the NCHRF recommended that the government abolishes the death penalty.

According to the Ministry of Justice's submission to Amnesty International in December 2012, there were 102 prisoners on death row in January 2012 Among them, Amnesty International met **Jérome Youta**, held in Kondengui prison, who has been on death row for more than 10 years after a court found him guilty of murdering his father. He continues to protest his innocence and told Amnesty International that he was set up by professional enemies and the assassin of his father, a former army officer.

The government informed Amnesty International in March 2011 that 17 people had been sentenced to death during 2010. The authorities said that all the 17 had appealed against their sentences but gave no further information about death sentences imposed during 2011.

A presidential decree[103] issued on 3 November 2011 commuted some death penalty sentences to life imprisonment. This was the third such decree in as many years. Prisoners whose death sentences had previously been commuted to life imprisonment had their sentences commuted to 20 years' imprisonment. Prisoners who, subsequent to their being condemned to death, had had their life sentences commuted to shorter prison terms had

their sentences reduced by three years. Other prisoners originally sentenced to one or more years' imprisonment also had their sentences reduced by between eight months and three years. Prisoners serving prison terms of up to one year were granted a full pardon (*remise totale de peine*). However, the decree excluded those who had been convicted of murder (*assassinat*), aggravated robbery (*vol aggravé*) and some economic offences and torture. These being the main offences punishable by death under Cameroonian law, it remains unclear which offences those pardoned had been found guilty of. The decree also did not specify how many had their sentences commuted overall. It was unclear in December 2012 how many people were still on death row as a result of having been excluded from any pardon according to the terms of the presidential decrees, or because they were sentenced to death after 3 November 2011. Amnesty International is requesting the Cameroonian government to clarify who and how many of the beneficiaries of the presidential pardon were. It should also publicise on an annual basis comprehensive statistics on the death penalty and facts around the administration of justice in death penalty cases.

9. CONCLUSION

Amnesty International continues to have serious concerns about human rights violations in Cameroon. It is not always possible to confirm with a high degree of certainty that senior government officials are always aware of and/or order most or all the violations. However, what appears to be indisputable is that little and mostly nothing is done to bring the perpetrators to justice.

Having expressed their willingness to protect and promote human rights, the authorities must translate the expressed policies into action. Members of law enforcement forces must not get the impression, and less still the assurance, that the government does not care about or even supports the human rights violations they perpetrate. Human rights violations must become unacceptable in Cameroon and impunity must not be tolerated under any circumstances. The Cameroonian government must comply with its international obligations to prevent human rights violations in the first place, as well as to investigate possible human rights violations and to bring the alleged perpetrators to justice in fair trials and without recourse to the death penalty.

Amnesty International urges the Cameroonian authorities to study the concerns and recommendations contained in this report. The organization requests the authorities to respond to the allegations and, importantly, inform Amnesty International of any current and future measures the government is or will be undertaking to ensure that these human rights violations do not reoccur. Government and security officials must not be left in any doubt on where the government stands on human rights. The government must make it absolutely clear that human rights violations will not be tolerated and that no official can expect to enjoy impunity, regardless of the identity or affiliation of the alleged perpetrator or victim.

10. RECOMMENDATIONS

There is an urgent need for Cameroonian government action to build a culture of respect for human rights and an end to the impunity currently enjoyed by government officials and security forces. In order to achieve this goal, Amnesty International urges the Cameroonian authorities to engage in a dialogue with local and international human rights organizations and consider them as allies in the protection and promotion of human rights.

The Cameroonian government, through the Ministry of Justice and in conjunction with the Ministry of Defence and the Directorate for National Security, should:

(1) End impunity

- Demonstrate their total opposition to human rights violations. They should condemn human rights violations unreservedly whenever they occur. They should make clear to all members of the police, military and other security forces that carrying out human rights violations will never be tolerated;

- Implement the recommendations of the African Commission, the Human Rights Committee and the Committee against Torture;
- Establish prompt, independent and impartial investigations into allegations of unlawful killings, torture and other cruel, inhuman or degrading treatment or punishment, and other human rights violations;
- Ensure that all complaints and reports of human rights violations are promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. The methods and findings of such investigations should be made public. Officials suspected of ordering, carrying out or condoning human rights violations should be suspended from active duty during the investigation; Complainants, witnesses and others at risk should be protected from intimidation and reprisals;
- Ensure that those responsible for human rights violations must be brought to justice, whatever their official position, in fair trials without recourse to the death penalty. An order from a superior must never be accepted as a justification for human rights violations;
- Provide effective training to all law enforcement officials to ensure that they are aware of their human rights obligations. It should be made clear during the training of all officials that human rights violations will not be tolerated. Officials should be instructed that they have the right and duty to refuse to obey orders violating human rights;
- Take immediate steps to strengthen and improve the training in international human rights law provided to all members of the armed and security forces.
- Ensure that victims of human rights violations obtain effective reparation, including fair and adequate financial compensation and appropriate medical care and rehabilitation;
- Establish a fund to pay compensation to victims of human rights violations.

(2) Take immediate action to ensure the rights and safety of human rights defenders and journalists in Cameroon.

- Refrain from harassing, threatening and attacking human rights defenders and journalists;
- Work with a broad cross-section of human rights defenders and journalists to identify measures needed to provide them with adequate protection;
- Ensure that swift action is taken to investigate all threats or attacks against human rights defenders and journalists, leading to anyone responsible for such acts being brought to justice in trials that meet international fair trial standards and without recourse to the death penalty;
- Invite the UN Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and association to carry out a visit to Cameroon to advise the government on mechanisms required to protect the rights to freedom of expression, assembly, and association;
- Make a public commitment to refrain from any action or inaction that would silence peaceful dissent or violate the right to freedoms of expression, assembly and association of journalists, trade unionists and other civil society activists;
- Implement the recommendations by UN bodies and the African Commission, including with regard to the exercise of the rights to freedom of expression, association and peaceful assembly by human rights, civil society, political and other organizations;
- Refrain from using criminal law, and repeal any laws instituted, to silence dissent and/or views critical of government officials or policy;
- Respect and promote the right to freedom of expression, peaceful assembly and association, including by representatives of political parties, media and other civil society groups, as set out in international and regional human rights treaties to which Cameroon is party, particularly the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

(3) Respect and protect the rights of lesbian, gay, bisexual, transgender, and intersex individuals

- The Cameroonian authorities should repeal Section 347 of the Penal Code and other laws that criminalize same-sex sexual relations between consenting adults. The repeal should ensure that actual or imputed sexual orientation or gender identity or engagement in consensual same-sex sexual acts may under no circumstances be the basis for arrest, detention or prosecution;
- The authorities should take steps to uphold their obligations under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights to protect the rights of all individuals, regardless of their real or perceived sexual orientation or sexual identity;
- Apply appropriate sentences for human rights violations such as torture or cruel, inhuman, or degrading treatment or punishment, including the physical and sexual abuse of LGBTI individuals in police custody;
- Take all necessary legislative, administrative and other measures to prohibit and eliminate discriminatory treatment on the basis of sexual orientation at every stage of the administration of justice;

- Ensure that all allegations and reports of human rights violations based on sexual orientation or gender identity are promptly and impartially investigated, and those suspected of being perpetrators are brought to justice.

(4) Protect the safety and other human rights of detainees.

- Ensure that anyone arrested or detained is brought promptly before a judge or other officer authorized by law to exercise judicial power, and that policies and practices by detention centres and courts of law adhere to international standards, including the International Covenant on Civil and Political Rights, the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- Ensure that law enforcement and other officials suspected of having committed, instigated, consented, acquiesced or otherwise participated in human rights violations are brought to justice and removed from positions in which they might commit further violations;
- Ensure that officials of the procuracy carry out frequent visits of all detention centres to ensure that all people in detention are being lawfully detained, and that they have not been and are not being subjected to torture or other cruel, inhuman or degrading treatment or punishment; and that those who are unlawfully detained are released without delay;
- Allow visits to all places of detention by independent observers, including independent human rights defenders;
- Ensure that all suspects are either immediately charged with a recognizable criminal offence or released;
- Ensure that all detainees are immediately allowed access to legal counsel and receive proper and free medical assistance as well as visits by family, and are brought to trial within a reasonable time in proceedings that meet international fair trial standards without recourse to the death penalty or are released;
- Launch independent investigations into the cases of individuals who have died while in custody and bring to justice those suspected of being responsible;
- Extend invitations to the UN Working Group on Arbitrary Detention to carry out visits to Cameroon and advise the government on measures required to prevent arbitrary arrests and unlawful detentions.

(5) Protect the rights of women

The Cameroonian government should actively and urgently undertake measures to protect and promote the rights of women. In particular, the government should:

- Repeal Sections 73 and 297 of the Penal Code, and ensure the full investigation of all allegations of rape in or outside of marriage;
- Adopt all necessary measures to prevent forced marriage, including by requiring full, meaningful, and informed consent to marriage by both individuals before a marriage takes place;
- Institute a comprehensive public policy to eradicate the practice of female genital mutilation. State institutions and resources must be mobilized to promote the rights of women, including actively campaigning against FGM and making women and men in Cameroon aware of the dangers to the adverse physical and psychological effects of the practice to women and girls.

(6) Protect the rights of politicians in detention

The Cameroonian government should

- Ensure that all elements of fair trial are afforded to the defendants, including the right to be tried within a reasonable time by a competent, independent and impartial court; guarantee the presumption of innocence, including by ensuring that the burden of proof as to the guilt of the accused rests on the prosecution, and ensure the equality of arms between prosecution and defendants, including by ensuring adequate time and facilities to defendants for the preparation of their defence and for communication with counsel of their own choosing, as well as allowing them to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;
- Ensure that detainees are treated humanely in accordance with international and regional standards for the treatment of prisoners, such as the UN Standard Minimum Rules for the Treatment of Prisoners, with particular regard to medical treatment, family visits and communications, reading materials and writing materials for communications with families and legal representatives.

(7) Abolish the death penalty

Amnesty International opposes the death penalty in all circumstances as being the ultimate violation of the right to life established in international law. The organization welcomes Cameroon's continuing practice of not carrying out executions, but it urges the government to:

- Establish an official moratorium on the death penalty, for Cameroon to be in accordance with international and regional trends towards abolition of the death penalty;
- Implement a recommendation of the National Commission on Human Rights and Freedoms to abolish the death penalty;
- Commute without delay all death sentences to terms of imprisonment;
- Immediately remove from Cameroonian law any death penalty provisions which are in breach of international human rights law, such as those leading to convictions under mandatory death sentences;
- Provide adequate and effective legal representation, if necessary without charge, for all those accused of capital offences at both the trial and appellate stage, and in any clemency procedure;
- Give a re-trial to all those on death row convicted using evidence obtained under torture or other ill-treatment, with strict exclusion of such evidence, rigorous compliance with international fair trial standards, and without recourse to the death penalty;
- Provide an open clemency process with the right for the condemned to make representations with legal assistance in all cases involving the death penalty;
- Provide adequate and regular medical attention for prisoners on death row.
- Implement the recommendation of the African Commission and start the process towards the abolition of the death penalty.

ENDNOTES

[1] De quelques éléments de réponse aux allégations de violations des droits de l'homme contenues dans les rapports 2009 et 2010 d'Amnesty International

[2] Republic of Cameroon : Amnesty International's memorandum to the government (AI Index: AFR 17/001/2012), September 2012

[3] Written submissions of the Government of Cameroon related to the memorandum of Amnesty International

[4] Reports raising similar concerns as Amnesty International include the Rapport sur les violations des droits fondamentaux au Cameroun, published by the Ligue Camerounaise des droits humains, Une repression sanglante à huis clos (25-29 février 2008), published in February 2009 by the Observatoire national des droits de l'homme in collaboration with the Littoral (Cameroon) and French sections of Action des chrétiens pour l'abolition de la torture, the Rapport sur la situation des droits de l'homme: le recul continue, published by the Observatoire national des droits de l'homme in November 2011. and Emeutes de février 2008 : Suivi des recommendations, Vers une indifférence des pouvoirs publics… ?, published by ACAT-Littoral in February 2012.

[5] Human Rights Committee, Eightieth session, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, Adopted on 29 March 2004 (2187th meeting), CCPR/C/21/Rev.1/Add.13, paragraph 15.

[6] Ibid, paragraph 18

[7] Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972, Constitution of the Republic of Cameroon

[8] See Amnesty International's report entitled Cameroon: Impunity underpins persistent abuse (AI Index: AFR 17/001/2009), published on 29 January 2009. See also Endnote 2 above.

[9] Human Rights Committee Ninety-ninth session, Geneva, 12-30 July 2010 (CCPR/C/CMR/CO/4)

[10] Consideration of reports submitted by States parties under Article 19 of the Convention (CAT/C/CMR/CO/4)

[11] Commission nationale des Droits de l'homme et des libertés (CNDHL)

[12] The NCHRF was first created by Presidential Decree in November 1990 and became operational in February 1992. In July 2004, this decree was adopted by the Cameroonian National Assembly and promulgated by President Biya.

[13] Regiment du Genie militaire

[14] proviseur

[15] De quoi s'agît-il?

[16] Human Rights Committee, General Comment No.34, Article 19: Freedom of opinion and expression (CCPR/C/GC/34),

[17] Ibid, paragraph 2

[18] Ibid, paragraph 3

[19] Ibid, paragraph 13

[20] Ibid, paragraph 38

[21] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/20/17)

[22] Ibid, Summary

[23] Ibid, paragraph 84

[24] Ibid, paragraph 104

[25] Human Rights Committee, General Comment No. 34, Article 19: Freedom of opinion and expression (CCPR/C/GC/34), paragraph 39, states that "[s]tates parties must avoid imposing onerous licensing conditions and fees on the broadcast media, including on community and commercial stations. The criteria for the application of such conditions and licence fees should be reasonable and objective, clear, transparent, non-discriminatory and otherwise in compliance with the Covenant."

[26] The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provide, at para. 16, that "The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy."

[27] As above. "A failure by a State Party to investigate allegations of violations [of the Covenant rights] could in and of itself rise to a separate breach of the Covenant", Human Rights Committee, General Comment 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, para. 15.

[28] The two journalists, Marie Noëlle Guichi and Jean-François Channon, both of *Le Messager* newspaper, had been arrested on 3 June 2008 and charged with having "published the report of a judicial investigation that has not yet been tried" (avoir publié le rapport d'une enquête judiciaire non encore jugée).

[29] « co-action de détention sans autorisation d'un document confidentiel »

[30] « co-action de commentaires tendancieux »

[31] Secrétariat d'État à la Défense (SED)

[32] Concluding Observations and Recommendations on the Second Periodic Report of the Republic of Cameroon, adopted by the 47th Ordinary Session of the African Commission on Human and Peoples' Rights held from 12 to 26 May 2010. See link: http://www.crin.org/docs/ACHPR_Cameroon.pdf

[33] Ibid, paragraph 20

[34] Ibid, paragraph 21

[35] Ibid, paragraph 39

[36] Ibid, paragraph 40

[37] Syndicat national des journalistes du Cameroun (SNJC)

[38] In its December 2012 submission to Amnesty International, the Ministry of Justice stated that Adolarc Lamissia was remanded in prison custody for five days, and not at the Branch of the Directorate General for External Research as mentioned in the Memorandum, following an administrative order for remand by the Governor of Adamawa Region on 31 March 2011, for disturbing public order and social peace." Amnesty International's information was that the journalist was detained by military security and not by the Directorate General for External Research.

[39] African Commission on Human and Peoples' Rights, Concluding observations and Recommendations on the Second Periodic Report of the Republic of Cameroon, Adopted at the 47th Ordinary Session of the African Commission on Human and Peoples' Rights held from 12 to 26 May 2010, Banjul, The Gambia, paragraph 30

[40] Ibid, paragraph 52

[41] Centrale syndicale du secteur public au Cameroun (CSP)

[42] Syndicat national autonome de l'éducation et la formation (SNAEF)

[43] Fédération camérounaise des syndicates de l'éducation (FECASE)

[44] Syndicat national unitaire des instituteurs et professeurs des écoles normales (SNUIPEN)

[45] manifestation illégale

[46] Network of Human Rights Defenders in Central Africa

[47] Constitution constipée

[48] Réseau des défenseurs des droits humains en Afrique centrale (REDHAC)

[49] rébellion et atteinte à la sécurité intérieure de l'Etat

[50] The Banana Republic's Beauty: Chantal Biya, from the street to the palace

[51] Outrage à personalité

[52] Manifestion illégales

[53] Human Rights Committee, General Comment No. 34, Article 19: Freedom of opinion and expression (CCPR/C/GC/34), paragraph 47

[54] Ibid

[55] Human Rights Committee, General Comment No. 25, Article 25: The right to participate in public affairs, voting rights and the right to equal access to public service (CCPR/C/21/Rev.1/Add.7), paragraph 25

[56] Ibid, paragraph 26

[57] See Annexe 4 – Communication decided the 45th Ordinary Session, 266/2003 Kevin Mgwanga Gunme et al/Cameroon, EX.CL/529(XV)

[58] Surveillance territoriale (ST)

[59] Formerly British Southern Cameroons united with French Cameroon on 1 October 1961. For secessionist Anglophone Cameroonians, this date signifies Independence Day for the Anglophones.

[60] Groupement mobile d'intervention (GMI)

[61] Section 37 of the Cameroonian Criminal Procedure Code states: Any person arrested shall be given reasonable facilities in particular to be in contact with his family, obtain legal advice, make arrangements for his defence, consult a doctor and receive medical treatment and take necessary steps to obtain his release on bail.

[62] African Commission on Human and Peoples' Rights, Thirty-Ninth Ordinary Session, 11-25 May 2005, Banjul, The Gambia, Concluding Observations and Recommendations on the Period Report of the Republic of Cameroon, paragraph 14

[63] Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972, Constitution of the Republic of Cameroon

[64] Article 12 of the UDHR states: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

[65] Article 26 of the ICCPR states: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[66] Toonen v. Australia, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994), paragraph 8.

[67] Adolescents against AIDS

[68] « la désapprobation du gouvernement face au financement des associations qui violent la loi camerounaise »

[69] « Le peuple camerounais n'est pas prêt, ni disposé à aller dans ce sens du développement de ces pratiques (homosexuelles) sur son territoire ».

[70] Injures, diffamation, outrage à corps constitué et chantage

[71] *L'Effort camerounais*, Female Empowerment and Family Minister says Cameroon has not legalized abortion and homosexuality. See link: http://www.leffortcamerounais.com/2009/10/female-empowerment-and-family-minister-says-cameroon-has-not-legalised-abortion-and-homosexuality.html

[72] Ibid

[73] Ibid

[74] Ibid, African Church Frowns on Homosexuality. See link: http://www.leffortcamerounais.com/2012/06/african-church-frowns-on-homosexuality.html

[75] Rassemblement de la jeunesse camérounaise

[76] Human Rights Committee, Ninety-ninth session (Geneva, 12-30 July 2010), Consideration of reports submitted by States parties under article 40 of the Covenant (CCPR/C/CMR/CO/4)

[77] Committee against Torture, Forty-fourth session, Consideration of reports submitted by States parties under Article 19 of the Convention (CAT/C/CMR/CO/4), paragraph 15

[78] Ibid

[79] The Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment specifies at Principle 24 that "medical care and treatment shall be provided [to prisoners] whenever necessary [and that this] care and treatment shall be provided free of charge". See http://www2.ohchr.org/english/law/bodyprinciples.htm.

[80] Malawi African Association and Others v Mauritania, African Commission on Human and People's Rights, Comm. Nos. 54/91, 61/91, 98/93, 164/97 a 196/97 and 210/98, para. 122.

[81] C. Kuaban, J. Noeske, E.G. Amougou, S. Mbondi Mfondih, "Transmission of HIV in a Cameroonian prison: a prospective cohort study", paper presented at the XVII International AIDS Conference, July 18-23, Vienna, Austria. Abstract available at: http://pag.aids2010.org/Abstracts.aspx?SID=426&AID=13017. This study documented a small number of seroconversions in Douala Central Prison but not enough to allow for investigation of specific risk factors.

[82] The *Rapport National de Suivi de la Déclaration Politique sur le VIH/SIDA Cameroun*, 30 Mars 2012, does not contain data on the situation of prisoners. See: http://www.unaids.org/en/dataanalysis/monitoringcountryprogress/progressreports/2012countries/ce_CM_Narrative_Report.pdf.

[83] GTZ became German International Cooperation (GIZ) in January 2011

[84] J. Noeske, N. Ndi, S. Mbondi, "Controlling tuberculosis in prisons against confinement conditions: a lost case? Experience from Cameroon", *International Journal of Tuberculosis and Lung Disease* 15(2):223-7, 2011.

[85] UNAIDS. *HIV and Prisons in sub-Saharan Africa: Opportunities for Action*. Geneva, 2007. See: http://www.unodc.org/documents/hiv-aids/Africa%20HIV_Prison_Paper_Oct-23-07-en.pdf

[86] De la contrainte par corps

[87] Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

[88] *AFP*, Cameroun : trois prisonniers abattus lors d'une tentative d'évasion à Yaoundé, 02/01/2012

[89] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

[90] Human Rights Committee, Ninety-ninth session, Consideration of reports submitted by States parties under Article 40 of the Covenant (CCPR/C/CMR/CO/4), paragraph 21

[91] Ibid

[92] General Recommendation No. 14 (ninth session, 1990), http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm

[93] Committee on the Elimination of Discrimination against Women (ninth session, 1990), General Recommendation 14 (a)

[94] Convention on the Elimination of All Forms of Discrimination against Women, Adopted by the United Nations General Assembly on 18 December 1979, Article 1

[95] Among the most recent senior government officials to be arrested are former Prime Minister Ephraim Inoni and former Minister for Territorial Administration and Decentralization, Marafa Hamidou Yaya. They were arrested in April 212 in connection with alleged corruption in the 2004 purchase of a presidential plane. Other former government officials detained in connection with the alleged corrupt purchase of a defective plane include former government minister Jean-Michel Atangana Mebara, former ambassador to the USA Jerôme Mendouga, and former director general of the state-owned airline Yves Michel Fotso. Marafa and his co-defendants were on 22 September 2012 found guilty of corruption and sentenced to 25 years' imprisonment.

[96] While visiting New Bell prison in December 2012, Amnesty International met and interviewed Pierre Essobo Adjama, the only person known to be still serving a prison sentence for involvement in the February 2008 disturbances. He was, in January 2009, found guilty of looting and sentenced to 10 years' imprisonment. He was not represented by a lawyer at his trial and an appeal he wrote himself was rejected by the Court of Appeal because it was deemed to be defective. He did not understand why he was given a harsher sentence and why he did not benefit from a presidential pardon granted to virtually all other people sentenced in connection with the disturbances. He has appealed to the Ministry of Justice to transfer him to prison in his home area of Penja (where Paul Eric Kingué was mayor) but to no avail. He told Amnesty International that his only relative, a sister, was finding it too expensive to visit him regularly.

[97] United NationalFront

[98] African Commission's Resolution 136 (XXXXIIII)08, Adopted at the 44th Ordinary session in Abuja, Nigeria, on 24 November 2008

[99] United General Assembly resolution 62/149, adopted pn 18 December 2007

[100] African Commission on Human and Peoples' Rights, 47th session, May 2010, paragraph 25

[101] Ibid, paragraph 46

[102] Report on the situation of human rights in Cameroon in 2011

[103] Décret numéro 2011/361 du 3 novembre 2011 portant commutation et remise des peines

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