

**UNIVERSAL PERIODIC REVIEW
CIVIL SOCIETY SUBMISSION**

**JOINT SUBMISSION OF MEMBERS OF THE SOUTHERN CAMEROONS
DIASPORA¹ IN THE UNITED STATES AND THE
SOUTHERN CAMEROONS PUBLIC AFFAIRS COMMITTEE**

Submission to the United Nations
Universal Periodic Review

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Joint submission of the Southern Cameroons Public Affairs Committee (“SCAPAC”), which, together with Southern Cameroonian members of the diaspora in the United States, work to promote the rights of the Anglophone minority group in La Republique du Cameroun through the use of advocacy and under the framework of international law. SCAPAC works to, among other things, hold Cameroon accountable for human rights violations committed against Anglophone minorities. SCAPAC was incorporated on 15 March 2017.

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I. INTRODUCTION

A. Executive Summary

1. This submission pertains to the third cycle universal periodic review of the La Republique du Cameroun/the Republic of Cameroon (“Cameroon”) before the Human Rights Council. It addresses the human rights violations perpetrated by Cameroon against the English-speaking minority group (“Anglophones”) in the North-West and South-West regions of the State. Anglophones constitute about 17% of the Cameroonian population.² This submission proposes, for the Working Group’s consideration and adoption, recommendations that Cameroon take concrete steps to safeguard the rights, dignity, liberty and security of the Anglophones and engage in dialogue with the minority group.

2. Recent events from fall 2016 to present in Cameroon show that the Government has violated international law through institutional discrimination, improper use of national security laws to limit the freedom of expression, and use of torture, arbitrary detention, cruel treatment, enforced disappearance, and extrajudicial killings. Cameroon imposed the use of only the French language in Anglophone schools and courts and applied excessive force against peaceful demonstrators who opposed these policies. As recently highlighted by the International Crisis Group, Cameroon sought to isolate the Anglophones through cutting internet access, presumably to prevent the spread of evidence of the human rights abuses taking place in Cameroon.³ Lastly, the report details the arbitrary detention, cruel and inhuman treatment, torture, and extrajudicial killings taking place in its detention centers, as recently investigated by Amnesty International.⁴

3. Notably, on 10 February 2017, the United Nations (“UN”) Special Rapporteur on Freedom of Expression, Mr. David Kaye of the United States (“U.S.”), called upon Cameroon to restore internet services and characterized the cut-off as “an appalling violation of the right to freedom of expression.”⁵ On 19 September 2017, U.S. Members of Congress, Niki Tsongas, Joseph P. Kennedy, III, James P. McGovern, and Stephen F. Lynch wrote to U.S. Secretary of State Rex Tillerson calling for de-escalation of the conflict. They asked the State Department to “encourage the Government of Cameroon to comply with its obligations under international law with respect to the treatment of civilians and engage the leaders of the Anglophone community in a constructive dialogue to ease tensions and rebuild trust based on the rule of law, equality, and respect for human rights.”⁶ In light of further militarization of the Anglophone regions by the Government and anticipated violence, on 28 September 2017, UN Secretary-General Antonio Guterres, “encouraged the Cameroon authorities to continue their efforts to address the grievances of the Anglophone community . . . to promote measure of national reconciliation aimed at finding a durable solution to the crisis, including the root causes.”⁷ Following the attacks by Government forces against unarmed civilians, on 2 October 2017, the UN Secretary-General issued a second statement, “condemning the acts of violence.”⁸ On 4 October 2017, the U.S. State Department denounced “the Government’s use of force to restrict free expression and peaceful assembly.”⁹ Minority Rights Group’s statement issued that same day condemned the violence by the Government and called for immediate impartial investigations.¹⁰

4. For ease of reference, the below chart sets out the violations of international law that have been committed by Cameroon against the Anglophone minority group:

Unlawful conduct	Violations
Institutional discrimination and exclusion of Anglophones from government positions	Articles 1, 2, 7 and 23 UDHR; Articles 2, 26 and 27 ICCPR; and Article 2(2) ICESCR
Imposition of the French civil law system in the historically common law Anglophone courts in Southern Cameroons	Articles 1, 2, 7 and 23 UDHR; Articles 2, 26 and 27 ICCPR; and Article 2(2) ICESCR
Imposition of the French education system in the Anglophone schools	Articles 1, 2, 7, 23 and 26 UDHR; Articles 2, 26 and 27 ICCPR; and Articles 2(2) and 13 ICESCR
Imposition of the French language as a requirement for public service appointments and work in the government	Articles 1, 2, 7, 21 and 23 UDHR; Articles 2, 25, 26 and 27 ICCPR; and Article 2(2) ICESCR
Use of anti-terror laws to oppress political opponents and the freedom of expression; Government-issued warnings to penalize free speech on social media; and internet shutdown in Anglophone regions	Articles 10 and 19 UDHR; and Article 19 ICCPR
Excessive use of force to suppress individuals protesting the Government's discriminatory policies	Articles 3, 5, 9 and 20 UDHR; Articles 6, 7, 9, 10, 21 and 22 ICCPR; and Articles 2, 10 and 16 CAT
Arbitrary arrests and detention (including incommunicado detention) of Anglophones	Articles 3 and 9 UDHR; and Articles 6 and 9 ICCPR
Failure to afford due legal process to Anglophones	Articles 8, 10 UDHR; Articles 2(3) and 14 ICCPR; Articles 12, 13 and 16 CAT; and Article 2 CEDAW
Torture and cruel, inhumane and degrading treatment of Anglophones	Articles 3, 5 and 9 UDHR; Articles 6, 7, 9 and 10 ICCPR; and Articles 2, 10 and 16 CAT
Extrajudicial killings of Anglophones	Article 3 UDHR; and Article 6 ICCPR

B. Scope of International Obligations

5. Cameroon is a party to the International Covenant on Civil and Political Rights (“ICCPR”), International Covenant on Economic and Social Rights (“ICESCR”), Convention on the Elimination of Racial Discrimination (“CERD”), Convention on the Elimination of Discrimination Against Women (“CEDAW”) and its Optional Protocol, and the Convention Against Torture

(“CAT”). It has signed but has not ratified the Optional Protocol to the CAT. Cameroon has signed and ratified the African Charter on Human and Peoples’ Rights. Cameroon is also obliged to give effect to the Universal Declaration of Human Rights (“UDHR”).

C. Factual Background on the Conflict and Recent Developments

6. The marginalization of the Anglophones, also known as Southern Cameroonians, by Cameroon has been an on-going issue since the abrupt dissolution of the federal structure of governance in May 1972 by President Ahmadou Babatoura Ahidjo.¹¹ This marginalization increased post-November 1982, with discriminatory measures introduced under President Paul Biya’s presidency. These included President Biya’s decisions in 1982 to change the official name of the country to La Republique du Cameroun (the name of the former Francophone territory) and to remove the second star from the official flag, which represented the Anglophones.¹²

7. The crisis intensified in the period following October 2016 when the Government responded to peaceful Anglophone protests against the discrimination with excessive force. On 11 October 2016, in Bamenda, Anglophone lawyers from the North-West and the South-West protested against Cameroon’s imposition of the civil law system and the appointment of Francophone magistrates Southern Cameroonians.¹³ On 8 November 2016, Anglophone lawyers and hundreds of civilians went on strike in Bamenda again, demanding the restoration of the common law system. The gendarmerie used violence to disperse the assembly and detained protestors.¹⁴

8. On 21 November 2016, Anglophone teachers went on strike, protesting the appointment of Francophone teachers with a poor knowledge of English and the Government’s neglect of and discrimination against the Anglophones in education. Police and military again used violence to disperse the protestors, and arrested at least 100 people following the protests.¹⁵

9. On 25 November 2016 in Bamenda, an *ad-hoc* inter-ministerial committee led by the Prime Minister (“Inter-ministerial Committee”) met with the Cameroon Anglophone Civil Society Consortium (“Consortium”) and other Anglophone leaders in Bamenda for the first session of negotiations. Between October 2016 and February 2017, about 150 Anglophone representatives were arrested, detained, or disappeared.¹⁶

10. A peaceful demonstration on 28 November 2016 by the University of Buea’s students was repressed by security forces with excessive force, coupled with arbitrary arrests and detention.¹⁷

11. Troubled by the negative outcome from the meetings and the arrest of participants, on 8 December 2016, in Bamenda, protestors disrupted a pro-government rally organized by the Cameroon People’s Democratic Movement. At least two protesters were killed, four police officers were injured,¹⁸ and approximately 50 persons were arrested. According to Amnesty, security forces launched tear-gas and fired live ammunition at protestors who threw stones. Forces also used tear-gas and water-cannons in various neighbourhoods in Bamenda to disperse protestors.¹⁹

12. In December 2016, Honorable Wirba Joseph, a Parliamentarian from the North-West highlighted the Anglophones’ plight in the National Assembly. Between December 2016 and January 2017, the Inter-ministerial Committee conducted several missions to Bamenda.²⁰ On 13

January 2017, riots broke out in Bamenda amidst news of police brutality. On 14 January 2017, the Consortium cancelled a meeting with the Inter-ministerial Committee, condemning the violence of the Government's security forces.²¹

13. On 16 January 2017, the Ministry of Posts and Telecommunications issued a statement warning social media users of criminal penalties if they “issue[ed] or spread information, including by way of electronic communications or information technology systems, without any evidence.”²² He added that the authorities have sent text messages directly to mobile phone subscribers, warning them of the penalties, including long jail terms for “spreading false news” on social media.

14. On 17 January 2017, the Government banned the Consortium, the Southern Cameroons National Council (“SCNC”) and arrested some of its leaders and other activists.²³ That same day, President Biya shut down the internet in the Anglophone regions to prevent the distribution by social media or otherwise of videos and photos of police brutality and the use of military forces against unarmed civilians.²⁴ On 20 January 2017, a communiqué from the National Communication Council threatened to suspend media suspected of promoting federalism and secession.²⁵ There were further violent incidents and riots in January and February 2017 in Bamenda and other towns such as Ndop.²⁶

15. On 10 February 2017, UN Special Rapporteur on Freedom of Expression, Mr. David Kaye of the U.S., called upon the Government to restore internet services and said, “a network shutdown of this scale violates international law – it not only suppresses public debate, but also deprives Cameroonians of access to essential services and basic resources.”²⁷

16. President Biya and his wife visited the Vatican on 23 March 2017.²⁸ During their meeting, the Pope requested that Cameroon pursue a path of peace and that the internet be restored in the Anglophone regions.²⁹ Shortly thereafter, on 12 April 2017, the internet was restored in the Anglophones regions, but even then the Minister of Posts and Telecommunications warned that the Government would continue to monitor internet activity.³⁰ Indeed, the Committee to Protect Journalists (“CJP”) has issued a report on the manipulation of anti-terrorism legislation by the Government to suppress the freedom of expression.³¹

17. On or about 21 June 2017, Fabian Fomuki, a U.S. citizen with Southern Cameroonian roots was abducted outside his hotel in Douala while on a business trip. At the time of this submission, his whereabouts are unknown. Prior to his disappearance, he was active on social media, reporting on the struggles of Anglophones.³²

18. Tensions continued because of the Government's increasing arbitrary detentions and the disappearance of Anglophones. On 27 July 2017, the Anglophone leaders' trial was adjourned for the fourth time.³³ That same day, Southern Cameroonian human rights activists met with the office of the UN Special Adviser on the Prevention of Genocide.³⁴ Days later, on 31 July 2017, a cable was transmitted from Yaoundé to the Permanent Representative of Cameroon to UN, informing that the Government would send a delegation to New York to meet with UN representatives.³⁵

19. Cameroon has frequently penalized individuals or organizations that have criticised or expressed contrary views from its own, abusing anti-terrorism legislation to suppress public and

private expression and political opposition.³⁶ For criticizing Cameroons' discriminatory policies in law and education, the Consortium's leaders, Nkongho Felix Agbor-Balla and Fontem Aforteka'a Neba, the journalist/activist Mancho Bibixy, and other civilians including journalists and lawyers involved in the October to December 2016 protests, were brought before a military court on false charges of terrorism, an offence which attracts the death penalty.³⁷

20. In August 2017, reports were received that 12 Anglophone activists held in a gendarmerie concentration camp, including Fabian Fomuki, Patrick Asah Ngangoh, Tabi Edward and George Mfor Tang, were physically tortured and severely beaten on 7 August 2017. The torture was inflicted due to a video, leaked out the day before, which exposed their torture and horrid detention conditions, including gross overcrowding, inadequate food and medical care, and poor sanitary conditions.³⁸ These individuals had earlier spoken out against the Government and advocated for the restoration of Southern Cameroonians' rights and independence.

21. It was only as late as 30 August 2017 that Cameroon ordered the termination of legal proceedings against the two leaders of the Consortium, and Lord Justice Ayah Paul Abine of the Supreme Court and a few others.³⁹ That same day, Cameroon banned an "opposition" English-language television channel.⁴⁰

22. Between 4-5 September 2017, in an attempt to force the resumption of Anglophone schools, a fresh round of extreme violence was committed by the security forces against the Anglophones in Bui County, North-West, leading to the deaths of two unarmed civilians.⁴¹

23. On 19 September 2017, U.S. Members of Congress, Niki Tsongas, Joseph P. Kennedy, III, James P. McGovern, and Stephen F. Lynch wrote to U.S. Secretary of State Rex Tillerson calling for the de-escalation of the conflict.⁴² Anglophone protesters detained since October 2016 have been held in concentration camps and brutalized. Amnesty International reported atrocities of physical and psychological torture, deaths, severe beatings, and other inhumane, cruel and degrading treatment being inflicted by the police, gendarmerie and other security forces.⁴³ Many of the detainees have not been allowed access to legal counsel or to communicate with their family. The detainees have been held in overcrowded rooms, in unsanitary conditions, and given insufficient food and water, no medical treatment, and no access to fresh air or sunlight. Some have also not been charged or given reasons for their detention despite being detained for months. Those charged have had their trial adjourned several times without good reason.⁴⁴ Despite the surfacing of such reports, and calls by human rights groups such as Amnesty International, the International Crisis Group, and Minority Rights Group⁴⁵ to investigate into these human rights abuses, Cameroon has failed to take any action to investigate or prosecute the perpetrators.

24. The conflict escalated on 21 September 2017, when the Government issued an Order mandating a 24-hour curfew in advance of President Biya's address before the UN General Assembly and in anticipation of demonstrations against his address.⁴⁶ Despite this order, on 22 September 2017, Southern Cameroonians human rights advocates took to the streets in Southern Cameroons, in New York outside the UN, and in South Africa, in opposition to President Biya's speech and refusal to acknowledge the Anglophone crisis.⁴⁷

25. That same day in cities across Southern Cameroons, Government forces detained, beat and killed civilians.⁴⁸ Raw video footages and photos of the incidents evidence the violence, including shooting unarmed Anglophones.⁴⁹ Although the total number of casualties is still being tabulated, Cameroon's main opposition leader, John Fru Ndi told BBC "he believed that at least 30 people had died in clashes."⁵⁰

26. As reported in the BBC, the next day, "The South-West region's governor, Bernard Okalia Bilai, has called protest organizers 'dogs', and has warned them that they will be met by troops if they take to the streets on Sunday..."⁵¹ In fact, an apparent official Government message dated 8 September 2017 indicated that the Government had planned and intended to use weapons to subdue the Anglophone demonstrations.⁵²

27. In light of further militarization of the Anglophone regions by the Government and anticipated violence in response to pro-independence rallies, on 28 September 2017, UN Secretary-General Antonio Guterres issued a statement. He "encouraged the Cameroon authorities to continue their efforts to address the grievances of the Anglophone community . . . to promote measure of national reconciliation aimed at finding a durable solution to the crisis, including the root causes."⁵³

28. On 30 September 2017, the Government shutdown internet access in Southern Cameroons in anticipation of the 1 October 2017 demonstrations and presumably to prevent the spread of information of the atrocities that the Government planned to commit.⁵⁴ Using a VPN application, civilians were able to transmit photos to Non-Governmental Organizations and members of the diaspora. The Government issued a 72-hour curfew order in advance to try to halt the 1 October 2017 demonstrations.⁵⁵ Nevertheless, it is reported that over 3-4 million Southern Cameroonians protested on 30 September and 1 October 2017 in towns across Southern Cameroons.

29. Security forces stormed major towns where demonstrations were taking place. Like the 22 September 2017 demonstrations opposing President Biya's UN General Assembly address, demonstrators were unarmed, carrying "peace plants" to oppose the discriminatory policies and in celebration of independence. Security forces beat, arrested, and killed civilians in the streets; they used tear gas on crowds, shot civilians from a distance and at point-blank range, and eventually used helicopters to indiscriminately shoot down citizens on the streets.⁵⁶ Even a Red Cross personnel was briefly detained and beaten by police.⁵⁷

30. Mr. Martin Fon Yembe, the Mayor of Ndu (an opposition member of the SDF Party in Ndonga Mantum Division, Northwest Region) was killed by security forces in his home in Ndu; an "avalanche" of tear gas was poured into his home and gunshots were heard.⁵⁸

31. It was reported that up to 70-75 civilians were killed between 30 September and 1 October 2017 and that as of the date of this submission, the death toll is rising. This includes a 12 year-old girl who was shot by security forces from a helicopter in Kumbo. Amnesty International has conservatively confirmed that at least 17 persons were killed, 50 wounded, and over 200 reported detained. Photos of the victims of brutality and shooting by Cameroon's security forces are enclosed.⁵⁹ There are also confirmed reports and photographs showing that many young men have

been shot in their knees and ankles to incapacitate them and prevent them from demonstrating against the Government.

32. After security forces entered the streets, indiscriminately shooting civilians from the ground and by helicopter in Buea, many people are hiding in their homes. Security forces have nonetheless broken into homes, arresting – and, in some cases – killing civilians. The violence is ongoing. It is reported that forces are blocking roads in towns in the Anglophone regions, cutting off food and water supplies. On 4 October 2017, UNSG Guterres issued a statement “strongly condemning recent violence in the south-west and north-west regions of Cameroon, including reported loss of life.”⁶⁰ That same day, the U.S. State Department and Minority Rights Group issued statements condemning the same.

II. HUMAN RIGHTS VIOLATIONS

A. Right to Equality and Non-Discrimination: *Articles 1, 2, 7 and 23 UDHR; Articles 2, 26 and 27 ICCPR; and Article 2(2) ICESCR*

33. The Anglophone minority has been denied the right to community, including the use of their own language in daily public life. Cameroon has enforced a policy of ongoing systematic discrimination of the Anglophones. This bias is observed across all sectors of public life, from public office to education and employment, and also impacts on access to justice. A CNN story of 15 December 2016 centered on the marginalization of the Anglophones for the past 50 years where Anglophones reported feeling like “second class citizens” and the “Francophonization” of Southern Cameroons. CNN featured the Anglophones’ concerns, and the November to December 2016 protests, which turned deadly with the security forces’ use of excessive force to disperse the crowds and the arbitrary arrests of peaceful protestors.⁶¹ See Section I-C, para. 6-8, 10-11, *supra*.

34. Discrimination has been institutionalized in the education and judiciary systems with the Government’s exclusion of the English language, as reported by the UN Secretary-General.⁶² Although the Constitution provides that all individuals have the right and obligation to work,⁶³ and the South-West has abundant natural resources, there is a low proportion of Anglophones in the decision-making posts in state oil companies such as the National Refining Company and the National Hydrocarbons Corporation.⁶⁴ Anglophones are also generally not well represented in the work force as many opportunities are available only in French. They are excluded from positions of power in the military, police, and the government by virtue of their linguistic background. As reported by CNN, in the history of Cameroon, “there has never been a Minister of Finance... a President... [or] a Supreme Court judge from Anglophone.”⁶⁵

35. The Government has de-prioritized development of Southern Cameroons even though the South-West is particularly rich in natural resources such as timber, oil, cocoa, rubber, and agricultural produce and is a major economic hub in Cameroon.⁶⁶ The main roads connecting the two Anglophone regions and to the towns and cities are in disrepair, and flooded during the rainy season. The poor maintenance and development of roads have affected trade of Southern Cameroons’ perishable agricultural produce within the country and with Nigeria, and have on occasions caused post-harvest losses as high as 70%.⁶⁷ Healthcare facilities have not improved and remained at a standstill as at 1972. With outdated equipment, and the absence of competent

doctors, many Anglophones do not receive proper healthcare and die from common medical diseases such as constipation and seasonal flu.⁶⁸

36. About 150 Anglophones who oppose the discriminatory measures have been specifically targeted by the Government, arbitrarily arrested and detained since the crisis began in the fall of 2016.⁶⁹ The detainees include Anglophone leaders and activists from the Consortium and the SCNC, journalists, teachers and lawyers involved in the October to December 2016 protests.⁷⁰ Additionally, Students have been beaten, taken from campus and detained.⁷¹

B. Right to Participate in Public Life: *Article 21 UDHR; and Article 25 ICCPR*

37. Cameroon has taken both direct and indirect measures to exclude Anglophones from participation in government and employment in the public service. There has not been a key Cabinet Minister, Chief-of-Defense or a Supreme Court judge appointed from the Anglophone community. Of about 40 ministerial positions with full portfolios available, only one is currently occupied by an Anglophone; Ngolle Philip Ngwese from the South-West is the Minister of Forestry and Wildlife. At present, there are no laws mandating proportionate representation from Southern Cameroons in government. The inequality in the political eco-system has become deeply entrenched over the decades. This began with the dissolution of federalism in May 1972 and continued with President Biya's post-November 1982 policy of "Francophonization" of the Anglophones. President Biya rarely makes any public statements in English, only using English for very short statements when he does.⁷² Most of the official documents, including those from the The majority of legislation and judicial proceedings are also in French.⁷³

38. Because French is required for public service appointments, particularly, for key positions in the government, Anglophones have been excluded. Most of the official recruitment exams, including the entrance exam for the police and special security forces, the Rapid Intervention Battalion ("BIR"), are in French, and poorly translated into English.⁷⁴

C. Right to freedom of opinion and expression and right to information: *Article 19 UDHR; Article 19 ICCPR*

39. As reported in the UN Secretary-General's report, from 17 January-20 April 2017 and on 30 September 2017, the Government shutdown the internet in Southern Cameroons, in violation of the right to free speech and access to information.⁷⁵ See Section I-C, paras. 14 and 28, *supra*.

40. The internet shutdown not only inhibited political exercise, but also substantially harmed small businesses and start-ups across Southern Cameroons. The adverse consequences of the shutdown were particularly pronounced in Buea, the South-West capital, where many start-ups have been launched.⁷⁶ Banking and financial transactions reliant on connectivity were disrupted. Anglophones reported that their livelihoods were affected, with people working in the internet sector being laid off, business opportunities lost, and people having to spend money on calling cards for communication. Some also travelled to the Francophone regions to get connectivity. DW News reported that the internet blackout cost Cameroon's economy nearly USD 3.2 million.⁷⁷

41. Political opponents have been arrested on false charges, without access to legal counsel or family members, tortured and abused by the police and military.⁷⁸ At his December 2016 speech in the National Assembly, Honorable Wirba Joseph revealed that the Government ordered his arrest as he repeatedly challenged its discriminatory policies and advocated for Anglophone rights. With the objective of suppressing peaceful and legitimate political debate, the Government banned the Consortium and the SCNC on 17 January 2017 and arrested the Consortium's leaders.⁷⁹

42. Journalists have also been subject to arrest, detention, physical attack and intimidation due to their reporting.⁸⁰ On 12 December 2016, France 24 reporter, Zigoto Tchaya, was detained by police in Bamenda after interviewing a prominent activist. He was later released. To silence the reporting of opposition material, Cameroon ordered the arrest and prosecution of a Radio France Internationale reporter Ahmed Abba, on false charges of collusion with the terrorist group, Boko Haram. He has been in incommunicado detention since 30 July 2015 and tortured in a detention facility. He was convicted on 20 April 2017 and sentenced to 10 years' imprisonment.⁸¹

43. On 28 August 2017, the Government banned the popular South Africa-based English television station, Southern Cameroons Broadcasting Corporation ("SCBC"), having failed to convince South Africa to stop broadcasts.⁸² SCBC aired programmes on the human rights abuses against Anglophones. The Government claimed that SCBC broadcasts "seditious and hateful programmes" and "is being used as a propaganda tool for an outlawed political movement." Cable television providers in Cameroon were threatened with sanctions if they do not cease SCBC's broadcasts. Prior to the ban, the Government deployed military forces to Southern Cameroons to arrest cable providers and viewers of SCBC's broadcasts.⁸³

D. Right of peaceful assembly: *Article 20 UDHR; Articles 21 and 22 ICCPR*

44. Although the law provides for freedom of assembly, the Government has restricted the exercise of this right.⁸⁴ While the protests in October-December 2016 and more recently in late September-October 2017 were peaceful, the Government applied force to dispel the unarmed civilians causing injuries and deaths. *See* Section I-C, paras. 8, 10-12, 14, 25, 28-32, *supra*.

E. Right to education: *Article 26 UDHR; and Article 13 ICESCR*

45. In the sphere of education, Anglophones have been marginalized. As early as 1994, the Government sought to assimilate the Anglophone education system.⁸⁵ *See* Section I-C, para. 8, *supra*. Not only did the Government ignore the Anglophones' peaceful pleas for reform, it responded with violent suppression.⁸⁶

F. Right to life, security and adequate protection: *Articles 3 and 9 UDHR; and Articles 6 and 9 ICCPR*

46. Individuals have been arbitrarily arrested and detained incommunicado for prolonged periods without charge or trial.⁸⁷ Reports of arbitrary arrests and detentions by the Government,⁸⁸ despite the Constitution providing for access to counsel and family members and prohibiting incommunicado detention.⁸⁹ *See* Section I-C, paras. 8-10, 17, 20, and 23, *supra*.

G. Prohibition against torture and other acts of cruel, inhuman or degrading treatment or punishment: *Article 5 UDHR; Articles 2, 10 and 16 CAT; Articles 7 and 10 ICCPR*

47. Although prohibited under the Constitution and the law, Cameroon's security forces, tortured, beat, and harassed citizens both inside and outside the detention facilities.⁹⁰ There are reports of government agents committing extrajudicial killings through excessive force in the execution of their official duties.⁹¹

48. In the National Assembly, an Anglophone Parliamentarian detailed how the gendarmerie and the police forcibly entered and abducted students on the University of Buea's campuses and beat them in December 2016.⁹² Amnesty International published a report detailing the activities of torture on the victims and the cruel, inhuman and degrading conditions of detention.⁹³ *See* Section I-C, paras. 20, 23 25, 29-32 *supra*. The victims were blindfolded chained or tied up in various painful stress positions and were beaten with various objects including wooden planks, sticks, iron bars, chains, belts, whips, electric cables among other hard objects.⁹⁴ The torture, interrogation and ill-treatment sometimes lasted for hours. The victims were also subjected to psychological cruelty and humiliation. Deaths during custody were not uncommon.⁹⁵ Numerous other videos showing the government agents torturing and beating civilians are enclosed.⁹⁶

H. Right to an effective remedy: *Articles 8, 10 UDHR; Articles 2(3) and 14 ICCPR; Articles 12, 13 and 16 CAT; Article 2 CEDAW*

49. Not satisfied with the exclusion of English in courts, in December 2015, Cameroon installed hundreds of civil law-trained judges in the Anglophone courts, forcibly imposing civil law upon the Anglophones' common law judicial system. Without judges skilled in the common law and with the exclusion of their native tongue, Anglophones have been deprived of access to justice and an effective judicial remedy. *See* Section I-C, para. 7, *supra*.

50. Contrary to Cameroon's law, which provides that individuals placed under arrest shall be brought immediately before the court, many of the arrested Anglophones have neither been brought before an examining judge,⁹⁷ nor informed of the charge for which they are accused. Although they are entitled to judicially challenge the legal basis of their detention and obtain prompt release and compensation if found to be unlawfully detained, there have been no reported cases of such challenges.⁹⁸ Anglophones have been held in prison without a hearing date.⁹⁹

51. As at June 2017, individuals acquainted with the 71 Anglophone detainees have confirmed that some of them were not given a reason for their detention. Some of this group includes individuals who have been detained for 7 months. There are report that false charges for acts of terrorism, treason, insurrection and incitement of civil war have been levied against some detainees.

52. Although the leaders of the Consortium and SCNC, the Radio France Internationale reporter, and some 30 other Anglophone activists were regular civilians, they were tried before the Yaoundé military tribunal. Such a politically motivated prosecution on false charges indicate the Government's absolute disregard for the rule of law and due legal process.¹⁰⁰ The repeated

postponement of the Anglophones' trial and the conduct of the trial in French, with only poor or rough translations into English provided, if at all, demonstrates gross injustice.¹⁰¹

53. On 30 August 2017, a government-issued press release reported that President Biya has ordered the Yaoundé military tribunal to end all legal proceedings against the Consortium's two leaders, Lord Justice Ayah Paul Abine of the Supreme Court and a few others.¹⁰² Anglophones are concerned that this announcement is simply a ruse, pointing out several critical flaws in the press release that hints of the Government's disingenuity, *e.g.* the serial number and date of the President's Order was not stated, and the misstatement that the Lord Justice had been charged when he was not. That Mancho Bibixy, a key figure in the earlier protests, was not mentioned was highly disconcerting. It bears emphasis that many other innocent Anglophones remain trapped in terrible detention facilities.

54. Amnesty International reported, "Cameroonian authorities are detaining many other individuals on spurious charges related to national security" who have been jailed for years. These include civilians Fomusoh Ivo Feh and his two friends who have been imprisoned for 10 years for sharing a private joke on Boko Haram; journalist Ahmed Abba for two years for his adverse reporting on the Government; and political leader Aboubakar Siddiki and well-known notary Abdoulaye Harissou, for more than three years.¹⁰³

55. Despite the many credible reports of torture and extrajudicial killings by Cameroon's security forces, as at the date of this submission, no investigations or prosecutions have been brought against the perpetrators. There have also been no investigations or prosecutions as regards the arbitrary arrests and detentions, including incommunicado detentions.¹⁰⁴

III. RECOMMENDATIONS

56. The Working Group is urged to recommend the issuance of a Human Rights Council Resolution condemning the acts of violence committed by the Government against unarmed civilians and make the following recommendations to Cameroon:

- (i) End all use of arbitrary arrest and detention of its citizens, and end the use of torture or other cruel, inhumane and degrading treatment or punishment.
- (ii) Initiate prompt, impartial and independent investigations into allegations of extrajudicial executions, torture, arbitrary arrests and incommunicado detention, gender-based violence against the Anglophones, and prosecute those found responsible in accordance with due process.
- (iii) Account for all political prisoners and persons arrested and detained in Southern Cameroons, and release them or ensure that they are given a free and fair trial in an independent and impartial judicial system, with full respect for due process.
- (iv) Improve the conditions of detention and end the use of secret detention centers and the practice of incommunicado detention, and allow regular access to detainees for relatives, lawyers, doctors and other competent authorities and institutions.

- (v) Respect the right to freedom of expression, association and peaceful assembly, and end the military occupation of Southern Cameroons.
- (vi) Eliminate abuse of domestic law including anti-terrorism legislation, to limit peaceful political assembly and criticism of the Government and its policies.
- (vii) Ensure a favourable climate for the activities of human rights defender, journalists and other actors of civil society.
- (viii) Address security concerns on the internet and the media in accordance with international law to ensure protection of freedom of expression, freedom of association, privacy, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the internet and the media so that it can continue to be a vibrant force that generates economic, social and cultural development.
- (ix) End the discrimination against and the harassment of Anglophones with regard to all aspects of public and private life.
- (x) Adopt and implement a comprehensive anti-discrimination legislation and policy, including strong, effective and accessible enforcement mechanisms for victims of discrimination.
- (xi) Take measures to ensure that Anglophones have equal opportunities to participate in public life and to key appointments in public services and are given equal access to justice and employment opportunities.
- (xii) Protect the cultural and linguistic heritage of the Anglophones and ensure that Anglophones are given equal opportunities of development and education unique to their cultural and linguistic heritage.
- (xiii) Take necessary and effective measures to improve the security of Anglophone communities, in consultation with the communities themselves.

¹ The joint submitting stakeholders are Julius Tabe, Alex Mbianda, Harriet Fomuki, Robert Fondi and Henry Mokube.

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of expression. The law has a maximum penalty of the death sentence, and allows authorities to detain indefinitely those accused of terrorism. It also provides for prosecution in military court, contravening Article 10 of the Universal Declaration of Human Rights, which guarantees individuals a fair, independent, and public hearing of any criminal charges against them, and the African Charter on Human and Peoples' Rights, which Cameroon ratified in 1989.”).

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- ⁸⁷ U.S. State Department Report 2016, p. 9; Amnesty International Report, p. 18-20.
- ⁸⁸ U.S. State Department Report 2016, p. 8; Amnesty International Report, p. 19.
- ⁸⁹ U.S. State Department Report 2016, p. 9; Amnesty International Report, p. 16.
- ⁹⁰ U.S. State Department Report 2016, p. 3.
- ⁹¹ U.S. State Department Report 2016, p. 2.
- ⁹² *Videos of students being brutalized*, Appendices 3 to 6; CMTV Online, *UB Strike Cameroon 28 Nov. 2016*, 28 November 2016, available at <https://www.youtube.com/watch?v=HoF33CYSZW0>.
- ⁹³ Amnesty International Report.
- ⁹⁴ Amnesty International Report, pp. 23-32.
- ⁹⁵ Amnesty International Report, pp. 36-37.
- ⁹⁶ *Video of torture received in Fall 2016*, Appendix 30; see also *Videos of attacks on unarmed civilians by government agents during 22 September 2017 demonstrations*, Appendices 12 to 16; *Photos of victims received from Fall 2016 to end September 2017*, Appendix 17; *Photos of victims received on 4 October 2017*, Appendix 26; *List of Southern Cameroonians killed, wounded, abducted and missing from 22 September to 1 October 2017*, Appendix 27.
- ⁹⁷ U.S. State Department Report 2016, p. 7.
- ⁹⁸ U.S. State Department Report 2016, pp. 10-11.
- ⁹⁹ U.S. State Department Report 2016, p. 10.
- ¹⁰⁰ UN Report 2017, para. 8, p. 2.
- ¹⁰¹ ICG Report, p. 24; and Reuters, *Trial over Cameroon's Anglophone protests exposes national divide*, 13 February 2017, available at <http://www.reuters.com/article/us-cameroon-protests-idUSKBN15S1UH>; The Guardian, *Fears for jailed activist as Cameroon cracks down on Anglophone minority*, 2 February 2017, available at <https://www.theguardian.com/world/2017/feb/01/cameroon-activists-to-remain-in-jail-as-terrorism-trial-is-delayed>.

¹⁰² Cameroon Intelligence Report, *Biya orders end of court proceedings against Southern Cameroons leaders*, 30 August 2017, available at <http://www.cameroonintelligencereport.com/biya-orders-end-of-court-proceedings-against-southern-cameroons-leaders/>; Cameroon Concord News, *Biya Finally Bows to Anglophones, Orders Release of Detainees*, 30 August 2017, available at <http://cameroon-concord.com/headlines/9125-breaking-news-cameroon-biya-finally-bows-to-anglophones-orders-release-of-detained-activists>; Amnesty International, *Cameroon: Release of Anglophone Leaders a Relief But Others Still Languish in Prison*, 30 August 2017, available at <https://www.amnesty.org/en/press-releases/2017/08/cameroon-release-of-anglophone-leaders-a-relief-but-others-still-languish-in-prison/>.

¹⁰³ Amnesty International, *Cameroon: Release of Anglophone Leaders a Relief But Others Still Languish in Prison*, 30 August 2017, available at <https://www.amnesty.org/en/press-releases/2017/08/cameroon-release-of-anglophone-leaders-a-relief-but-others-still-languish-in-prison/>; Amnesty International, *Cameroon: Three human rights organizations demand release of students sentenced to 10 years over Boko Haram joke*, 21 September 2017, available at <https://www.amnesty.org/en/latest/news/2017/09/cameroon-three-human-rights-organizations-demand-release-of-students-sentenced-to-10-years-over-boko-haram-joke/>.

¹⁰⁴ Amnesty International Report, p. 34.