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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by Lawyers' Rights Watch Canada, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 August 2019]


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\* Issued as received, in the language(s) of submission only.

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## Human Rights catastrophe in Cameroon

### Introduction

Cameroon's English-speaking (Anglophone) population is experiencing a human rights catastrophe in the South West and North West regions that are home to most Anglophone Cameroonians. This statement summarizes a recent report of evidence-based research on the period from October 2016 to May 2019,<sup>1</sup> entitled *Cameroon's Unfolding Catastrophe: Evidence of Human Rights Violations and Crimes against Humanity* ("Report") by the Centre for Human Rights and Democracy in Africa and the Raoul Wallenberg Centre for Human Rights, which organizations endorse this statement.

The Report documents grave human rights violations and crimes against humanity in Cameroon ongoing since October 2016 and demonstrates the need for urgent action by the Human Rights Council (Council) to halt atrocities, save lives, and ensure remedies in accordance with international human rights law. The Report adds to documentation by the African Commission on Human and Peoples' Rights (ACHPR),<sup>2</sup> UN treaty bodies,<sup>3</sup> the UN High Commissioner on Human Rights (UNHCHR),<sup>4</sup> Special Procedures,<sup>5</sup> and NGOs. In 2017, the UN Human Rights Committee expressed concern about extrajudicial killings, excessive and unlawful use of force by authorities, torture, reprisals against human rights defenders, and violations of rights to freedoms of expression and assembly.<sup>6</sup> Urgently needed is an independent international investigation of violations against civilian populations by government and non-state actors, including violations that may amount to crimes against humanity.

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- <sup>1</sup> Yonah Diamond, David Grossman, Pearl Eliadis, Felix Nkongho, and Antoine Beauchemin, *Cameroon's Unfolding Catastrophe: Evidence of Human Rights Violations and Crimes against Humanity in the Anglophone Regions of Cameroon*, CHRDA and RWCHR, 3 June 2019 ("Report"), <https://www.raoulwallenbergcentre.org/newsfeed/2019/6/4/release-of-landmark-report-on-unfolding-catastrophe-in-cameroon>
  - <sup>2</sup> ACHPR, Resolution on the Human Rights Situation in the Republic of Cameroon, ACHPR/Res. 395 (LXII), 62nd Ordinary Session, May 2018, [http://www.achpr.org/sessions/62nd\\_os/resolutions/395/](http://www.achpr.org/sessions/62nd_os/resolutions/395/)
  - <sup>3</sup> Human Rights Committee, Concluding observations on the fifth periodic report of Cameroon, CCPR/C/CMR/CO/5, 30 November 2017, para. 41, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CMR/CO/5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CMR/CO/5&Lang=En); Committee Against Torture, Concluding observations on the fifth periodic report of Cameroon, CAT/C/CMR/CO/5, 18 December 2017, para. 19, 20, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/CMR/CO/5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/CMR/CO/5&Lang=En); Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, E/C.12/CMR/CO/4, 25 March 2019, para. 4, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/CMR/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/CMR/CO/4&Lang=En).
  - <sup>4</sup> OHCHR, UN Human Rights Chief deeply alarmed by reports of serious rights breaches in Cameroon, 25 July 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23404&LangID=E>; OHCHR, Bachelet welcomes Cameroon's willingness to cooperate to tackle human rights crises, 6 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24565&LangID=E>
  - <sup>5</sup> E.g. joint press releases of Special Procedures on 11 December 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24008&LangID=E>; 17 November 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22409&LangID=E>; and 21 December 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21054&LangID=E>.
  - <sup>6</sup> *Supra* note 3.

## Overview of violations

Anglophones in Cameroon are targeted for persecution, including discriminatory denial of freedoms of expression, association, and peaceful assembly; arbitrary detention; attacks; sexual violence; and destruction of villages.<sup>7</sup>

Reports of the violence in the Anglophone South West and North West regions of Cameroon include documentation of a campaign of excessive use of force by security forces and soldiers, including murders of people in their homes, and escalating attacks on villages that are pillaged and burned by State defense forces.<sup>8</sup> Non-state actors, including separatist militias and criminal gangs, also engage in violations.<sup>9</sup>

Government officials and armed insurgency groups have reportedly perpetrated multiple instances of sexual assault, torture, and public humiliation of women and girls throughout Anglophone areas.<sup>10</sup>

Cameroon has failed to undertake effective investigations to identify and hold perpetrators accountable.<sup>11</sup>

Approximately half a million civilians have been forcibly displaced. Many internally displaced persons have relocated to remote bush areas with inadequate access to food, potable water, clothing, basic hygiene, or medical assistance for resulting diseases, including dysentery and malaria.<sup>12</sup>

Bands of armed civilians, now in structured defense or insurgent groups, are asserting control of parts of Anglophone territories. These groups routinely engage in targeted violence, including kidnappings for ransom and attacks on traditional chiefs. Attacks on teachers, children and youth have resulted in deaths and burning of numerous schools.

Since 2017, Cameroon authorities have conducted targeted arrests of Anglophone activists and their supporters. Many of these civilians have been subjected to lengthy arbitrary detention; vague or overbroad charges; denial of access to counsel; unfair trials; and sentencing by military tribunals.<sup>13</sup>

The Report documents mass arrests of Anglophone civilians who are subjected to arbitrary detention without access to counsel. Many remain in detention.<sup>14</sup>

The ACHPR has expressed serious concerns about the deterioration of human rights in Cameroon, urging independent investigations to identify perpetrators and bring them to justice, and calling on all parties to engage in dialogue towards saving lives and restoring peace and security.<sup>15</sup> Calls to the government for dialogue have been ineffective.<sup>16</sup>

## Cameroon's international human rights law obligations

Cameroon is party to several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture.<sup>17</sup> ICCPR Article 2 requires Cameroon to ensure remedies for rights violations. This obligation necessitates independent, impartial and effective investigations of all violations. Extrajudicial killings and enforced disappearances should be investigated in accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal,

<sup>7</sup> Report, pp. 56-57.

<sup>8</sup> Report, Annex VI.

<sup>9</sup> *Supra* note 3; and Report, pp. 7, 10-12, 16, 18, 34.

<sup>10</sup> Report, pp. 31-33.

<sup>11</sup> Report, pp. 13, 33.

<sup>12</sup> Report, pp. 27-29; see Figure 6 – Map of Levels of Damage Inflicted by Village.

<sup>13</sup> Report, pp. 29-31.

<sup>14</sup> Report, pp. 31-33.

<sup>15</sup> Report, pp. 37-38; Also, ACHPR Res. 395 (LXII), *supra* note 2.

<sup>16</sup> Report, pp. 10-11.

<sup>17</sup> The Report documents these at pp. 39-40.

Arbitrary and Summary Executions<sup>18</sup> and the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).<sup>19</sup>

### **National law obligations**

The Constitution of Cameroon gives international law precedence over national law and guarantees rights to:

- **Life:** This includes the duty to prevent offences against the person; ensure independent, impartial and effective investigations of all unlawful deprivations of life; and ensure accountability of perpetrators and compensation for victims' families.<sup>20</sup> Cameroon has failed to conduct effective investigations to identify and prosecute perpetrators of extrajudicial killings and enforced disappearances, investigate whether use of force was justified, or compensate families.
- **Freedom from arbitrary detention:** Cameroon has failed to guarantee fair trials or end practices of arbitrary arrest and detention.<sup>21</sup>
- **Fair trial by civilian courts:** Trials of civilians by military tribunals contravene the non-derogable right to a fair trial by a competent, independent, and impartial court guaranteed by the ICCPR and the African Charter on Human and Peoples' Rights (Banjul Charter). The ACHPR confirms that military tribunals lack authority to try civilians.<sup>22</sup>
- **Freedom from torture and ill-treatment:** Cameroon has failed to conduct the required investigations of the many serious allegations of torture and ill-treatment, including prolonged arbitrary detention.<sup>23</sup>
- **Gender equality and freedom from sexual violence:**<sup>24</sup> Cameroon has failed to protect women from gender-based violence during the ongoing conflict and failed to ensure effective investigations and remedies for sexual and physical assaults and other abuse against women and girls, including in Anglophone regions.<sup>25</sup>

### **Crimes against Humanity**

Reasonable grounds exist to believe that Cameroon authorities have committed the following crimes against humanity in the Anglophone regions:

- Murder, including excessive, lethal force against civilian populations;
- Deportation and forcible transfer of Anglophone populations, including displacement of some 500,000 people;
- Severe deprivation of physical liberty, including targeted and mass arbitrary arrests, detentions, transfers of Anglophone civilians to Francophone jurisdictions, and prosecutions by military tribunals without due process;

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<sup>18</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, 24 May 1989, <https://www.refworld.org/docid/>.

<sup>19</sup> OHCHR, The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), OHCHR, 2017, <https://www.ohchr.org/EN/Issues/Executions/Pages/RevisionoftheUNManualPreventionExtraLegalArbitrary.aspx>

<sup>20</sup> The Report documents the legal framework at pp. 41-44.

<sup>21</sup> Report, pp. 45 -46.

<sup>22</sup> Draft Principles Governing the Administration of Justice Through Military Tribunals, U.N. Doc.E/CN.4/2006/58 at 4 (2006), Report submitted by the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Emmanuel Decaux, to the UN Commission on Human Rights, 2006, para. 21, <http://www1.umn.edu/humanrts/instree/DecauxPrinciples.html>

<sup>23</sup> Report, pp. 47-51.

<sup>24</sup> Cameroon is among 122 countries endorsing the Declaration of Commitment to End Sexual Violence in Conflict.

<sup>25</sup> Report, pp. 50 -51.

- Widespread torture of persons in State custody;
- Widespread violence against women and girls; and
- Persecution of Anglophone individuals and groups.

### **Conclusions and recommendations**

In light of compelling documentation of ongoing human rights violations and crimes against humanity, LRWC asks the Council to urgently call on Cameroon to:

- End the violence in Cameroon and provide humanitarian assistance to those in need;
- Ensure effective and impartial investigations and remediation of all violations. As a Council member, comply with General Assembly Resolution 60/251 requirements to uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council, including immediate acceptance of all outstanding requests for country visits by Special Procedures.<sup>26</sup>

### **LRWC also urges the Council to:**

- Launch an independent international investigation of grave and widespread human rights violations by the government of Cameroon and non-state actors against civilian populations, including violations that may amount to crimes against humanity.
- Urge the Secretary General and the Security Council to ensure international and all-inclusive domestic dialogue towards peaceful resolution of the crisis.

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The Centre for Human Rights and Democracy in Africa (CHRDA), and the Raoul Wallenberg Centre for Human Rights NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>26</sup> See Special Procedures' requests:  
[https://spinternet.ohchr.org/\\_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=CMR](https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=CMR)