



# CAMEROON

## AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 16<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, MAY-JUNE 2013

### FOLLOW UP TO THE PREVIOUS REVIEW

During its first Universal Period Review in 2009, recommendations were made to Cameroon regarding freedom of expression, journalists and human rights defenders, violence against women and female genital mutilation (FGM), and lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. Progress on these issues has been negligible.

Despite supporting recommendations to adopt measures to ensure protections in line with international standards as regards respecting the freedom of expression of journalists and human rights defenders (HRDs)<sup>1</sup> Amnesty International is concerned that the authorities continue to show high levels of intolerance towards journalists and HRDs who are critical of the government and its policies. Journalists are often arrested and subjected to lengthy periods of detention without trial and ill-treatment while in detention.

Cameroon also supported several recommendations to adopt legislation prohibiting and combating female genital mutilation (FGM).<sup>2</sup> In 2010, senior officials at the Ministry of Justice told Amnesty International that they were in the process of revising the Penal Code and that FGM was expected to be abolished and made a criminal offence in a new penal code. However, as of October 2012, the Penal Code had not been revised. The authorities appear to minimize the gravity of the harm caused by FGM. 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.

Cameroon further accepted recommendations to take all efforts to eliminate all forms of violence against women and girls.<sup>3</sup> Progress in this regard has been minimal. Amnesty International is seriously concerned about inadequate domestic legislation for the prevention and punishment of rape. While the Penal Code penalizes acts of rape of women, Sections 73 and 297 exonerate perpetrators who subsequently marry their victims as long as the victim has attained puberty and has freely consented to the marriage.

Amnesty International regrets that Cameroon rejected all recommendations intended to ensure that the government adheres to its international human rights obligations towards lesbian, gay, bisexual, transgender, and intersex (LGBTI) people.<sup>4</sup> The Penal Code criminalizes same-sex sexual acts and the offence is punishable by up to five years' imprisonment and a fine of up to US\$ 350. This breaches Cameroon's international human rights obligations with regard to the rights to non-discrimination, privacy, liberty, and security of person.

### CURRENT HUMAN RIGHTS CONCERNS

#### **Impunity for serious human rights violations**

Over the years, human rights defenders and other observers have expressed concern that members of the security forces, including the police and gendarmerie, 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.<sup>5</sup>

More recently, in February 2011, 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 a head injury.

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

The authorities have often been intolerant of criticism of the government and/or its policies by journalists, members of opposition 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 them have also been subjected to beatings and other forms of ill-treatment by members of the security forces.

In February 2010, three journalists – Hervé Nko'o, Robert Mintya and Serge Sabouang – were arrested and detained by members of the security forces in Yaoundé for handling and attempting to publish articles based on allegedly forged documents implicating Laurent Esso, the then Secretary General to the Presidency, in corruption. A fourth journalist - Germain Cyrille Ngota – was arrested in March 2010.

In interviews with Amnesty International in August 2010, Mintya, editor of *Le Devoir* newspaper, and Sabouang, editor of *La Nation* newspaper, said that when they were first arrested in February 2010, they were interrogated and beaten by members of the external intelligence agency, *Direction générale des renseignements extérieurs* (DGRE), for more than 10 hours to force them to reveal how they had obtained the documents purporting to prove that Laurent Esso and other officials had been involved in corruption. Hervé Nko'o reportedly escaped from custody in March 2010 and his whereabouts were still unknown by October 2012.

Robert Mintya and Serge Sabouang were detained without trial for eight months and released, reportedly on the orders of President Biya, on 24 November 2010. The charges of forgery and use of forgery against them have not been dropped and by October 2012, the two journalists had not been brought to trial.

After being arrested on 5 March 2010, Germain Cyrille Ngota was first detained by members of the security services and reportedly subjected to ill-treatment, including beatings. He was then transferred to Kondengui prison where he was admitted for treatment at the prison's infirmary. Although his health deteriorated, Ngota was not referred to a hospital and he died on 21 April 2010.

### **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 freedom of expression. Some of them have been targeted because they criticized the government for alleged human rights violations. Some of them told Amnesty International that they had received telephone threats of violence, including death, by people they believed to be government agents.

In June 2011, Amnesty International learned that a government official had allegedly been involved in the killing of human rights defender, Gueimé Djimé, a member of *OS-Civil Droits de l'Homme*, a human rights group based in Kousséri, Extreme North province, on 10 June 2011. The group had received anonymous death threats relating to its opposition to the appointment of two local chiefs. The government arrested four men in connection with his murder; however, none have been brought to trial as of October 2012 nor have any government officials been investigated despite one of the suspects alleging that the gun had been given to him by a government official.

### **Prosecution of trade unionists**

Trade unionists have been arrested, detained and at times charged with criminal offences for exercising their rights to freedom of expression and association. 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.<sup>6</sup> They were charged with holding unlawful demonstrations, and

ordered to appear in court on 15 November 2012. Between November 2010 and November 2011, their trial was adjourned eight times and again on 16 January 2012. When the defendants appeared in court on 5 March 2012, the judge dismissed the case against them.

### **Persecution of members of the Southern Cameroons National Council (SCNC)**

The government has since the early 1990s used violence, arrests, detention and judicial harassment to stifle the right to freedom of expression, association and peaceful assembly of opposition groups. The SCNC claims that Anglophone Cameroonians are discriminated against and oppressed in favour of their Francophone compatriots and have been illegally forced into a federation with the rest of Cameroon. 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.

In April 2012, three members of the SCNC - Felix Ngalim, Ebeneza Akwanga and Makam Adamu - were arrested and charged with secession in connection with their membership of and activities relating to the SCNC. The offences are punishable by up to life imprisonment. In early May 2012, they were transferred to Kondengui prison in Yaoundé. The police beat Ngalim when he failed to reveal what they claimed were secessionist and other anti-government plans of the SCNC. On 28 May, Ngalim was returned to Bamenda where he was detained at the central prison. Between June and October 2012, Ngalim appeared several times in court, but each time the hearing was adjourned. He was still being held without trial at the end of October. Akwanga was reported to have escaped from Kondengui prison and fled Cameroon in May 2012.

### **Possible Prisoners of conscience**

During meetings with Amnesty International in August 2010, government officials repeatedly insisted that no one was imprisoned for political reasons in Cameroon. Amnesty International is concerned that some detainees had already been in prison for several years without trial, while others appeared to be prisoners of conscience.

Amnesty International has particularly been concerned about the imprisonment of Titus Edzoa, a former professor of surgery and President Paul Biya's personal doctor and government minister, Thierry Michel Atangana, a former director general of a government construction company, and former mayor Paul Eric Kingué. The three men appear to be prisoners of conscience imprisoned for their perceived or actual opposition to the government. Edzoa and Atangana were sentenced to 20 years' imprisonment in October 2012 when they were expected to complete the 15-year prison sentence imposed on them in 1997. Kingué – initially imprisoned in 1998 in connection with the February disturbances - is serving a life sentence imposed on him in February 2012, barely one month before his conviction and 10-year prison term were annulled by the court of appeal.

### **Prosecution of same sex relations**

Violence, arbitrary arrests and detention of men and women because of their real or perceived sexual orientation are commonplace in Cameroon and have been on the increase since the mid-2000s. Some have been beaten by members of the security forces and/or by ordinary members of the community largely motivated by homophobia.

Article 347 of the Penal Code criminalizes same-sex sexual acts and 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 violates rights enshrined in Cameroon's Constitution as well as its international human rights obligations.

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

The pervasive prejudice against LGBTI individuals creates an environment in which people believe that they can abuse LGBTI individuals with impunity. Political leaders not only condone human rights abuses against LGBTI individuals, but many celebrate them as way of opposing the "foreign imposition" of a "homosexual culture." Public prejudice against

LGBTI individuals is also fuelled by linking homosexuality to child abuse.

### **Poor prison conditions**

Amnesty International representatives were able to visit Cameroon's two largest prisons in Yaoundé and Douala in August 2010. The organisation witnessed deplorable conditions of detention in both prisons which amounted to cruel, inhuman and degrading treatment or punishment, including inadequate health services, severe overcrowding, poor food as well as cases of ill-treatment. In New Bell prison, the representatives came across five inmates who had their legs shackled. The shackles had been welded together and permanently fixed to their legs causing visible lacerations on the legs of the detainees.<sup>7</sup>

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 they did not have enough prosecutors to process cases and ensure that suspects were promptly brought to trial. As a result, 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.

### **The death penalty**

Although there have been no judicial executions since 1987, the courts continue to impose death sentences on defendants found guilty of violent crimes, including murder. According to the Ministry of Justice, there were 77 prisoners on death row in Cameroon in August 2010. Of these, at least 24 prisoners are held in Kondengui prison.

A presidential decree issued on 3 November 2011 commuted some death penalty sentences to life imprisonment.<sup>8</sup> However, the decree excluded those who had been convicted of murder, aggravated robbery and some economic offences.

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

### **Amnesty International calls on the government of Cameroon to:**

#### *Impunity for serious human rights violations*

- Establish prompt, independent and impartial investigations into allegations of excessive use of force killings, torture and ill-treatment, and other human rights violations, and to make the methods and findings of such investigations public;
- Ensure that those responsible for human rights violations are brought to justice, whatever their official position, in fair trials without recourse to the death penalty, and that officials suspected of ordering, carrying out or condoning human rights violations are suspended from active duty during the investigation;
- Provide effective training to all law enforcement officials to ensure that they are aware of their human rights obligations, including the right and duty to refuse to obey orders violating human rights.

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

- Immediately stop harassing, threatening and attacking human rights defenders, trade unionists and journalists and 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, and bringing to justice those responsible for such acts in trials that meet international fair trial standards and without recourse to the death penalty;
- 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;

#### *Prosecution of same sex relations*

- Repeal Section 347a of the Penal Code and other laws that criminalize same-sex sexual relations between consenting adults;
- 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.

#### *Poor prison conditions*

- 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 allow visits to all places of detention by independent observers, including independent human rights defenders.
- Ensure that all detainees are allowed immediate access to legal counsel and adequate and free medical assistance as well as visits by family;
- Launch independent investigations into any deaths in custody and bring those responsible to justice.

#### *Female genital mutilation*

- Institute a comprehensive public policy and laws to eradicate the practice of female genital mutilation;
- Mobilize state institutions and resources to promote the rights of women, including by actively campaigning against FGM and making women and men in Cameroon aware of the adverse physical and psychological effects of the practice to women and girls.

#### *Possible Prisoners of conscience*

- 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; to guarantee the presumption of innocence, including by ensuring that the burden of proof as to the guilt of the accused rests with the prosecution, and to ensure the equality of arms between prosecution and defendants, including by ensuring adequate time and facilities to prepare their defence and to communicate with counsel of their own choosing, 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;

#### *The death penalty*

- Establish an official moratorium on the death penalty and abolish the death penalty, in accordance with international and regional trends towards abolition of the death penalty;
- Immediately remove from national law any death penalty provisions, including convictions under mandatory death sentences;

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<sup>1</sup> Report of the WG on the UPR – Cameroon, A/HRC/11/21, Para 76.24 (Luxembourg), 76.25 (Israel), 76.26 (Chile)

<sup>2</sup> A/HRC/11/21, Para 76.15 (Germany, Slovenia, Brazil, Italy, Botswana),

<sup>3</sup> A/HRC/11/21, Para 76.17 (Mexico, Malaysia, Pakistan)

<sup>4</sup> A/HRC/11/21, Para 78; 22b (Canada), 28c (Luxembourg), 20 (Argentina), 25c (France), 29d (Czech Republic), 32c (Brazil), 46b (Mexico)

<sup>5</sup> See Amnesty International, *Impunity underpins persistent abuse* (AI Index: AFR 17/001/2009), 29 January 2009.

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<sup>6</sup> Those arrested included Jean-Marc Bikoko, president of the Affiliated Public Sector Trade Unions in Cameroon; its accountant, Eric Nla'a; Maurice Angelo Phouet Foe, secretary general of the National Autonomous Trade Union for Education and Training; Théodore Mbassi Ondo, executive secretary of the Cameroonian Federation of Education Trade Unions; Joseph Ze, secretary general of the Unitary National Trade Union of Teachers and Lecturers; as well as two of its members, Nkili Efoa and Claude Charles Felein.

<sup>7</sup> The 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."

<sup>8</sup> Décret numéro 2011/361 du 3 novembre 2011 portant commutation et remise des peines