



CAMEROON

IMPUNITY UNDERPINS
PERSISTENT ABUSE

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**AMNESTY
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Cover photo: Security forces clash with demonstrators in Douala, February 2008.

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Cameroon

Impunity underpins persistent abuse

1. Introduction

For more than 10 years, Amnesty International has received reports of human rights violations that were ordered, condoned or perpetrated by the Cameroonian authorities in contravention of their national and international human rights obligations. These violations include: arbitrary arrests and unlawful detentions; extrajudicial executions; threats against and ill-treatment of human rights defenders and journalists; denial of the rights to freedom of expression and association; harsh prison conditions; torture and other forms of cruel, inhuman or degrading treatment; failure to protect the human rights of women and girls; and persecution of men and women on the grounds of their actual or imputed sexual orientation. This report provides examples of these violations, for which the perpetrators have enjoyed almost total impunity. Amnesty International is also concerned that, despite a global trend towards abolition of the death penalty, the Cameroonian government continues to impose death sentences.

Amnesty International has obtained the information contained in this report from secondary sources, particularly from human rights activists and relatives or friends of victims of human rights violations. Although the organization has done its utmost to cross-check the information with a number of sources, within and outside the country, Amnesty International believes that it would be better able to check its accuracy by regular visits to Cameroon. As in other countries around the world to which the organization has access, such visits would enable Amnesty International to build a wider base of contacts (including government authorities) with whom to exchange information and discuss recommendations for the protection and promotion of human rights in the country.

This report is not an exhaustive account of human rights violations that have occurred in Cameroon, and it covers only those parts of the country where Amnesty International has trusted contacts. This is merely a snapshot of the human rights situation in Cameroon over the past five years.

For more than 10 years now, Amnesty International has sought the consent of the Cameroonian government for researchers to visit the country and verify for themselves allegations of human rights violations. The organization also wished to discuss with the authorities its concerns and recommendations for the promotion and protection of human rights in Cameroon. Amnesty International is concerned that, on

each occasion, the authorities have either failed to give or inexplicably withdrawn their consent and thus prevented the organization from finding out and assessing the true extent and gravity of human rights violations in Cameroon.

Amnesty International is publishing this report in order to inform the international community of its human rights concerns in Cameroon and the continuing failure of the government to protect ordinary people from human rights abuses. The report also seeks to appeal to the Cameroonian authorities to take all necessary political and legal measures, as well as to provide resources to promote and protect human rights, including by bringing an end to the widespread and persistent impunity enjoyed by the security forces and government officials.

The promotion and protection of human rights is likely to be crucial in the months leading up to the 2011 general elections in Cameroon. A number of the human rights violations documented in this report have been linked to a government strategy of stifling criticism and effective opposition. One of the most serious manifestations of this strategy was a violent repression of demonstrations against price rises in February 2008, and the amendment of the Constitution¹ to enable President Paul Biya to be eligible to stand as a presidential candidate at the next election.

In addition to ordering and condoning the use of lethal force against unarmed civilians by the security forces, the government also used the criminal justice system to punish its opponents. As the economic situation deteriorates around the world, and with the likelihood of opposition groups organizing further protests against the government and the ruling party, Amnesty International is concerned that the use of lethal force and abuse of the criminal justice system against government opponents may escalate. The organization is appealing to the international community to put pressure on the government to allow all Cameroonians who do not use or advocate violence to enjoy their right to freedom of expression and association.

¹ President Paul Biya came to power in 1982. The 1996 Constitution restricts presidents to two seven-year terms. During an address to the nation in January 2008, President Biya announced an intention to amend the Constitution, which included removing limits on the presidential term of office. The Constitution was amended on 10 April 2008 by the National Assembly, which is dominated by the ruling *Rassemblement démocratique du peuple camérounais* (RDPC, Cameroonian People's Democratic Rally).

2. Unlawful killings of political opponents

The Cameroonian authorities, particularly leaders of the ruling political party, have encouraged and presided over a climate in which members of opposition political groups have been subjected to violence. In many cases, the violence has been exercised by members of the security forces. In other cases, even when the violence does not appear to have been ordered by the government, its supporters have meted out violence on their opponents, with impunity.

In April 2003 Patrick Mbuwe, a former secretary of the Southern Cameroons National Council (SCNC) – a group supporting independence for Anglophone provinces – was shot by men in civilian clothes and later died in hospital. Local sources suspect that the assailants were members of the security forces. The authorities are not known to have carried out any investigations to identify and bring to justice those suspected of responsibility for the shooting.

On 20 August 2004, John Kohtem, a leader of the opposition Social Democratic Front (SDF) in Balikumbat district of North-West Province, was beaten to death. Doh Gah Gwanyin, a local traditional chief and Member of Parliament representing the ruling RDPC, was publicly named by the SDF and local human rights groups as having instigated and participated in the beating of the victim. Prior to his death, John Kohtem is reported to have accused Doh Gah Gwanyin of involvement in voter registration malpractices that were intended to favour the ruling party during the October 2004 elections. Doh Gah Gwanyin is reported to have vowed revenge and to have subsequently ordered his supporters to beat John Kohtem.

Following protests and demonstrations by the SDF and other opposition political party supporters in Bamenda, the capital of North-West Province, against John Kohtem's killing, the gendarmerie arrested 11 people in connection with the murder. Gwanyin's co-accused were Lawrence Mborfor, Moses Sama (alias Capsa), Woldiep Yanuke, Sama Dohgit (alias George Wabit Sampson), Vincent Panvah Yegag, Godlove Dugum, Eric Ngwamuti Doheric, William Sama, McHenry Galabe, Peter Samgwa Sikop and Linus Sama.

On 14 February 2005 – after several months of campaigning and protests by human rights and political activists – the Bureau of the Cameroonian National Assembly lifted Doh Gah Gwanyin's parliamentary immunity, making it possible for him to be charged with murder – along with the 11 co-accused – and tried in connection with the killing of John Kohtem. The trial of Gwanyin and his co-

defendants ended on 12 April 2006. The High Court in Ndop, North-West Province, found Gwanyin and nine of his co-defendants guilty of the murder of John Kohtem. The court sentenced them to 15 years' imprisonment and a fine of 5 million CFA Francs (approximately US\$9,700). Two of the defendants – Moses Sama and Linus Sama – were acquitted and released.

On 25 April 2006 it was reported that those convicted had appealed against the conviction and sentence and asked the Court of Appeal to order their provisional release pending a hearing of their appeal, although only Gwanyin was granted bail. The Court of Appeal had not yet ruled on their appeal by December 2008.

On 18 October 2004, unknown armed assailants attacked the home of Pius Lecigah, John Kohtem's successor as leader of the SDF in Balikumbat. During an exchange of fire, Evelyne Lecigah, Pius Lecigah's wife, was shot and wounded in the stomach. It remained unclear whether this attack was linked to the death of John Kohtem or the SDF.

3. Violations of the human rights of political activists

Cameroonian security forces have repeatedly used violence, arbitrary arrests and unlawful detentions to prevent political activists who belong to opposition political parties from holding public or private meetings. Those targeted include members of the Front des forces alternatives (FFA, Alternative Forces Front), some of whose leaders were briefly detained in October 2003 and in January 2004, including its president, Jean-Jacques Ekindi; members of the Alliance of Progressive Forces; members of the Social Democratic Front (SDF); and members of the SCNC.

3.1 *Right to peaceful assembly undermined*

On 6 July 2004 a peaceful demonstration in the capital, Yaoundé, was blocked by gendarmes in anti-riot gear. The demonstration had been organized by opposition political party leaders to demand computerization of the electoral register as a means of preventing vote-rigging in the run-up to the general elections in October 2004.

In the past there have been allegations of systematic and widespread vote-rigging in favour of the RDPC. Paul Biya, head of state since 1982, was re-elected in presidential elections in October 2004 amid allegations by opposition parties and the Catholic Bishops' Conference of Cameroon of vote-rigging and law-breaking. A

Commonwealth Observer Group (COG) concluded that the electoral process lacked the necessary credibility in a number of key areas, including denying some voters the right to vote. However, the COG believed that the intention of those who voted was reflected in the result.²

On 3 August 2004 members of the security forces used excessive force to disperse a march organized by a group of opposition political parties who had formed an umbrella organization known as the *Coalition nationale pour la réconciliation et la reconstruction* (CNRR, National Coalition for Reconciliation and Reconstruction). Members of the police and gendarmerie surrounded and beat some 50 demonstrators assembled near Yaoundé's central market. Two demonstrators were reportedly arrested. It is unclear when they were released.

Members of the security forces prevented a similar march by CNRR supporters from taking place on 10 August 2004. Police and gendarmes surrounded the would-be marchers for several hours. One demonstrator who broke out of the security cordon was reportedly caught, punched and whipped by members of the security forces.

Political activist Mboua Massock ma Batalon was arrested on 16 February 2008 by gendarmes in Zoétélé to prevent him from holding a public rally he had called as part of his campaign to demand that President Paul Biya resign from power. During skirmishes with people who had assembled to attend the rally, gendarmes and police arrested Mboua Massock's son, Camille Massock, a woman known as Aicha Ngo Hieg and a number of other people. Camille Massock is reported to have been severely beaten during his arrest. Those arrested are reported to have been released without charge within a few days of their arrest.

Paul Eric Kingué, mayor of Njombé-Penja county (*arrondissement*) in Nkongsamba, Littoral Province, was arrested on 29 February 2008 and accused of involvement in the February 2008 riots and inciting revolt against the state (*complicité de pillage en bande et incitation à la révolte*). Sources in Cameroon have denied that Paul Eric Kingué was ever involved in the riots. He and his supporters claimed that he was arrested because, on becoming mayor, he demanded that French farmers who were carrying out business in the county pay taxes which they had evaded for more than 30 years. Despite protesting his innocence, including by writing at least two letters to President Paul Biya, Paul Eric Kingué was still being held without trial by

² Cameroon Presidential Election 11 October 2004, Report of the Commonwealth Observer Group, dated 16 October 2004.

September 2008. Human rights defenders in Cameroon have told Amnesty International that the former mayor has been victimized because he challenged farmers and powerful elements in the government who are benefiting from tax evasion.

3.2 Violations of the rights of SCNC members

The Cameroonian authorities have arbitrarily arrested and unlawfully detained members of the SCNC in violation of their right to peaceful assembly and association. On 21 and 22 September 2004, around 20 members of the SCNC were reportedly arrested and briefly detained in the towns of Mutengene, Tiko and Kumba in western Cameroon. Their reported arrests occurred as they met to prepare a celebration of the anniversary of southern Cameroon's independence from Britain on 1 October 1961.

As many as 40 members of the SCNC, including their leader Henry Fossung, were arbitrarily arrested and unlawfully detained on 15 January 2005 by members of the gendarmerie's *Groupement mobile d'intervention* (GMI, Mobile Intervention Unit) in Buéa, capital of South-West Province. Those arrested included women who were preparing food for other members of the SCNC meeting at the home of Henry Fossung, who had just returned from a trip abroad. When Henry Fossung protested against the arrests, he was reportedly beaten and had his shirt and trousers torn by members of the GMI. The women were released late on the day of their arrest, while the men were released over the subsequent two days. None of those arrested were charged with any offence, although a government minister reportedly accused this group of members of the SCNC of holding a clandestine meeting.

SCNC prisoners sentenced by a military tribunal in October 1999 to lengthy prison terms, waited for five years to be allowed to appeal against their conviction, and sentences. They had been charged with violent offences, including murder, attempted murder, grievous bodily harm, illegal possession of firearms, arson and robbery, in connection with armed attacks in North-West Province in March 1997. Amnesty International considered their trial to be unfair. The defendants were denied access to legal counsel in pre-trial detention and were tried by a court controlled by the Cameroonian Ministry of Defence. Soon after they were convicted, Amnesty International issued a news release in favour of a retrial of those convicted.³

³ *Cameroon: Lengthy prison terms after unfair trial before military tribunal*, 7 October 1999 (AI Index: AFR 17/10/99).

The prisoners sent a letter to the prison authorities on 4 December 2000 to complain about ill-treatment relating to being denied sleeping places they had paid for in the prison, and denial of access to medical care for those who required it. There were not enough sleeping places for all prisoners; the few bunk beds were usually shared and made available to prisoners only after payment of bribes to the prison officials. The prisoners went on hunger strike for a few days.

Their lawyers, Amnesty International members and other organizations put pressure on the Minister of Defence, who has the legal authority to file an appeal against a ruling of the military court at the Court of Appeal. After lawyers lodged a complaint with the African Commission on Human and Peoples' Rights (African Commission) on the prisoners' behalf, the Minister of Defence announced in November 2004, that they could take their case to the Appeal Court.

The hearings, which started in January 2005, were repeatedly adjourned because the authorities failed to produce some of the prisoners in court or to provide an interpreter for English-speaking prisoners. Most of the prisoners who finally appeared before the Appeal Court looked sick and frail as a result of life-threatening prison conditions and medical neglect.

In its decision of 16 December 2005 pertaining to the prisoners' appeal, the Court of Appeal in Yaoundé acquitted two of the prisoners, confirmed prison terms for two others and reduced sentences for a further six. The life sentences for Simon Ngek Kwei, Hassan Jumba and Edwin Jumven were reduced to 25 years. The 20-year prison terms for Roland Ndzi Tata were reduced to 15 years. The 15-year prison terms for Zacharia Khan and Sama Geh Atambum were reduced to 10 years. The 10-year prison terms for Philip Tete, Bob Bolewa and Thomas Fonkwa were confirmed. The 10-year prison terms for Adelbert Ngek and Promise Nyamsai were quashed and they were acquitted.

Two brothers, Wilson Neba Che and Samuel Neba Che had been released in May 2005 after serving their full eight-year prison terms. Martin Cheonumu who had been serving an eight-year prison term died in custody in July 2004. Julius Ngu Ndi who had been sentenced to a 20-year prison term died from tuberculosis in July 2005. He had reportedly been denied adequate and prompt medical treatment for several months, and was taken to hospital only days before he died. Daniel Ntanen Ndifon – who was not previously known to Amnesty International – died in April 2003.

Lawyers representing the prisoners have lodged an appeal with the Cameroon Supreme Court on behalf of those who were not acquitted. They are still awaiting a

response from the Supreme Court regarding the schedule for the hearing. Amnesty International has learned that the Cameroonian Supreme Court often takes four to five years to hear appeals.

The prisoners remaining in custody were transferred from Kondengui prison to their home provinces in May 2006. Eight were transferred to Bamenda in North-West Province and the ninth, Roland Tatah, was transferred to Buea central prison in South-West Province. One of the nine, Philip Tete, died from an illness in November 2006.

More than 60 SCNC members were arrested on 24 April 2006 and released without charge on 1 May 2006. Fidelis Chinkwo, Emmanuel Emi, Priscilla Khan, Elvis Bandzeka and Cleus Che were arrested while meeting in Bamenda on 16 September 2006. They were released several days later without charge.

About 40 members of the SCNC were arrested on 20 January 2007 as the organization's National Vice-Chairman, Nfor Ngala Nfor, was about to address a press conference in Bamenda. Several SCNC members, including Nfor Ngala Nfor, were reportedly injured during the arrests. Although most of those arrested were released within a few hours, Nfor Ngala Nfor and at least 12 others were detained without trial for nearly two months. By December 2008, nearly 40 members of the SCNC were still awaiting trial on charges ranging from wearing SCNC T-shirts to agitating for secession. In December 2007, the case against those arrested on 20 January 2007 was dismissed by the court after the prosecution failed to produce witnesses.

Members of the security forces arrested at least seven SCNC members on 11 February 2008. They had been meeting in a Presbyterian Youth Centre at Azeri Old Church junction in Mankon, Bamenda. A day earlier, some 20 SCNC members, including SCNC Assistant National Organizing Secretary Fidelis Chinkwo Ndeh, had been arrested in Bamenda. Ten of them were detained at a GMI detention centre, while 10 others were detained at a police station in the town.

3.3 Long-term detention without trial of SDF members

The Social Democratic Front (SDF) is the leading opposition political party in Cameroon. It draws most of its support from the predominantly anglophone South-West Province and North-West Province. The government has invariably accused the SDF of being separatist, like the SCNC. As a result, many members of the SDF have

been arrested and detained after being accused of supporting secession for the two provinces.

Although government suspicions against the SDF have persisted, there have been far fewer detentions of its members in recent years. However, a dispute between two rival factions of the SDF culminated in the arrest and long-term detention without trial of at least 23 members of the main faction of the party, who were accused of killing Grégoire Diboulé, a prominent member of the dissident faction, on 26 May 2006. Those arrested, who were held without trial until November 2008, include retired army colonel James Chi Ngafor who was not present when Grégoire Diboulé died. Others detained with him at Kondengui central prison in Yaoundé were Philip Asah Che, Zacharie Forest Nembot, Elias Mbah, Simon Fonki, Dieudonné Fopa, Robert Tarete, Peter Fonso, Edward Moukam, Abraham Bayong, Francis Kom Mocto, Justice Mbah, Jean Touyem, Johnson Kuchong Chia, Emmanuel Forsmendjong, Joseph Kenah, Christopher Sama, John Nchinda, Godheart Sayem, Mathias Agwanje, David Tedongmo, and Jean Pierre Simo. One of those arrested in May 2006, John Ngu Mbahaning, died from meningitis on 15 August 2006, shortly after he had been transferred from the prison to hospital. Another detainee, Innocent Kom Mokto also died in custody on 4 October 2008.

These members of the SDF were charged with the murder of Grégoire Diboulé. The leader of the SDF, John Ni Fru Ndi, was also charged with the same offence but had not been detained by December 2008.⁴ Although only five of the detainees speak English and French⁵ – the rest speak English and not French – they were all made to sign charge sheets written in French without the assistance of an interpreter or a lawyer. The detainees have all protested their innocence and claimed that Grégoire Diboulé was hit by a car during a scuffle for control of the SDF offices. Amnesty International has learned that, while in custody, James Chi Ngafor was accused of plotting to overthrow the Cameroonian government, although he had not been charged with the offence by December 2008. The authorities have not revealed how, according to the claims, James Chi Ngafor plotted to overthrow the government from prison or whether he had any accomplices.

⁴ It was reported in October 2008 that the trial of John Ni Fru Ndi and his co-defendants had been postponed until November 2008.

⁵ Between 1884 and the end of the First World War, Cameroon was ruled by Germany. In 1919 the French and British governments shared Cameroon between them, with the French controlling much of present-day Cameroon and the British controlling present-day North-West and South-West provinces. After French Cameroon gained independence in 1960 and the two provinces opted to join a federal Cameroon in 1961, the country adopted French and English as official languages.

SDF detainees protested from custody against their conditions of detention from the time of their arrest. The gendarmerie cell where they were first detained lacked proper ventilation. The cell lacked light, with no washing or other sanitation facilities for the detainees. The detainees were also denied sleeping facilities. From the gendarmerie, the detainees were moved to the Bamenda central police station; they complained that the police station lacked protection against mosquitoes and was infested with rats which bit their feet and fingers. Inmates used bowls as toilets and emptied human waste only in the mornings. James Chi Ngafor reportedly used his own money to repair the cell floor on which inmates slept.

On 11 July 2006, the suspects were transferred to Kondengui central prison in Yaoundé. The prison is overcrowded, and accommodates around 4,000 people, instead of the intended capacity of 800. Kondengui prison lacks sanitation and many detainees suffer from communicable and other diseases caused by poor sanitation and overcrowding.

When they appeared in court on 5 November 2008, the High Court in Yaoundé ordered the provisional release of 20 of the 21 detainees because they had been unlawfully detained far in excess of the period allowed by the Cameroonian Code of Penal Procedure. The court ordered the unconditional release of Justice Mbah because the examining magistrate had failed to ensure that Mbah – who is deaf and cannot speak – understood and responded to the charges against him. According to Article 221 of the Cameroonian Code of Penal Procedure, pre-trial detention should not exceed six months, unless it is prolonged for up to six months with legal justification by an examining magistrate. These detainees should not have been held beyond May 2007 without trial.

3.4 Political trials

Government opponents have been detained for long periods without charge or trial. In other cases, defendants have been denied prompt and adequate legal counsel or have been subjected to what amounted to summary trials.

More than 1,500 people – many of them youths – arrested during the February 2008 protests were brought to trial in a matter of weeks, an unusual occurrence in Cameroon. The protests and the arrests took place in several key provincial capitals, including the seat of government, Yaoundé, and the economic capital, Douala.

Although the Cameroonian judiciary usually takes years to bring suspects to justice in contravention of the country's Code of Penal Procedure, hundreds of those accused of participating in the February 2008 protests were tried within four weeks on charges of public disorder and destruction of private and government property. Lawyers and human rights defenders in Cameroon expressed concern that the trials were unfair. Judicial officials gave little or no time to the defendants to prepare their defence. Many of the defendants are reported by local human rights groups not to have had legal counsel, while those who did were denied time to consult with the lawyers assigned to them. Hundreds of defendants were sentenced to between three months and two years' imprisonment.

Those tried in connection with the protests included veteran political activist Joe de Vinci Kameni. He and at least 300 other protesters were detained at Kondengui central prison in Yaoundé. In Douala, more than 460 were found guilty of various offences related to the February protests.

Musicians and political activists, Pierre Roger Lambo Sandjo (also known as Lapiro de Mbanga and Joe de Vinci Kameni (also known as Joe La Conscience) were arrested in March and April 2008, respectively, after singing songs that were critical of President Biya's move to amend the Constitution to abolish the limit on the time he may remain in power.⁶ At the time of his arrest, Joe de Vinci Kameni was staging a hunger strike in front of the US Embassy in Yaoundé. Kameni was found guilty of inciting people to demonstrate over the Cameroonian constitutional amendment, and sentenced to six months' imprisonment. Human rights defenders in Cameroon expressed concern that Kameni was unjustly convicted as he had neither used nor advocated violence before or during the protests.

Sandjo, 51, is a member of the SDF. He was arrested on 9 April 2008 in Mbanga city and was brought to Nkongsamba High Court chained to Paul Eric Kingué, the mayor of Njombé Penja, who was himself facing charges connected to the February 2008 protests. After he was transferred from the Mbanga central prison to Nkongsamba for trial, Sandjo's health is reported to have deteriorated due to poor sanitary conditions in the prison. According to his relatives, he developed chronic back pains and respiratory infections. He appeared before the court on 23 July and pleaded not guilty. On 24 September, the High Court found him guilty of "complicity in looting, destruction of property, arson, obstructing streets, degrading the public or classified property, and forming illegal gatherings". The court sentenced him to three

⁶ The Constitution Amendment Bill, which was adopted on 10 April 2008, abolishes the limit to the number of terms a President can seek re-election and grants immunity to the President for any acts committed while he is in office. President Paul Biya, 75, has been in power since 1982.

years' imprisonment and ordered him to pay a total of 280 million CFA francs (approx US\$640,000) as compensation for damage caused to several private businesses and a government department whose property the court claimed he had caused to be destroyed. Human rights defenders in Cameroon told Amnesty International that Sanjo had not used or advocated violence, and that the sentence was government retaliation for his criticism. He appealed against the conviction and sentence. The appeal was still pending at the end of 2008.

When, on 20 May 2008, President Paul Biya decreed a conditional amnesty for prisoners, Joe de Vinci Kameni was among 139 prisoners released on 16 June from Kondengui prison. However, several dozen others were excluded from benefiting from the amnesty and remained in custody, either because they had appealed against their conviction and sentence or because they had been unable to pay fines imposed by the courts. For example, of the 466 who were released from Douala's New Bell prison on 10 June as a result of the presidential amnesty decree, 245 remained in custody because they had appealed, while a further 147 continued to be detained for failing to pay fines imposed by the courts. Only 74 were immediately released.

Amnesty International urges the Cameroonian authorities and the judiciary in particular to protect and promote the international human rights standards mentioned below.

(i) Right not to be subjected to arbitrary arrest or detention

The right to liberty and the prohibition of arbitrary or unlawful arrest or detention are enshrined in the International Covenant on Civil and Political Rights (ICCPR) and in the African Charter on Human and Peoples' Rights (African Charter), to which Cameroon is a state party.

Article 9, paragraph 1 of the ICCPR states that:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Article 6 of the African Charter similarly prohibits arbitrary or unlawful arrest or detention.

(ii) Right to be informed immediately of the reasons for arrest or detention and of any charges

Article 9(2) of the ICCPR states:

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

Article 14(3)(a) of the ICCPR also provides:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) *To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him...*

In May 2003 the African Commission on Human and Peoples' Rights (African Commission) adopted the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, outlining safeguards that governments should put in place to ensure the right to a fair trial. Principle M(2)(a) provides that:

anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed, in a language he or she understands, of any charges against him or her.

(iii) Right to be brought before a judge or other judicial officer to challenge the lawfulness of detention

Article 9(4) of the ICCPR states:

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if that detention is not lawful.

This provision is also reflected in the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Principle M(4)).

(iv) Right to legal counsel before trial

Article 14(3)(b) of the ICCPR provides that everyone charged with a criminal offence shall be entitled, as a minimum guarantee:

To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing...

Article 14(3)(d) provides for those charged to be informed of their right to legal assistance, and to have that legal assistance appointed where the interests of justice so require, and free of charge where the person charged lacks the means to pay for it.

Principle 17 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) states:

A detained person shall be entitled to have the assistance of legal counsel. He shall be informed of his right by the competent authority after arrest and shall be provided with reasonable facilities for exercising it.

The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa provides that anyone who is arrested shall be informed upon arrest of the right to legal representation (Principle M(2)(b)) and shall have prompt access to a lawyer (Principle M(2)(f)). Further, the right to legal counsel expressly applies “during all stages of any criminal prosecution, including preliminary investigations in which evidence is taken, periods of administrative detention, trial and appeal proceedings” (Principle N(2)).

(v) Right of detainees to have access to their family and to doctors

Individuals held in pre-trial detention have the right to be given all reasonable facilities to communicate with family and friends and to receive visits from them, according to Principle 19 of the Body of Principles as well as Principle M(2)(g) of the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.

Detained persons have also the right to be examined by a doctor as promptly as possible after detention and thereafter medical care and treatment shall be provided whenever necessary (Principle 24 of the Body of Principles).

(vi) Right to trial within a reasonable time or to release from detention

Article 9, paragraph 3 of the ICCPR states:

Anyone arrested or detained ... 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 judgment.

Article 7 of the African Charter recognizes, *inter alia*, the right “to be tried within a reasonable time by an impartial court or tribunal.” (See Article 7(1)(d)).

4. Human rights defenders persecuted

The Cameroonian authorities routinely violate the rights of human rights defenders who criticise the government's human rights record. In November 2003 the authorities harassed and threatened human rights defenders suspected of helping the Paris-based International Federation of Human Rights (FIDH) to compile a report on torture in Cameroon, which was published in October 2003. The report highlighted numerous cases of torture and other forms of cruel, inhuman or degrading treatment ordered or condoned by the authorities. Franka Nzounkekang, director of the Human Rights Defence Group, informed Amnesty International that she was repeatedly trailed by security agents and received an anonymous telephone call during which the caller threatened to assassinate her. She fled Cameroon at the start of 2004.

The Movement for the Defence of Human Rights and Freedoms (MDDHL, *Mouvement pour la défense des droits de l'homme et de la liberté*), informed Amnesty International that the home of one of its members, Alh Wakil, had been searched by security agents without a search warrant. Alh Wakil's colleague, Bouba Dirva, was told by two armed gendarmes that he was to be arrested and was then forced to pay them a large sum of money. The offices of the Douala-based Action by Christians for the Abolition of Torture (ACAT, *Action des chrétiens pour l'abolition de la torture*) are reported to have been under surveillance. ACAT informed Amnesty International that its director, Madeleine Afité, received threatening anonymous telephone calls because of her collaboration with the FIDH. Leaders of MDDHL and ACAT continue to report harassment by the security forces.

For a number of years, members and leaders of the Movement for the Defence of Human Rights and Freedoms (MDDHL) have been harassed by government authorities. The authorities use the criminal justice system to muzzle members of the MDDHL, which is based in Maroua, capital of the Extreme-North Province.

On 30 April 2003, members of the Maroua gendarmerie's *Brigade des recherches* (Investigations Brigade) arrested, and confiscated the identity documents of two MDDHL officials, Blaise Yacoubou and Mohamadou Aminou. The two were on a working visit, gathering information about the human rights situation in the Ndoukoula district of the Extreme-North Province. MDDHL was told by gendarmes that their arrest had been authorized by the Procurator General in Maroua, who reportedly instructed the district administrator, in writing, to arrest human rights activists who visited the district. MDDHL informed Amnesty International that the Procurator General accused the human rights group of involvement in local disputes among the population, including disputes about land and hereditary rights. Although

the activists were released without charge soon after their arrest, their identity documents were held by the authorities for four months. The withholding of the documents restricted the freedom of movement of the human rights defenders and their ability to identify themselves to authorities, victims or witnesses of human rights abuses while doing their work outside their home town.

Alhadji Djafarou, a member of the MDDHL, was arrested on 16 August 2005 and detained for several months without charge or trial at Mokolo in Extreme-North Province. MDDHL informed Amnesty International that Djafarou was arrested in the place of his 30-year-old son, who was suspected of having stolen a goat. The authorities failed to provide any evidence that Djafarou had been implicated in the alleged offence or that he had obstructed justice in connection with their investigations. Local sources claimed that he and another member of the MDDHL had been targeted because they had opposed the re-election of a local official who had been involved in human rights violations.

In mid-2004, MDDHL informed Amnesty International that judicial officials in Maroua seized the organization's property and returned it only after the group paid a bribe demanded by the officials. The seizure, which had not been ordered by the court as required by law, took place after a former member of the MDDHL took the group's leader to court in connection with a dispute over financial support by an international human rights organization. The court later acquitted the MDDHL leader of unlawfully withholding the funds from the group's former member. In early 2005, MDDHL office equipment, including furniture and a computer, was once again seized by the authorities and returned later in the year.

Abdoulaye Math, President of the MDDHL informed Amnesty International that on 28 March 2008, a procuracy official in Maroua telephoned and issued threats against him. The official reportedly said to Math, "You and I are sworn enemies until death".⁷ The following day, Abdoulaye Math wrote to the Procurator in Maroua protesting against the threats. On 3 April, guards at Maroua prison denied Math access to detainees whom he had been asked by the Court of Appeal to represent in court. The guards reportedly told him that they had been instructed by a senior judicial official to deny him access to the prison. In the aftermath of the threats, Abdoulaye Math lodged a complaint with the President of the Maroua Court of Appeal who told him he would intervene with the procuracy official. The outcome of the intervention by the President of the Court of Appeal, was not known by the end of the year.

⁷ "Toi et moi jusqu'à la mort, tu es mon ennemi juré".

In January and February 2003, at least 14 trade unionists, including Benoît Essiga, President of the Workers' Trade Union Confederation of Cameroon, were arrested and detained for several days each time. The authorities accused them of being responsible for train derailments in Central Province, although the authorities failed to inform the trade unionists of the basis for the accusations. They were rearrested in mid-April and released without charge or trial in May 2003. Human rights defenders told Amnesty International that they believed the trade unionists had been arrested with the aim of stifling the freedom of expression of non-violent trade unionists.

Several human rights defenders in Cameroon informed Amnesty International that a member of the government's own human rights body, the National Commission on Human Rights and Freedoms (NCHRF), was attacked when he tried to intervene in a case of human rights violations by members of the security forces. Nelson Ndi Ngayinkfu, the NCHRF North-West Regional Secretary, was assaulted on 3 February 2005 by members of the police's Mobile Intervention Unit (GMI, *Groupement mobile d'intervention*). He was assaulted when he tried to prevent members of the GMI from beating a group of youths near his office. Ngayinkfu sued the police officers but obtained no response from the judicial authorities for many months. More than a year later, he was informed by the judicial authorities that the case could not proceed because the file had been lost. Although the file was found or reconstituted, the trial of his assailants had not begun by the end of 2008.

Alhadji Mey Ali, President of OS-Civile human rights group in Exreme-North Province informed Amnesty International that he was arrested on 20 February 2008 on a charge of defamation. He was tried the following day, in what amounted to an unfair trial because he was not given adequate time to prepare his defence or call defence witnesses. He was sentenced to one year's imprisonment and a fine of 1 million CFA Francs (nearly US\$2,000) after the High Court found him guilty of defamation (*dénonciation calomnieuse*).

Madeleine Afite of ACAT-Littoral informed Amnesty International that she received death threats after she denounced abuses by members of the security forces during the February 2008 riots. ACAT and several other local human rights organizations had accused government forces of killing more than 100 people during the riots. Sources in Cameroon told Amnesty International that Afite's car was severely damaged on the night of 5-6 March 2008 by people believed to be members of the security forces.

Human rights defenders in Cameroon informed Amnesty International that Delphine Fouda, a human rights defender and journalist, was assaulted by police officers who threatened her with rape and death in May 2006. The defenders said that she was attacked for investigating and publishing stories about corruption and the murder of magistrate Louis Ndzié. Fearing for her safety, in November 2006 she fled to France where her French mother lives. Soon after her arrival in France, Delphine Fouda applied for asylum but the French authorities refused to grant it to her on the basis that they did not believe her claims. Preparing for her deportation back to Cameroon, the French authorities placed her in a detention centre for failed asylum-seekers. She subsequently appealed to the European Court of Human Rights against her deportation. In January 2008, she was released from detention and allowed to rejoin her mother but her freedom of movement outside the home was severely curtailed while awaiting a ruling of the Court. By December 2008, the European Court of Human Rights had not yet ruled on her appeal. Amnesty International is concerned that Delphine Fouda's physical integrity would be at risk if she were returned to Cameroon without guarantees for her safety by the Cameroonian authorities.

5. Denial of journalists' right to freedom of expression

The authorities have taken measures to silence journalists deemed to be too critical of government authorities. Many of the criticisms by journalists are based on alleged corruption by high level government and other public officials. Actions taken by the authorities have included closing down radio and television stations, and the arrest and imprisonment of journalists on what often appear to be politically motivated criminal defamation charges.

In 2003 the authorities closed down or refused to grant licences to as many as 12 non-government-controlled radio and television stations. The stations include a British Broadcasting Corporation (BBC) FM relay station, Canal 9 and CNI. In February of that year, RTA and Canal 2 television stations were closed down by the authorities, who accused them of operating illegally. In May 2003, Freedom FM radio station was shut down on the eve of its inauguration. In November, Veritas radio station, which is owned by the Roman Catholic Church, was ordered by the Minister of Communications to stop transmissions. Its founder, Cardinal Christian Tumi, is a known critic of the government's human rights record. In early December 2003, Veritas was granted a licence and allowed to resume broadcasting. A Commonwealth Observer Group which monitored the October 2004 elections said in its report that, by refusing to grant licences to radio and television stations while allowing them to

operate, the government encourages the stations to censor themselves because they know they can be closed down whenever the authorities choose.⁸

On 14 April 2003 the security forces prevented the publication of *Mutations* newspaper and seized a computer disk containing that day's edition of the paper, which, according to local journalists, contained an article about who would succeed President Paul Biya. The newspaper's editor and several journalists were arrested and briefly detained. Two days later, copies of the newspaper were seized from kiosks by members of the security forces in civilian clothes.

Journalist Jean-Célestin Edjangué of *Le Messager* newspaper was manhandled on 18 May 2004, and his camera was taken away by police officers while he covered a demonstration in front of the French Consulate in Yaoundé. The demonstration had been organized by journalists protesting at conditions imposed by the French government for issuing visas to Cameroonian journalists.

Two BBC journalists, Clothia Farouk and Ange Thomas Ngu, were arrested on 11 July 2004 by soldiers in the Bakassi Peninsula. The journalists said the soldiers accused them of espionage, despite the fact that they had obtained authorization from government authorities to cover the handing over of the peninsula by Nigeria to Cameroon. Soon after their arrest, the journalists' authorization papers, equipment and identity documents were seized by the soldiers, who held them under house arrest at a hotel in the south-western coastal town of Limbe. They were released without charge on 16 July. The handover was finally effected on 14 August 2008, in accordance with a 10 October 2002 ruling of the International Court of Justice (ICJ), which had concluded that the disputed peninsula belonged to Cameroon.

On 28 July 2004, Eric Wirkwa Tayu, a publisher of *Nso Voice* newspaper, was sent to prison for five months after a court found him guilty of defaming the mayor of Kumba in South-West Province. He was also fined 300,000 CFA Francs, (approximately US\$590). Cameroonian media reported that Eric Wirkwa Tayu's newspaper had published articles in May 2004 in which the mayor was accused of corruption. Eric Wirkwa Tayu was the subject of another trial in connection with his journalistic activities in 2007. A court in Kumbo found him guilty of criminal defamation and sentenced him in August, *in absentia*, to a one-year prison term and a fine for publishing articles accusing local government officials of corruption. An appeal against the conviction and sentence was pending at the end of December 2008.

⁸ Cameroon Presidential Election 11 October 2004, Report of the Commonwealth Observer Group, dated 16 October 2004.

At the start of November 2004, the publication director of *L'Ouest républicain* newspaper, Michel Mombio, and a fellow journalist, Victor Bosco Kelbakal, were arrested and detained for one week in Yaoundé. They were accused of blackmailing a government minister by demanding 2 million CFA Francs (approximately US\$3930) in order not to publish an article that was critical of the minister. The journalists claimed that the minister had them arrested in order to prevent the publication of the article. The case never came to trial and the journalists did not publish the article in question.

Michel Mombio was rearrested on 4 September 2008 by members of a security service known as the State Defence Secretariat (SED, *Secrétariat d'Etat à la défense*) in Bafoussam. After 10 days in the custody of the SED, on 15 September he was transferred to Kondengui central prison in Yaoundé and charged with fraud and blackmail. The charges relate to a 26 August 2008 *L'Ouest républicain* article which reportedly published information about the private life of government minister Madeleine Tchuinté. He was still in custody without trial by December 2008.

On 10 January 2005 Jules Koum Koum, director of *Le Jeune Observateur* newspaper, was sentenced to six month's imprisonment after a court found him guilty of criminal libel. The conviction and sentence were related to the newspaper's publication in February 2004 of articles denouncing corruption among insurance company executives. He was granted a provisional release on 9 February, but was due to reappear in court on 28 February 2005 on charges of libel brought by the *Compagnie professionnelle des assurances* (CPA, Professional Insurance Company). Amnesty International was not able to confirm whether the case had or had not been heard by the end of December 2008.

In 2006, several journalists were detained or assaulted because of their work. According to local human rights defenders, Duke Atangana Etotogo, director of *L'Afrique centrale* newspaper, was arrested on 3 September by members of the military security service after the newspaper published an article that was critical of the army. He was released without charge on 8 September 2006. Patient Ebwele of Radio Equinoxe was reported by several local newspapers to have been beaten and detained for four hours in April 2006 by gendarmes in the Akwa-Nord district of Douala. Local human rights defenders informed Amnesty International that Eric Motomu, editor of the *Chronicle* newspaper, was assaulted in April 2006 by SDF supporters in Bamenda, who accused him of publishing articles that were critical of the party's leader, John Ni Fru Ndi.

Journalist and human rights defender Philip Njaru said he was detained for several hours in January 2007 by the police in Kumba. Before his release, the police told him that they had arrested him for publishing articles accusing the police of extortion and making arbitrary arrests. In March 2007, the UN Human Rights Committee established that the Cameroonian government had, in previous years, failed to protect Philip Njaru from ill-treatment and intimidation by the security forces because of his human rights activities. In its sessional report, the Committee urged the government to take action against the perpetrators and grant him effective reparation, but no such action had been taken by the end of 2008.

In November 2007, four members of the Cameroonian Public Sector Trade-Union (*Centrale syndicale du secteur public*) – including the president, Jean Marc Bikoko and vice-president, Brigitte Tamo – were reported by local human rights organizations to have been arrested by gendarmes during a peaceful demonstration demanding a rise in civil servants' pay. They were released after 10 hours in custody at the gendarmerie station in Enya, Yaoundé. Brigitte Tamo and two others were beaten by the gendarmes. The demonstration took place in front of the Parliament in Yaoundé where parliamentarians were discussing the 2008 budget. The authorities are not known to have taken any action against the gendarmes responsible for beating the trade unionists.

On 10 February 2008, gendarmes in Zoétélé were reported by local newspapers to have arrested Jean-Bosco Talla and Hervé Kémété of *Le Front* newspaper because they were investigating a story on public funds allegedly embezzled by senior government officials, including ministers. Local human rights defenders informed Amnesty International that Kémété was released later that day but Talla was transferred to Yaoundé on the night of 11-12 February. Within two days, Talla was moved from Yaoundé's detention centre of the *Direction générale à la recherché extérieure* (DGRE) to the headquarters of the *Secrétariat d'Etat à la défense* (SED). On 13 February, he was transferred to Douala where he was held first at the gendarmerie's port detention centre and later returned to the Zoétélé gendarmerie brigade. He was granted a provisional release on 17 February. By the end of the year, it was unclear if or when he would be brought to trial.

In May 2008, Benjamin Fouda Effa, director of Radio Tiemeni Siantou, was reported by local independent media to have been dismissed from his employment under pressure from a government minister. The minister was reported by the media to have been unhappy about a programme that criticized the government for closing down Equinoxe television station and two radio stations, Radio Equinoxe and Magic FM. The three stations were ordered off the air in February after they broadcast

criticisms of the government's handling of the late February protests. Equinoxe TV was closed down on 29 February 2008 after it broadcast interviews with politicians opposed to proposed amendments to the Constitution. The Ministry of Information claimed that it closed the station because it failed to pay an operating licence fee of 100 million CFA Francs (just under US\$200,000), although no other station had either paid the licence or been closed down. Radio Equinoxe and Magic FM were also closed by officials accusing them of "broadcasting irresponsibly" and inciting tensions in connection with commentary critical of the government in connection with the February 2008 riots and the proposed constitutional amendment. Magic FM was wrecked; equipment was taken and the station was closed by security forces. The Government allowed the stations to resume broadcasting on 4 July 2008. Magic FM failed to resume broadcasting because its equipment had not been returned by the police.

The Paris-based Reporters Without Borders (RSF, *Rapporteurs sans frontières*) reported on 10 June 2008 that government officials had ordered that a Canal 2 International television programme be taken off the air on 8 June 2008. At the time, several journalists were discussing the arrest of Marie Noëlle Guichi and Jean-François Channon, which had taken place on 3 June because their newspaper, *Le Messenger*, had on 26 May 2008 published stories about a corruption scandal linked to a purchase of a defective presidential jet. Although the two journalists were released, they risked imprisonment of up to two years if found guilty. Four other STV television journalists and a political scientist (politologue) were also arrested on 1 June 2008 for discussing the alleged corruption scandal surrounding the purchase of the presidential jet. The journalists were Thierry Ngogang, Ananie Rabier Bindzi, Alex Gustave Azebazé and Jean-Marc Soboth, while the political scientist was Douala university lecturer Manassé Aboya Endong. Those accused of involvement in the purchase of the jet included former government ministers and civil servants.

Again at the start of June, Sévère Kamen, a correspondent of *Le Messenger* in southern Cameroon was reported by his newspaper to have been detained by the police for one day. During interrogation by the police, the journalist was reported to have been told that the authorities were unhappy about the newspaper's publication of an article about an alleged sale of military equipment by an army general's son.

According to local independent media and human rights defenders, journalists covering street protests in February 2008 were assaulted by members of the security forces. The victims included cameraman Eric Golf Kouatchou of Canal 2 International television, who was beaten and arrested by soldiers of the Mobile Intervention Group on 27 February 2008. He said his camera was destroyed and he

was freed after the soldiers forced him to pay them 56,000 CFA Francs (US\$108). Others who were assaulted included Dooula-based journalists David Nouwou, deputy editor of the daily *La Nouvelle Expression*, Patient Ebwele of the daily *Le Jour* and Yvonne Cathy Nken of Canal 2 International. Jean Marc Soboth, first national secretary of the Cameroon journalist's trade union received threats from security agents after he made public statements condemning the attacks on journalists.

On 27 February 2008, Eric Golf Kouatchou, cameraman at Canal 2 International said he was arrested by security forces as he was on his way to cover protests in Bonanjo near Douala. His equipment was confiscated and he and 36 other young men were detained and ill-treated before being released. On the same day, David Nouwou, editor of *La Nouvelle Expression* and Patient Ebwele of *Le Jour* were brutalised by members of the security forces in Douala while covering protests. Polycarpe Essoumba, a correspondent of Radio France International (RFI), was forced to go into hiding for several days after he and members of his family received death threats during the riots.

Journalist and publisher of the weekly *La Nouvelle Presse*, Jacques Blaise Mvié, said that on 3 March 2008 he was forced into a vehicle with military registration number plates and taken to an unknown location by men whom he believed to be members of the security forces. Mvié was kept in a room for two days before his abductors released him. Sources in Cameroon say his abduction was in connection with an article published by Mvié's newspaper on 27 February 2008 claiming a government minister had been involved in an alleged coup in September 2007 that had led to dozens of members of the armed forces being arrested. A day after his release, Mvié was picked up by security agents who interviewed him for seven hours about his abduction.

Members of a security service known as the *Secrétariat d'état à la défense* (SED, Secretariat of State for Defence) in Bafoussam arrested Michel Mobio of *L'Ouest Républicain* newspaper on 4 September 2008. According to local newspapers, Mobio was arrested after a government minister accused him of blackmail and extortion. The accusation was reportedly related to an article published by Mombio's newspaper about the minister's personal life. Mombio was transferred on 15 September to Kongengui prison where he was still being held at the start of December 2008.

On 15 October, police in Yaoundé arrested three newspaper editors accused of attempting to blackmail the director of the *Ecole nationale de l'administration et de la magistrature* (ENAM, National School of Administration and Magistrature). Their

arrests reportedly took place after Armand Ondoua of *Le Régional*, Zacharie Flash Diemo of *Le Zénith* and Max Mbida of *Le Tenor de l'Info* were suspected of preparing to publish articles on bribes allegedly taken by the official director of ENAM. Zok Hebdo was arrested soon after, when he attempted to interview the director about the alleged bribes. The journalists were still being held at the start of December 2008.

6. Persecution based on actual or imputed sexual orientation

The Cameroonian Penal Code criminalizes same-sex sexual relations. According to Section 347a of the Cameroonian Penal Code, “Whoever has sexual relations with a person of the same sex shall be punished with imprisonment, ranging from six months to five years and with a fine of between 20,000 and 200,000 CFA Francs (approximately US\$35 to US \$350). Amnesty International regards anyone detained or imprisoned under such laws to be a prisoner of conscience, and calls for their immediate and unconditional release.

Homophobia is endemic in Cameroonian society. In December 2005, a senior Cameroonian Roman Catholic Church leader was reported by local media to have publicly denounced homosexuality. In January 2006, three Cameroonian newspapers published a list of several dozen people, including a number of government officials, musicians and businessmen whom they accused of engaging in consensual same-sex sexual relations. On 13 February 2006, an anonymous person claiming to represent a youth organization published a memorandum in local newspapers urging all Cameroonians not to “tolerate” homosexuality and to report gay men and lesbians to the authorities. On 3 March 2006 the High Court in Yaoundé found the editor of *L'Anecdote* newspaper guilty of defaming a government minister when the newspaper published a list, including the minister’s name, of people the newspaper claimed were practising homosexuality. The editor was sentenced to four months’ imprisonment and ordered to pay a fine of 300,000 CFA Francs (US\$425). The editor was found guilty and sentenced on the basis of a claim by the minister that he had been criminally defamed.

Amnesty International remains deeply concerned about the pervasiveness of homophobia in Cameroon, and urges the Cameroonian authorities, civil society organizations, religious organizations and the media to uphold, respect and protect the human rights of all people in Cameroon, regardless of their sexual or other orientation.

Over the past three years, several dozen young men and women have been arrested, detained and/or sentenced to prison terms and fines for allegedly engaging in consensual same-sex sexual relations. For example, on 22 May 2005, 16 men and one boy aged 17 were arrested at a nightclub in the capital, Yaoundé, for allegedly engaging in same-sex sexual relations, which is a criminal offence under Section 347a of the Cameroonian Penal Code. At least six of them were released soon afterwards, leaving 11 others in custody. They were initially detained at Nlongka detention centre in Yaoundé, and were transferred on 13 June to Kondengui prison. On 7 September 2005, the government reportedly ordered medical examinations of the detainees to determine whether they had actually engaged in anal sex with other men. When the remaining 11 detainees appeared in court on 22 February 2006, two of them were released apparently because there was insufficient evidence against them. On 21 April 2006, the court reconvened and decided that the prosecution lacked sufficient evidence to obtain a conviction of the defendants. However, although the court acquitted them, it ordered their continued detention and a retrial in May 2006.

When the trial resumed on 22 May 2006, one of the defendants was reportedly so weakened by physical and sexual abuse in prison that he had to be carried into the court room. On 22 June 2006, seven of the nine defendants were found guilty of sodomy and sentenced to 10 months' imprisonment. Two of the defendants were acquitted. Those convicted were released soon after the trial because they had already spent more than 10 months in custody. One of the detainees, who had been ill, died two days after his release.

Amnesty International and other human rights organizations made numerous appeals to the Cameroonian authorities to decriminalise homosexuality and to protect the rights of gays and lesbians. Replying to a letter from the New York-based International Gay and Lesbian Human Rights Commission (IGLHRC) on the case of the 11 men detained in 2005, the Cameroonian Deputy Prime Minister and Minister of Justice wrote in a letter dated 23 January 2006 that it is a prerogative of a state to restrict freedom to protect public morality. The minister added that "by virtue of the African culture, homosexuality is not a value accepted in the Cameroonian society".

The arrest of men and boys suspected of engaging in consensual sexual relations on 22 May 2005 followed the arrest of two women who were arrested on 21 May 2005 after the gendarmes were called to break up a domestic dispute between the two. The two women were reported to have told the gendarmes that they had been lesbian lovers. They also reportedly disclosed to the gendarmes that a nightclub in Yaoundé was regularly frequented by gay men. The gendarmes went to the nightclub

and arrested the men mentioned above. The two women were subsequently granted a provisional release and are not known to have been detained again. Amnesty International is concerned that the detention and threat of prosecution were due solely to their alleged sexual orientation.

During pre-trial investigations in late 2005, a magistrate reportedly ordered that the detainees be subjected to medical examinations in order to determine whether they had engaged in anal sex. It is not clear whether this order was implemented. The participation of medical personnel in such tests would constitute a violation of medical ethics. Furthermore, Amnesty International believes that such examinations can constitute torture and other forms of cruel, inhuman and degrading treatment.

On 13 March 2006, 12 young women were expelled from the Eyenguè Nkongo college of Deido Plage in Douala and were arrested by the police after the grandmother of one of them complained that a young woman was “misguiding her daughter” into lesbian sexual acts. Subsequently, four young women – three of whom were amongst those who had previously been expelled from Eyenguè Nkongo College – were then arrested and detained at the New Bell prison in Douala. They appeared before the court and were found guilty of engaging in same-sex sexual relations. They were released on 7 June 2006 after the court sentenced them to a three-year suspended prison term and a fine of 25,000 CFA Francs (approximately \$US44). The court ordered that they would be imprisoned for six months if they were found engaging in same-sex sexual relations. The young women were not allowed back into the school and it is not clear whether they were able to continue their education at any other schools. According to the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Cameroon is a state party, secondary education should be generally available and accessible to all without discrimination.

Between 19 and 21 July 2007, members of the Cameroonian police from Bonaberi police station in Douala arrested six men, accusing them of engaging in same-sex sexual relations. On 25 July 2007, the six men were transferred to Douala’s New Bell central prison. They had spent up to five days in the cells of the police unit at Bonassama, Douala. They were placed under preventive detention on the orders of the Public Prosecutor (*Mandat du Procureur de la République*).

The six men were not informed of the reason for their arrest and detention while being at Bonassama police station. They were later told that they had been arrested on the basis of denunciations by unnamed informers that they had been engaging in same-sex sexual relations. In addition to this charge, four of the six men were also accused of committing sodomy and corrupting youth. One of them was also

accused of committing an indecent act (*outrage à la pudeur*) with a 16-year-old male minor. According to the police and the prosecutor, they violated provisions of sections 344, 346 and 347 of the Cameroonian Penal code.

The six men appeared before the High Court (*Tribunal de grande instance*) of Wouri, Douala. In several affidavits submitted to the court, their lawyer highlighted the fact that the arrest and the detention of the six men were unlawful and violated several articles of the Cameroonian Code of Penal Procedure. She stressed that the police officers who arrested the men acted illegally outside their jurisdiction, in violation of Articles 88, 110(1) and 117(2) of the Cameroonian Code of Penal Procedure. In addition, the detainees spent more than 48 hours in police custody without authorization by a judicial official as required by articles 12(1), 3(1a) and 584 of the Cameroonian Code of Penal Procedure.

One of the men – a Nigerian national – was granted a provisional release on 6 March 2008, while the remaining five detainees were provisionally released on 7 March. On 14 April, the examining magistrate halted proceedings against the six men on the grounds that the police who arrested them had acted outside their jurisdiction.

Two men were arrested on 16 August 2007 by gendarmes in Yaoundé, accused of engaging in same-sex sexual relations. The suspects were held at Nlongkak gendarmerie until 31 August 2007 when they were transferred to Kondengui prison. While in custody, the detainees were subjected to humiliating anal examinations in an attempt by the authorities to establish if they had been engaged in sexual acts. They appeared in court on 23 November 2007 and pleaded not guilty to engaging in same-sex sexual relations. On 13 March 2008, the court found them guilty of same-sex acts and sentenced them to six months' imprisonment and a fine of 25,000 CFA Francs (approximately \$US44). They were released soon after their trial because they had already spent more than six months in custody.

Three men were arrested on 30 August 2007 after local people in the Bonanjo district of Douala reported to police that they had intercepted two thieves. Under interrogation, two of them claimed that they had seized a television set and a DVD player belonging to their co-accused after he failed to pay for sex with one of them. At that point the owner of the electronic items raised an alarm, claiming the two men had stolen his property. All three were charged with attempting to commit criminal acts. After several appearances before the court, the three men were found guilty of engaging in same-sex sexual relations and were sentenced to six months' imprisonment and a fine. Two of the three men were released on 4 March 2008 after spending more than six months in custody. However, the third man continued to

protest his innocence and was still in custody at the end of December 2008 because he refused to pay the fine imposed by the court. A local group which campaigns for the rights of gays and lesbians offered to pay his fine but he reportedly refused on the grounds that paying the fine amounted to an admission of guilt.

Amnesty International is concerned about reports that several suspected or known gay men have been sentenced to several years' imprisonment after they were found guilty of involvement in homosexual acts. In November 2007, a newspaper published an article about an 18-year-old man who had been sentenced to five years' imprisonment in Southern Province. Research by a Cameroonian human rights group that supports gay and lesbian people revealed that four other men were being held in the province for similar reasons. One of them was serving his fourth year of a five-year prison term, and was released at the end of 2007. Another man had started the second year of a two-year prison term, while another 31-year-old man was released in October 2007 after the prosecution failed to prove his guilt.

On 8 May 2008, police in Lomié, Eastern Province, arrested two young women on suspicion of committing lesbian sexual acts. While in custody, the police reportedly forced the two women to denounce four others as their "accomplices". Their status was unknown to Amnesty International by November 2008.

Amnesty International is concerned that men and women in Cameroon have been detained and/or convicted and sentenced solely for their actual or perceived engagement in consensual same-sex sexual relations. This contravenes international and regional human rights treaties to which Cameroon is a party. These include the International Covenant on Civil and Political Rights (ICCPR) (Articles 2.1 and 26 guarantee all persons freedom from discrimination; and Article 21 guarantees the freedom of assembly and association) and the African Charter (Article 2 guarantees all persons freedom from discrimination; and Article 10 guarantees freedom of assembly and association).

The authorities should note that the UN Human Rights Committee has clarified that reference to "sex" in Articles 2, paragraph 1, and Article 26 of the ICCPR is to be taken as including sexual orientation and thus the authorities are obliged to ensure that no individual is denied the enjoyment of the rights protected by the ICCPR, including equality before the law and equal protection of the law, because of their sexual orientation.

Amnesty International recommends that the Cameroonian government should end the arrest, detention and trial of men and women suspected of involvement in

consensual same-sex relations. The government should work towards amending Section 347a of the Penal Code in order to decriminalize sexual relations between consenting adults.

7. Harsh prison conditions

Although Amnesty International has not been given access to Cameroon, the organization has been able to obtain detailed corroborated information from local human rights organizations and prisoners about prison conditions in Cameroon. For many years, Amnesty International has received from these sources persistent and consistent reports of harsh prison conditions in Cameroon, characterized by inadequate food and medical care as well as overcrowding. Such conditions violate international human rights law and standards. This section contains information obtained by Amnesty International from the sources mentioned above.

Prisons and other detention centres in Cameroon are habitually overcrowded and unhygienic. For instance, New Bell prison was built in the 1930s for a prisoner population of 700 inmates but now houses nearly 4,000. It lacks adequate toilet facilities, and the lack of hygiene results in many prisoners falling ill. The government generally does not provide medical care for inmates, and dozens of them die in prisons and detention centres around the country each year.

Detainees often depend on their families for food and medical care; many of the families do not have the money to provide these services for the inmates and/or live too far away to pay regular visits. These conditions, combined with a high percentage of detainees being held for long periods without trial, often lead to riots and attempted escapes. Prison guards and other members of the security forces, who are poorly trained and equipped, as well as inadequately paid, often use lethal force as a first resort to quell violence in prisons.

All too often, according to local human rights organizations whose representatives have visited many Cameroonian prisons, minors are held together with adults. At times, there is inadequate or no separation at all of males from females, giving rise to sexual and other forms of violence and exploitation.

According to some former inmates, due to inadequate accommodation for prisoners, some reportedly sleep on bare floors, with no roof to protect them from the rain or hot sunshine. Prisons are reportedly infested with rats and cockroaches. Some of the prisoners are reported to resort to sleeping in the toilets for lack of any other

place. Overcrowding is reported to be partly responsible for general indiscipline and frequent fights for space and facilities among prisoners. Congestion often results in violent inmates taking most of the sleeping space. New or weaker inmates may gain access to sleeping space only after paying bullies within their cells.

Some former inmates have informed Amnesty International that prison authorities habitually fail to intervene to ensure the safety or relative comfort of people who are physically weak. Some inmates complain that prison authorities allow lawlessness to reign in prisons in order to extract bribes from those who seek their protection. New or weaker prisoners who complain about ill-treatment are often subjected to beatings and other forms of abuse by detainee bullies and/or guards. Sexual assaults are also reported to take place within prisons, with some inmates being forced to provide sexual gratification to inmates who can pay with money or food.

Several Cameroonian human rights organizations informed Amnesty International that Kondengui prison authorities reported that a number of prisoners attempted to escape on 19 December 2004. The organizations said that, in response, the authorities subjected those who were accused of attempting to escape to cruel, inhuman and degrading punishment by forcing them to remove their clothes and keeping them naked in the prison courtyard for two days. In another incident, prison authorities subjected women prisoners to collective punishment by forcibly keeping all of them indoors for 45 days because a woman prisoner was found with a mobile phone and refused to hand it over.

Cameroonian human rights organizations have informed Amnesty International that prison authorities have repeatedly failed to ensure the safety of inmates and, in some cases, to have encouraged practices that cause violence in prisons. According to local human rights organizations, a riot broke out in New Bell prison on 3 January 2005. The riot reportedly took the form of a fight between a group of prisoners known as the “anti-gang” and the rest of the prisoners who accused the “anti-gang” of being used by the prison authorities to enforce harsh discipline on fellow inmates, including beatings and other forms of ill-treatment. During the riot, one prisoner was reportedly killed and about 20 injured by fellow inmates. According to local human rights organizations, soon after the riot was quelled, the prison director (*régisseur*) was replaced.

At least 10 detainees died and as many as 78 sustained injuries after a fire broke out at New Bell prison in the early hours of 20 August 2008. According to local sources, some prisoners died from burns while others died from asphyxiation. By the

end of 2008, it was not clear whether the fire had been started by inmates seeking to escape or if it was accidental.

Criminality appears to be on the increase inside prisons, with prisoners having what appears to be easy access to weapons. For example, a local newspaper reported that on 11 August 2008, over 220 knives, 11 screwdrivers, saws, hammers, pliers, syringes, military fatigues, 5kg of marijuana, 60 mobile phones, one computer laptop, bottles of red wine and whisky, and fake CFA bank notes were reportedly found during a search by the gendarmes at Kondengui prison in Yaoundé. The search was conducted after the prison authorities heard that a massive escape was in preparation.

8. Torture and other forms of cruel, inhuman or degrading treatment

In November 2003 the UN Committee Against Torture (CAT) expressed grave concern about systematic torture by police and gendarmes after the arrest of suspects, with perpetrators almost always enjoying impunity. The CAT highlighted reports of severe overcrowding in prisons, with life-threatening conditions amounting to cruel, inhuman and degrading treatment.

Between January and August 2003, as many as 72 prisoners are reported to have died in Douala central prison alone, due to harsh prison conditions and a lack of medical care. Detainees are obliged to pay for their medical care and women and men are often not separated in custody. Most detainees who become ill and are unable to pay for medical care risk dying – and often do die – in custody. Only rare visits are allowed by officials of the judiciary and the governmental National Human Rights Committee.

Some victims of torture have died in custody. They include Laurent Kougang, who reportedly died on 23 April 2004 from the effects of severe torture while in police custody. He was arrested on 15 April 2004 and was at first held by the judicial police at Bonanjo in Douala and was then transferred to the central police station in Douala's Brazzaville district. After Kougang died, his body is reported to have been taken by the police to Lanquintinie hospital in Douala. His relatives informed local human rights organizations that they found numerous bruises and wounds on his body which appeared to have been caused by severe beatings. He was apparently tortured by police who were interrogating him in connection with allegations that he had been involved in trafficking firearms. No official investigations are known to have been

carried out to establish the cause of death or the identities of those responsible for his death in custody.

According to a Cameroonian human rights organization, Bernard Afuh Weriwo died from severe burns inflicted on him by a senior police officer on 10 July 2004. The police officer was reportedly using fire to force him to confess to having stolen a bicycle. According to information received by Amnesty International, Weriwo lived near a combined gendarmerie and police checkpoint at Ikiliwindi, along the Kumba to Mamfe road in South-West Province. After midnight on 12 May 2004, he was woken up by a man who claimed that Weriwo had stolen his bicycle. Weriwo denied knowledge or possession of the bicycle. He was forcibly taken to the checkpoint where he was handcuffed and beaten by the police.

When Weriwo failed to make a confession in the course of being beaten, a police inspector reportedly placed burning wood on his body. The officer reportedly forced him to drink kerosene, which the officer also sprayed on his body, and set it alight. Weriwo's body burned while his hands were handcuffed. As he cried and begged the officers to extinguish the fire, three members of a family living nearby intervened and poured water on Weriwo and extinguished the fire. According to local sources, the family took him to Kumba Hospital, where he was diagnosed as having sustained third degree burns. The family used their own money to pay for preliminary treatment for Weriwo before he was transferred to a specialized burns unit in Douala. Weriwo died from his injuries two months later.

For several months no action was taken against the police officer and his colleagues who failed to intervene to prevent the torture or to help the victim obtain emergency medical care. In March 2005 the procuracy in Buéa reportedly instituted preliminary investigations against the inspector of police accused of burning and causing the death of Bernard Afuh Weriwo. During interrogation, the police officer reportedly admitted to pouring what he claimed were small quantities of kerosene on Weriwo and threatening to set him on fire with burning wood, but denied actually setting him alight. In October 2005, the police officer was found guilty of causing Bernard Afuh Weriwo's death and was sentenced to five years' imprisonment.

Cameroonian human rights organizations and media reported that on 8 February 2005, Emmanuel Moutombi died from the effects of torture by gendarmes in Douala, the capital of Littoral Province. He was reportedly tortured by members of the Gendarmerie. Moutombi was arrested in mid-January 2005 after being accused by his manager of embezzling 13 million CFA Francs (approximately US\$25,500) belonging to a savings company known as the *Crédit et épargne pour le financement du*

commerce et l'industrie du Cameroun (CECIC, Credit and Savings for Financing Cameroonian Trade and Industry). Emmanuel Moutombi was the CECIC branch manager in Douala.

According to information received by Amnesty International, after his arrest Moutombi was first held at Bonanjo Gendarmerie detention centre in Douala before being transferred on 18 January 2005 to Akwa-Nord Gendarmerie detention centre (locally known as Golgotha because of its notoriety for torture). Sources in Douala report that, by the time Moutombi was visited in custody by his wife on 22 January 2005, he was too weak to walk, had sustained severe injuries to the soles of his feet and could only move using his hands and knees. When his health deteriorated, he was admitted to Laquintinie Hospital in Douala on 28 January. On 3 February, his wife reported the torture of her husband to the military prosecutor. A post mortem on his body reportedly confirmed that his entire body, including his genitals, was covered in wounds and swellings sustained while in custody.

After Emmanuel Moutombi's death, six gendarmes suspected of torturing him were reported to have been suspended from duty pending investigations. In late 2005, the Douala Military Tribunal (*Tribunal militaire de Douala*) started the trial of the gendarmes and two civilians accused of involvement in Moutombi's torture and causing his death. When the trial concluded on 21 March 2006, six gendarmes were sentenced to between six months and 10 years' imprisonment. The tribunal ordered to the state to pay 44 million CFA Francs (approximately US\$85,500) as compensation to Emmanuel Moutombi's immediate family. The two civilians, including Moutombi's former manager, were acquitted.

According to several local human rights organizations, Serges Ondobo died in April 2006, reportedly as a result of being beaten in police custody in Yaoundé after he protested against the arrest of a fellow trader. The authorities are not known to have taken any action against those responsible for Ondobo's death.

More than 100 people were reported to have been beaten in late October 2006 after they were arrested by members of the Rapid Intervention Brigade (BIR, *Brigade d'intervention rapide*) in and around Maroua, capital of Extreme-North Province. The victims were detained for several days at Salack, where many of them were stripped naked, blindfolded and beaten, then held in a cell with a wet floor. The victims included Hamidou Ndjida, Aziz Dikanza and Ismael Balo Amadou.

9. Extrajudicial executions and excessive use of lethal force

Cameroonian security forces routinely use excessive and unnecessary lethal force. The perpetrators have almost always enjoyed impunity.

Amnesty International is concerned that inadequate progress has been made on investigations into reports of extrajudicial executions of nine adolescents in the Bépanda Omnisports neighbourhood of West Central Douala in February 2001. The young people were accused of stealing a gas cylinder and stove, were arrested by members of the gendarmerie on 23 February 2001 and have not been seen since. It is widely believed that they were executed and their bodies secretly disposed of. The nine youths were reportedly taken to the Gendarmerie Operational Command headquarters in Douala, known as “Kosovo”. A note reportedly smuggled out of the detention centre on 28 January said that the detainees were being tortured. The victims’ relatives sought but did not receive any information from the authorities about their fate. Between 28 January and 9 February 2001 the authorities reportedly told the victims’ relatives that investigations were being carried out to establish what had happened to the nine youths but no further information had been made available to the families by December 2008.

A pressure group known as the Comité des 9 (C9, Committee of the Nine) was set up to campaign for government action to reveal the whereabouts and fate of the victims, as well as to bring those responsible for their arrest and subsequent “disappearance” to justice. Demonstrations on 4 and 8 March 2001 by members of the C9 were violently dispersed by members of the security forces. The reaction of the authorities has been to harass leaders of the C9, including Berthuel Kouatou and Serge Djeumen.

In April 2002 several *Commandement opérationnel* members accused of involvement in the apparent execution of the nine youths were arrested in Douala and transferred to Yaoundé. By mid-2003 most of the suspects had been released, apparently due to lack of evidence against them.

Two of those arrested, Colonel Bobbo and Captain Abah Ndzengue were tried by a military court and sentenced to 15 months’ imprisonment suspended for three years, and ordered to serve 16 months’ imprisonment. They were reportedly found guilty of failure to follow orders (*violation de consignes*). The court did not clarify whether the sentences were related to the “disappearance” of the nine youths or what

orders they had failed to follow. It also failed to state what it believed had happened to the nine youths. The two officers were released immediately after their trial because they had already been in prison for the length of the sentence, and were allowed to reintegrate into the security forces.

In July 2003 Cameroonian human rights organizations and independent newspapers reported that police used excessive and lethal force to break up a demonstration by motorcycle riders in Douala. They shot dead five people and wounded more than 30 others. The demonstrators were protesting against police corruption and extortion, and the beating to death by police of a motorcycle taxi rider who reportedly failed to stop at a roadblock. No action is known to have been taken against the police responsible for using lethal force and causing deaths during the protest, or those responsible for the death of the motorcycle taxi rider.

Members of the Cameroonian security forces have often used excessive lethal force to quell student protests. For example, at least two Buea university students, Ivo Obia Ngemba and Moma Bennet, were shot dead on 29 November 2006 by the security forces during violent demonstrations over alleged corruption and discrimination against anglophone students. According to a Cameroonian student organization, there was no formal investigation into the killings and no members of the security forces are known to have been brought to justice in connection with them.

A students' organization informed Amnesty International that on 9 November 2007, Ngome Nkwele Herbert was killed during a demonstration against the detention of his colleagues by the Kumba police on 7 November at an earlier demonstration over lack of electric power at their school in Kumba. Later that month, on 17 November 2007, 17-year-old Charles Mvogo and 15-year-old Shimpe Pougou Zok were shot dead by a security officer at Abong-Mbang during a demonstration against a prolonged lack of electric power at their school.

Cameroonian human rights organizations and media reported in October 2007 that four motorbike taxi riders, popularly known as bensikin, were shot dead by riot police in Bamenda on 15 October 2007. The shootings happened during strike action against police harassment which started the previous day. The authorities are not known to have taken any action against the police.

In June 2007, at least 17 prisoners from Yoko prison in Adamaoua province were shot dead in similar circumstances to those at New Bell prison. The government is not known to have taken any action to bring to justice any members of the security

forces responsible for unlawful killings nor to compensate the families of those who were killed.

In late February 2008, members of the security forces killed as many as 100 civilians, some of whom were involved in riots that erupted in a number of major Cameroonian towns, including the political capital, Yaoundé, and the economic capital, Douala. The people were demonstrating against the escalating cost of living, low wages and plans by the government to amend the Constitution and remove a provision that bars President Paul Biya from standing as a presidential candidate in 2011. Amnesty International has seen photographs which suggest that some of the victims were shot in the head at point blank range and could therefore have been arrested. In Douala, some civilians are reported to have drowned after they were forced to jump into the Wouri river under fire. Many civilians who sustained severe injuries were not provided with medical care by the state, and some subsequently died from gunshot wounds.

According to local human rights organizations and Cameroonian media, on 29 and 30 June 2008, prison guards and other members of the security forces shot and killed at least 17 prisoners who were reportedly trying to escape from New Bell prison in Douala. Another prisoner originating from Burkina Faso was shot dead, apparently as he tried to escape, on 5 August. These are the latest incidents in a history of excessive and unnecessary lethal force, particularly in cases of prison breakouts where the authorities operate a shoot-to-kill policy.

According to human rights defenders and the media in Cameroon, tension had been building in New Bell prison for several weeks before the June shootings. The prison authorities reportedly knew about plots to escape but failed to take preventive measures. On the afternoon of 29 June, dozens of prisoners forced their way out of the prison and 15 were reportedly shot dead by prison guards and other security forces in the ensuing manhunt. Two others were killed on 30 June.

At least one civilian who had not been in custody was unlawfully killed. On 30 June, René Mireille Bouyam, a 21-year-old man who lived near New Bell prison, was shot and fatally wounded when members of the security forces found a prisoner hiding in his house, situated adjacent to the prison. He and the prisoner were reportedly pinned to the ground and shot. The prisoner died instantly and Bouyam died the following day in hospital. Despite this incident and the high number of prisoner deaths, during a visit to the prison on 1 July 2008, the Secretary of State for Justice in charge of penitentiary administration is reported to have thanked the prison authorities for their action against the prisoners who tried to escape.

Amnesty International condemns the security forces' use of a shoot-to-kill policy in response to the attempt of prisoners to escape from New Bell prison. Such a policy violates prisoners' right to life. The organization acknowledges that the Cameroonian authorities have an obligation to maintain law and order and to ensure that detainees do not escape from lawful custody. However, force must only be used by security agents as a last resort and must be proportionate to the situation.

At the start of July, Amnesty International publicly called on the Cameroonian government to immediately set up an independent, impartial and competent inquiry into the circumstances of the prisoner escape and the killings that ensued. Any officials identified by the investigation to have ordered, condoned or perpetrated any unlawful killings or injuries should be brought to justice. Furthermore, the investigation should make recommendations to the authorities on how to prevent similar prisoner escapes that could result in killings or other human rights abuses. Amnesty International urged the government to ensure that those who sustained injuries inflicted by government forces in February and June 2008 are afforded free medical care and that compensation be paid to the families of those who were unlawfully killed.⁹ By September 2008, it was still unclear whether there had been any investigation into the prison escape and the ensuing killings.

On the night of 13 June 2008, members of a security force unit known as the Anti-gang Brigade shot one Chadian refugee dead and wounded another in Langui refugee camp. The shootings occurred when the unit intervened to secure the release of vehicles and the cargo they contained, which belonged to the UN refugee agency, UNHCR. Refugees who had fled fighting in the Chadian capital, N'Djamena, in February 2008, had seized the vehicles to protest against living conditions and inadequate food supplies in the camp. The refugees are reported to have been shot at point blank range. The authorities are not known to have carried out an investigation to establish whether the shootings were warranted or lawful.

10. Death penalty

Courts in Cameroon continue to impose the death penalty, although there have been no reported executions in recent years. Death sentences in Cameroon were last carried out in 1997.

⁹ *Cameroon: Prison Break: Amnesty International condemns use of excessive lethal force and calls for independent inquiry*, 3 July 2008 (AI Index: AFR 17/004/2008).

Seven people were sentenced to death in February 2003 after they were convicted of murdering a police officer in Bamenda in January 2002. In June 2003 a nurse was sentenced to death after she was found guilty of intentionally infecting her former lover's two children with HIV and hepatitis viruses by injecting them with her blood.

In July 2004 a Ministry of Justice official said that death sentences were no longer carried out and that they were usually commuted to life imprisonment in response to petitions for presidential clemency. He said that 27 petitions were under examination but provided no information about those still under sentence of death.

In a positive development, President Paul Biya reportedly issued a decree on 29 December 2004 commuting death sentences and reducing prison sentences. Death sentences were commuted to life imprisonment. However, the decree stated that death sentences imposed on fugitives and repeat offenders would not be commuted. Neither would the commutations apply to those found guilty of assault resulting in the death of a minor, theft with violence resulting in the death of a person, or various forms of corruption and torture. Amnesty International was unable to confirm how many death sentences had, or had not, been commuted according to the terms of the 29 December 2004 decree number 2004/344.

On 20 May 2008, on the anniversary of the independence of Cameroon, President Paul Biya issued another decree commuting all death sentences to life imprisonment. Prisoners whose death sentences had been commuted to life imprisonment in previous years had their sentences reduced to 20 years' imprisonment. Other prison sentences were also reduced. The decree ordered the release of people serving prison sentences in connection with the February 2008 protests. The government did not disclose how many death sentences had been commuted as a result of the decree, nor how many of the sentences had been imposed during 2008. It was unclear by September 2008 if any further death sentences were imposed by the courts after 20 May 2008.

Amnesty International welcomes the fact that for more than 10 years there have been no executions ordered by the courts in Cameroon. Cameroon is among many countries that have agreed to abolition of the death penalty in practice. The organization urges the Cameroonian government to join the growing number of countries, including African countries, that have abolished the death penalty in law and practice. The Cameroonian government should ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the Abolition of the Death Penalty.

11. Conclusion

Amnesty International is concerned that human rights violations in Cameroon continue to be perpetrated, often with impunity, suggesting that they are condoned at the highest levels of the political and security authorities. According to human rights defenders and other members of civil society in the country, the situation has the potential to deteriorate. For more than 10 years Amnesty International has sought to send its representatives to Cameroon to verify allegations of violations on the ground in order to make necessary and pertinent recommendations towards the protection and promotion of human rights. The Cameroonian authorities have so far failed to cooperate fully with the organization.

Amnesty International is concerned that the Cameroonian authorities refuse to allow the organization's researchers to visit the country.

Amnesty International urges the Cameroonian authorities and the judiciary in particular to protect and promote the following international human rights standards:

(i) Right not to be subjected to arbitrary arrest or detention

The right to liberty and the prohibition of arbitrary or unlawful arrest or detention are enshrined in the International Covenant on Civil and Political Rights (ICCPR) and in the African Charter on Human and Peoples' Rights (African Charter), to which Cameroon is a state party.

Article 9, paragraph 1 of the ICCPR states that:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Article 6 of the African Charter similarly prohibits arbitrary or unlawful arrest or detention.

(ii) Right to be informed immediately of the reasons for arrest or detention and of any charges

Article 9 (2) of the ICCPR states:

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

Article 14(3)(a) of the ICCPR also provides:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) *To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him...*

In May 2003 the African Commission on Human and Peoples' Rights (African Commission) adopted the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, outlining safeguards that governments should put in place to ensure the right to a fair trial. Principle M(2)(a) provides that:

anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed, in a language he or she understands, of any charges against him or her.

(iii) Right to be brought before a judge or other judicial officer to challenge the lawfulness of detention

Article 9(4) of the ICCPR states:

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if that detention is not lawful.

This provision is also reflected in the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Principle M(4)).

(iv) Right to legal counsel before trial

Article 14(3)(b) of the ICCPR provides that everyone charged with a criminal offence shall be entitled, as a minimum guarantee:

To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing...

Article 14(3)(d) provides for those charged to be informed of their right to legal assistance, and to have that legal assistance appointed where the interests of justice so require, and free of charge where the person charged lacks the means to pay for it.

Principle 17 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) states:

A detained person shall be entitled to have the assistance of legal counsel. He shall be informed of his right by the competent authority after arrest and shall be provided with reasonable facilities for exercising it.

The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa provides that anyone who is arrested shall be informed upon arrest of the right to legal representation (Principle M(2)(b)) and shall have prompt access to a lawyer (Principle M(2)(f)). Further, the right to legal counsel expressly applies “during all stages of any criminal prosecution, including preliminary investigations in which evidence is taken, periods of administrative detention, trial and appeal proceedings” (Principle N(2)).

(v) Right of detainees to have access to their family and to doctors

Individuals held in pre-trial detention have the right to be given all reasonable facilities to communicate with family and friends and to receive visits from them, according to Principle 19 of the Body of Principles as well as Principle M(2)(g) of the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.

Detained persons have also the right to be examined by a doctor as promptly as possible after detention and thereafter medical care and treatment shall be provided whenever necessary (Principle 24 of the Body of Principles).

(vi) Right to trial within a reasonable time or to release from detention

Article 9, paragraph 3 of the ICCPR states:

Anyone arrested or detained ... 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 judgment

Article 7 of the African Charter recognizes, *inter alia*, the right “to be tried within a reasonable time by an impartial court or tribunal.” (See Article 7(1)(d)).

12. 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 should:

(1) Take immediate action to ensure the 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. Extend an invitation to the UN Special Rapporteur on the situation of human rights defenders to carry out a visit to Cameroon to advise the government on mechanisms required to protect the right to freedom of association and expression.

Make a public commitment to refrain from any action or inaction that would infringe the freedom of expression of journalists, trade unionists and other civil society activists.

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

Ensure all law enforcement officials are conversant with and fully abide by the Code of Penal Procedure, including by ensuring that suspects are produced promptly before a magistrate. Law enforcement and other officials suspected of violating human rights should be brought to justice and removed from positions in which they might commit further violations.

Officials of the procuracy should carry out frequent visits of all detention centres to ensure that all people in custody are being lawfully detained, and that they have not been subjected to torture or other forms of ill-treatment; and that those who are unlawfully detained are released without delay.

Ensure that all suspects are either immediately charged with a recognizable criminal offence or released.

Ensure that suspects are immediately allowed access to visits by family and legal counsel, and are brought to trial in proceedings that meet international standards or are released.

Launch independent investigations into the cases of individuals who have died or “disappeared” 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.

(3) Provide redress to victims of human rights violations.

Establish a fund to pay compensation to victims of human rights violations by government forces.

Take immediate steps to strengthen and improve the training in international human rights law provided to all members of the armed and security forces.

(4) Respect and protect the rights of gay and lesbian people

The Cameroonian authorities should repeal Section 347a 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 engagement in consensual same-sex sexual acts or gender identity 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 those who may engage in consensual same-sex sexual acts.

Take all necessary legislative, administrative and other measures to prohibit and eliminate prejudicial 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.

Members of the international community¹⁰ should:

Work closely with the Cameroonian government to ensure full and timely implementation of the above recommendations.

¹⁰ Including, in particular, member states of the European Union, the Commonwealth and the African Union.

Ensure that all foreign embassies in Cameroon make a concerted effort to provide visible support to the work of human rights defenders and journalists in the country.

The EU should use its influence to ensure that its own guidelines on the protection of human rights defenders are fully implemented in Cameroon.

Glossary

ACAT	<i>Actions des chrétiens pour l'abolition de la torture</i> (Christian Action for the Abolition of Torture)
African Charter	African Charter on Human and Peoples' Rights
African Commission	African Commission on Human and Peoples' Rights
BBC	British Broadcasting Corporation
BIR	<i>Brigade d'intervention rapide</i> (Rapid Intervention Brigade)
C9	Comité des 9 (Committee of the Nine)
CAT	UN Committee Against Torture
CECIC	<i>Crédit et épargne pour le financement du commerce et l'industrie du Cameroun</i> (Credit and Savings for Financing Cameroonian Trade and Industry)
CNRR	<i>Coalition nationale pour la réconciliation et la reconstruction</i> (National Coalition for Reconciliation and Reconstruction)
COG	Commonwealth Observer Group
CPA	<i>Compagnie professionnelle des assurances</i> (Professional Insurance Company)
DGRE	<i>Direction générale à la recherché extérieure</i> (External Investigation Headquarters)
ENAM	<i>Ecole nationale de l'administration et de la magistrature</i> (National School of Administration and Magistrature)
FFA	Front des forces alternatives
FIDH	<i>Fédération internationale des droits de l'homme</i> (International Federation of Human Rights)
GMI	<i>Groupement mobile d'intervention</i> (Mobile Intervention Unit)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IGLHRC	International Gay and Lesbian Human Rights Commission
MDDHL	<i>Mouvement pour la défense des droits de l'homme et de la liberté</i> (Movement for the Defence of Human Rights and Freedoms)
NCHRF	National Commission on Human Rights and Freedoms

NHRC	National Human Rights Committee
RDPC	<i>Rassemblement démocratique du peuple camérounais</i> (Cameroonian People's Democratic Rally)
RFI	Radio France International
RSF	<i>Rapporteurs sans frontières</i> (Reporters Without Borders)
SCNC	Southern Cameroons National Council
SDF	Social Democratic Front or <i>Front social démocrate</i> (FSD)
SED	<i>Secrétariat d'état à la défense</i> (Secretariat of State for Defence)
UNHCR	United Nations High Commissioner for Refugees



WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE AND FREEDOM FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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Amnesty International, International Secretariat, Peter Benenson House,
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CAMEROON

IMPUNITY UNDERPINS PERSISTENT ABUSE

In February 2008 the Cameroonian authorities violently repressed protests against price rises and against a constitutional amendment that would extend the President's term of office. As many as 100 people were killed by members of the security forces. This was not an isolated event but part of a government strategy to stifle opposition.

For more than 10 years Amnesty International has sought unsuccessfully to send its representatives to Cameroon to investigate reports of human rights violations that are condoned or perpetrated by the authorities. These include: unlawful detentions in harsh prison conditions; extrajudicial executions; ill-treatment of human rights defenders and journalists; and torture and persecution of people for their sexual orientation.

This report gives examples of these violations for which the perpetrators have enjoyed almost total impunity. It is not an exhaustive account but covers those parts of the country where Amnesty International has trusted contacts, providing a snapshot of the situation over the past five years.

The report stresses the urgent need for the government to build a culture of respect for human rights and to ensure the safety of the population, including human rights defenders, journalists, detainees and people who are persecuted for their sexual orientation. It calls on the government to end the impunity currently enjoyed by perpetrators of abuse and to work with local and international human rights organizations to protect and promote human rights.

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