



**REPUBLIC OF CAMEROON**

**JOINT SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW**

**30<sup>TH</sup> SESSION OF THE UPR WORKING GROUP**

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO  
in General Consultative Status with ECOSOC**

**And**

**Réseau Des Défenseurs Droits Humains en Afrique Centrale (REDHAC)**

**And**

**Centre for Human Rights and Democracy in Africa (CHRDA)**

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the global south, and have members in more than 170 countries throughout the world.
- 1.2 Réseau Des Défenseurs Droits Humains en Afrique Centrale (REDHAC) is a network of human rights defenders and civil society organisations in the Central Africa region. Created in 2007, REDAC has members in eight countries in the region and its primary focus is the protection of fundamental human rights in these countries.
- 1.3 The Centre for Human Rights and Democracy in Africa (CHRDA) is an independent, non-governmental, apolitical and non-profit making organisation dedicated to the protection and advancement of human rights and the promotion of democracy as a political culture in Africa.
- 1.4 In this document, CIVICUS, REDHAC and CHRDA examine the Government of Cameroon's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Cameroon's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination during the 24<sup>th</sup> session of the UPR review in July 2013. To this end, we assess Cameroon's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.5 During the 2<sup>nd</sup> UPR cycle, the Government of Cameroon received 177 recommendations relating to civic space. Of these recommendations, 152 were accepted and 25 were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Cameroon has not fully implemented all recommendations relating to civil society space. Indeed, the Government of Cameroon has not fully implemented any of the 152 recommendations it accepted.
- 1.6 We are deeply concerned by ongoing restrictions of the right to the freedoms of association and peaceful assembly, notably in the Anglophone sections of Cameroon (the Northwest and Southwest regions), the banning of CSOs and the use of violence to disperse peaceful protests. We express concerns over the arrest and detention of HRDs and activists and the use of draconian legislation to charge them in deeply flawed judicial processes. We express concerns over the ongoing militarisation of the Anglophone regions and the arbitrary arrests and detention of HRDs in all parts of Cameroon.
- 1.7 We are further alarmed by the use of anti-terrorism legislation and sections in the penal code to charge and sentence journalists arbitrarily. Since Cameroon's last review in July 2013, restrictions on the freedom of expression have increased, with more journalists arrested and persecuted. The government has also banned several radio stations for broadcasting information

on the crisis in the Anglophone regions and for expressing views that are critical of the government. Senior government officials have threatened journalists and private radio and TV stations, while the authorities have blocked access to the internet and social media sites, curbing the freedom of expression.

**1.8** As a result of these restrictions, the space for civil society in Cameroon is currently rated as 'repressed' by the CIVICUS Monitor.<sup>1</sup>

- Section 2 of this submission examines Cameroon's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Cameroon's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs and civil society activists.
- Section 4 examines Cameroon's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and the persecution of journalists.
- Section 5 examines Cameroon's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains a number of recommendations to address the concerns raised under the 2<sup>nd</sup> cycle and to advance the implementation of its recommendations.
- An annex covering the implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space can be found in Section 7.

## **2. Freedom of association**

**2.1** During Cameroon's examination under the 2<sup>nd</sup> UPR cycle, the government received eight recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to provide adequate protection to HRDs at risk, particularly those involving the right to the freedoms of association, peaceful assembly and expression. It also committed to strengthen cooperation with the UN human rights mechanisms, particularly the UN Special Procedure Mandate Holders. The government accepted seven recommendations and noted one relating to the freedom of association. However, as evidenced below, the government has failed to take adequate measures to realise many of these recommendations, and has not fully implement any of the eight recommendations.

**2.2** The Constitution of Cameroon guarantees the right to the freedom of association. The Preamble of the Constitution states that the freedoms of communication, expression, assembly, association and trade unionism, as well as the right to strike, shall be guaranteed and fixed by law.<sup>2</sup> Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Cameroon is a state party, also guarantees the freedom of association. However, despite

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<sup>1</sup> CIVICUS Monitor: [Cameroon](#), accessed 21 September 2017.

<sup>2</sup> [Constitution of the Republic of Cameroon](#), accessed 26 August 2017.

these commitments, the government has targeted CSOs, and has banned some from operating, on the basis of their human rights activities.

- 2.3** Associational life in Cameroon is regulated by the Freedom of Association Law No. 90/053 of 19 December 1990.<sup>3</sup> The law provides for a dual system of establishing associations. These include an “authorisation system” for foreign and religious associations and a “declaration system” for all other associations. Under the authorisation system, an association can only carry out activities in Cameroon after receiving authorisation from the Minister of Territorial Administration, based on recommendations from the Minister of External Relations, who receives applications for registration. Section 4 of the law states that associations that operate contrary to the constitution or the law on public policy, or that undermine security unity and national integration, shall be declared “null and void.” It notes that the offices of any association declared null and void will be shut down and its members prevented from having meetings, even when an appeal against the decision to close the association is pending.
- 2.4** The law empowers the Minister of Territorial Administration and Decentralisation to suspend associations for up to three months on the recommendation of a Senior Divisional Officer (SDO) if the association is deemed to have disturbed public order. The minister can also dissolve associations that depart from their original objectives or that are deemed seriously to undermine state security. Under the declaration system, an association can only be recognised as a legal entity after declaring its formation and providing two copies of its constitution to the divisional officer of the area where it is headquartered. The law endows administrative officials, including SDOs, with broad discretion to interpret and wilfully misuse its provisions. Associations that call for reforms and highlight issues considered sensitive by the government have been banned and declared null and void under the pretext that they undermine security and national integration.
- 2.5** For example, on 17 January 2017, the Minister of Territorial Administration and Decentralisation issued an order banning the activities of the Cameroon Anglophone Civil Society Consortium (CACSC).<sup>4</sup> The directive from the minister declared the registration of CACSC to be null and void, stating that it acted contrary to the provisions of the constitution and jeopardised state security. Following protests by teachers and lawyers in the Southwest and Northwest regions, which started in October 2016, CACSC, whose members were largely teachers’ and lawyers’ unions, citizens and civil society groups, was created to enhance dialogue with government.<sup>5</sup> The government proceeded to arrest the President and Secretary General of CACSC (see 3.5 below), while most of its members fled the country to avoid persecution on 17 January 2017.<sup>6</sup>

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<sup>3</sup> Temngah Joseph Nyambo, ‘The legal framework for civil society and social movements in Cameroon’, in ‘Civil society and the search for development alternatives in Cameroon’, Council for the Development of Social Science Research in Africa (CODESRIA), 2008.

<sup>4</sup> [‘The Government Just Banned SCNC and Consortium’](#), The Standard Tribune, 17 January 2017, accessed 26 August 2017.

<sup>5</sup> [‘Cameroon Anglophone Civil Society Consortium’](#), accessed 26 August 2017.

<sup>6</sup> [‘Ban on Consortium, SCNC: Activists go underground as leaders are arrested’](#), Eden Newspaper, accessed 26 August 2017.

**2.6** On 14 June 2014, eight unidentified people armed with guns broke into the offices of the Network of Human Rights Defenders in Central Africa (Réseau des Défenseurs Droits Humains en Afrique Centrale, REDHAC) in the city of Douala. The intruders threatened the organisation's security guard and bound him before breaking into the offices. REDHAC offices have been broken into in the past and the pattern is that documents containing sensitive human rights information and external drives are stolen while other expensive equipment is left untouched. On 2 June 2013, after meetings between civil society and the US ambassador to Cameroon, unidentified intruders also broke into REDHAC offices and stole documents and equipment. In all cases the incidents were reported to the police but no conclusive investigations were undertaken. Aside from the fact that the information and equipment stolen affect the finances of REDHAC and its ability to deliver human rights reports, staff members have been compelled to self-censor to avoid future attacks.

### **3. Harassment, intimidation and attacks against human rights defenders and civil society activists**

**3.1** Under Cameroon's previous UPR examination, the government received 15 recommendations on the protection of HRDs and civil society representatives. The government committed to several relevant recommendations, including making every effort to investigate fully all threats and attacks against HRDs and to bring the perpetrators to justice. The government also committed to provide active and immediate protection to HRDs. Of the recommendations received, 10 were accepted and five were noted. However, as examined in this section, the government has failed to act on these recommendations effectively, and has not fully implemented any.

**3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to HRDs. The ICCPR further guarantees the freedoms of expression, association and assembly. However, in spite of these protections, HRDs are routinely threatened and the government has neither taken adequate measures to protect them nor brought perpetrators to justice.

**3.3** On 4 May 2017, HRDs Abue Philip Kpwe, Cyprian Azong, Bernard Fuh and Divine Biame were released on bail by the Appeals Court in the Northwest region after spending a year in detention for promoting environmental rights and advocating against land grabbing by private enterprises. They were arrested on 22 April 2016, detained at the Bamenda central prison and accused of vandalism and arson.<sup>7</sup> All four activists are members of the Esu Youth Development Association, an environmental and land rights CSO. They have been targeted by wealthy business leader Baba Ahmadou Danpullo, who is affiliated with the Central Executive Committee of the ruling Cameroon People's Democratic Movement (CPDM) party.<sup>8</sup> Mr Danpullo has been accused by several CSOs and HRDs of expropriating community lands for commercial ventures. For more than three decades, activists in Esu communities have been advocating against the forceful

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<sup>7</sup> ['Arbitrary detention, administrative and judicial harassment'](#), REDHAC, 18 July 2016, accessed 5 September 2017.

<sup>8</sup> ['Cameroon: judicial harassment of Esu Community leaders including nine members of EYDA'](#), International Federation for Human Rights, 4 August 2016, accessed 5 September 2017.

takeover of their land by Mr Danpullo. Previously, on 9 July 2015, Abue Philip Kpwe and several other youth activists were arrested and detained for acting against a pronouncement made by the authorities preventing them from gaining access to community land. They were only released when members of Esu communities organised peaceful protests.

- 3.4** On 23 March 2017, HRD Jan Capelle was arrested and detained for promoting environmental rights and organic farming and advocating against land grabbing in the Northwest region.<sup>9</sup> Mr Capelle is the founder of Organic Farming for Gorillas (OFFGO), a CSO that works to protect the environment and gorillas in Mbengwi, in the Northwest region. OFFGO has often been targeted by the authorities and businesspeople. Its members have been threatened, intimidated and subjected to unwarranted judicial persecution by the authorities. On 17 May 2017, Vincent Awazi, a member of OFFGO, was asked to report to the Court of First Instance in Mbengwi, but was not given any reasons as to why he was summoned and the judge did not arrive at the court during the hearing.<sup>10</sup>
- 3.5** On 17 January 2017, HRDs Felix Agbor Balla and Fontem Neba were abducted by security forces in Buea, Southwest region, and detained at the Kondengui central prison in the capital, Yaoundé. Felix Agbor Ball is President of CACSC and Fontem is the organisation's Secretary General.<sup>11</sup> Their arrests were followed by the arrest of media activist Mancho Bibixy and HRD Paul Abine Ayah, who were detained at the Kondengui Central Prison and the Secretariat of State for Defence in Yaoundé respectively. Three of the HRDs - Felix Agbor, Mancho Bibixy and Fontem Neba -were charged with terrorism, rebellion against the state, incitement of violence and breach of the constitution. They were charged under the Law on the Suppression of Acts of Terrorism and under the penal code (see 4.3 and 4.5 below). Paul Abine Ayah was not formally charged but was held in solitary confinement.<sup>12</sup> The three were summoned to a military court four times, with the judge adjourning the case after each appearance.<sup>13</sup>
- 3.6** More than a hundred activists and citizens have also been detained at the Kondengui Central prison for participating in protests condemning the marginalisation of Cameroonians of Anglophone origin and calling for reforms. Several activists have fled the country to avoid persecution and the government has effectively militarised the Southwest and Northwest regions as security forces continue to arrest and detain those suspected of participating in protests organised by CACSC. In August 2017 President Paul Biya granted amnesty to Felix Agbor Balla, Fontem Neba, Paul Abine Ayah and several other activists detained, but Mancho Bibixy and many more remain in detention.<sup>14</sup> In addition, human rights lawyer Academy Walter

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<sup>9</sup> [‘Say no to harassment’](#), OFFGO, accessed 26 August 2017.

<sup>10</sup> [‘Land grabbing in Mbengwi’](#), OFFGO, accessed 5 September 2017.

<sup>11</sup> [‘Journalists and activists remain in detention on terrorism charges’](#), CIVICUS Monitor, 1 August 2017, accessed 5 September, 2017.

<sup>12</sup> [‘The Law Society of Upper Canada expresses grave concern about the arrest and detention of lawyer Felix Agbor Balla in Cameroon’](#), Law Society of Upper Canada, accessed 28 August 2017.

<sup>13</sup> [‘Top Cameroon Judge arrested amid civil society clampdown’](#), Africa Review, 22 January 2017, accessed 28 August 2017.

<sup>14</sup> [‘Agbor Balla, Others Back in Court Today for Release Procedures: Ben Muna’](#), Cameroon Journal, 31 August 2017, accessed 5 September 2017.

Tabikam was arrested on 27 February 2017 and charged with acts of terrorism and hostilities towards the homeland. He was released on 19 September 2017.

- 3.7** On 3 November 2015, HRD Nasako Besingi was found guilty of defamation and publishing false information by a court in Mundemba in the Southwest region. The case against him was brought by SG Sustainable Oils Cameroon (SGSOC), a subsidiary of US-based Herakles Farms, after he challenged a project by SGSOC to set up palm plantations for the production of oil, on the grounds that this threatens the natural resources and livelihood of citizens.<sup>15</sup> Mr Besingi is head of Struggle to Economise the Future Environment (SEFE), an environmental rights CSO based in Mundemba. He has been a victim of judicial harassment in the past and has been physically assaulted by unidentified individuals over his campaigns on environmental rights.<sup>16</sup> The premises of SEFE have been raided by security and members prevented from holding peaceful protests against the use of community lands for palm plantations.
- 3.8** On 15 September 2015, HRD Jean Marc Bikoko and other activists were arrested while participating in a workshop commemorating the International Day of Democracy.<sup>17</sup> The workshop was held at the Yaoundé Sports Arena under the theme of ‘electoral governance and democratic change’. During the arrests, security forces seized equipment used by journalists. Mr Bikoko is head of the civil society movement Dynamique Citoyenne, a network of 150 CSOs. The following day, three further Dynamique Citoyenne members were arrested.<sup>18</sup>
- 3.9** On 13 June 2015 intruders broke into the home of HRD Maximillienne Ngo Mbe, Director of REDHAC. The intruders stole documents, external hard drives, a laptop and pamphlets on crime and human rights in the Central African region. Before that, on 1 March 2015, presenters and guests on a TV show accused Ms Mbe of allowing herself to be “manipulated” by French and American officials in her human rights activities. They threatened her with death and hinted that they would burn down the REDHAC offices.
- 3.10** HRD Musa Usman Ndamba has been subjected to unwarranted judicial persecution. He was charged with propagation of false information and defamation in a case brought against him by Baba Ahmadou Danpullo. After appearing in court more than 20 times, the case was dismissed in May 2014.<sup>19</sup> The defamation charge was reinstated a few months later, but the case was adjourned on several occasions as Mr Ndamba’s accuser failed to appear in court. Mr Ndamba is Vice President of the Mbororo Social and Cultural Development Association (MBOSCUDA), a CSO that campaigns for the rights of Cameroon’s Mbororo community. MBOSCUDA highlights human rights violations committed by the government and businesses, including land grabbing, the

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<sup>15</sup> [‘Challenging year ends in hope for Cameroonian environmental activist’](#), Greenpeace International, 19 December 2012, accessed 5 September, 2017.

<sup>16</sup> [‘Environmentalists in Cameroon need your support’](#), Rainforest Rescue, accessed 5 September 2017.

<sup>17</sup> [‘Cameroon : l’activiste Jean-Marc Bikoko arrêté et toujours détenu à Yaoundé’](#), Jeune Afrique, 16 September 2015, accessed 5 September 2017.

<sup>18</sup> [‘Cameroon: Cease the clampdown on civil society’](#), CIVICUS, 28 October 2015, accessed 5 September 2017.

<sup>19</sup> [‘Struggle for Mbororo land rights in Cameroon continues despite persecution’](#), Land Rights Now, 24 August 2015, accessed 5 September 2017.

degradation of the environment and collusion between state and non-state actors to commercialise community lands.<sup>20</sup>

#### 4. Freedom of expression, independence of the media and attacks on journalists

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the government received 12 recommendations relating to the freedom of expression, independence of the media and attacks on journalists. For example, the government pledged to take every effort to investigate fully all threats and attacks against rights defenders and journalists and bring perpetrators to justice. Of the recommendations received, seven were accepted and five were noted. However, as discussed below, the government did not take effective measures to implement these recommendations, and has not fully implemented any of them.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedom of expression and opinion. The Preamble of the Constitution of Cameroon also guarantees the right to the freedom of expression. It states that the freedoms of communication, expression, association, assembly and freedom of the press, as well as trade unionism and the right to strike, shall be guaranteed under the conditions fixed by law.<sup>21</sup>
- 4.3** In December 2014, the government of Cameroon passed the Law on the Suppression of Acts of Terrorism (No. 2014/28 of 12/13/2015) in response to a rise in terrorist attacks by Boko Haram in the north of Cameroon. The law has been used to target journalists, who have been prosecuted and sentenced in military courts. The definition of acts of terrorism under the law is broad and overly vague, giving the authorities wide powers to target journalists and activists who are critical of the government. According to the law, acts of terrorism include the disruption of the national functioning of public services and the delivery of services to the public to create a crisis situation among the public.
- 4.4** In addition, the law maintains provisions on defamation that have been used to arrest and sentence journalists (see 4.7 below). Section 9 of the law stipulates penalties for those deemed to have made statements considered defamatory by the authorities. It states that “whoever makes a false statement of a defamatory nature to an administrative or judicial authority pursuant to Section 7 and 16, shall be punished with imprisonment of twenty years.” In addition, Section 7 and 16 of the law seem to contradict each other, meaning that their interpretation will be based on the discretion of the authorities. For instance, Section 7 notes that perpetrators or co-perpetrators who help to stop an act of terror will be sentenced to 10 or 20 years in prison.<sup>22</sup> Section 16 notes however that the authorities will waive persecution for persons who, after agreeing to commit an act of terror, report to public officials, prevent the act from being committed, or identify co-offenders before the act is committed.<sup>23</sup> Section 11 of the law empowers the authorities to hold suspects in custody indefinitely. It notes that the duration of remand in custody shall be 15 days, renewable upon the authorisation of the state prosecutor.

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<sup>20</sup> [‘Mbororo Social and Cultural Development Association \(MBOSCUDA\)’](#), International Land Coalition, accessed 5 September 2017.

<sup>21</sup> Constitution of the Republic of Cameroon, op. cit..

<sup>22</sup> [‘Law on the Suppression of Acts of Terrorism in Cameroon’](#), accessed 2 September, 2017.

<sup>23</sup> Ibid.

- 4.5** Sections of the penal code have also been used disproportionately to target journalists. Section 107 makes it a criminal offence if citizens fail to inform the authorities about any activity that “injures” the defence of the nation. Its states that “any citizen who in time of peace fails to inform the defence, administrative or legal authorities, so soon as he comes to know of it, of any activity liable to injure the defence of the nation shall be punished as under the last foregoing section.”<sup>24</sup> According to Section 305, those found guilty of defamation are liable to a fine of 2 million CFA Francs (approximately US\$3,700) or between six days and six months imprisonment. Section 305 (2) specifically targets journalists and the media as it states that “these penalties shall equally apply to persons guilty of defamation in the print and audio-visual media without prejudice to the right of reply and to the obligation of public corrections.”<sup>25</sup>
- 4.6** The National Communications Council (CNC) is Cameroon’s media regulator, created in 1991 with powers to arbitrate on libel and defamation. In 2012 President Paul Biya passed a decree authorising the Council to impose sanctions on media outlets. CNC members are appointed by the President and their independence has often been called into question, as the Council has imposed bans on private newspapers and threatened journalists and media houses that report on sensitive issues. In January 2017, the authorities suspended private radio station Radio Hot Cocoa, accusing the station of inciting disorder.<sup>26</sup> The suspension was preceded by a message from the Ministry of Communications in December 2016 that warned all private radio and TV stations about broadcasting information on civic space restrictions and human rights violations in the Anglophone regions of Cameroon.
- 4.7** On 24 April 2017, a military court sentenced journalist Ahmed Abba to 10 years in prison after he was convicted of “failing to denounce terrorism” under the law on the Suppression of Acts of Terrorism.<sup>27</sup> Mr Abba is a reporter for Radio France Internationale’s Hausa service. He was also fined 55 million CFA Francs (approximately US\$100,000). Mr Abba was arrested on 30 July 2015 as he reported on attacks by Boko Haram in the northern part of Cameroon, having visited an area that had been attacked by Boko Haram. He was tortured while in detention.<sup>28</sup> The military court rejected requests for him to be released on bail as he appeared in court 17 times before the verdict was pronounced.<sup>29</sup> During his trial, the military prosecutor had initially requested the death penalty and later called for him to be sentenced to life in prison. His lawyers will appeal against the sentence at the end of September 2017. Two other journalists - Tim Finnam of Life Magazine and Atia Tilarious Azohnwi of the Post newspaper - were arrested on 26 January 2017 and 9 February 2017 respectively and charged with promoting terrorism under the Law on the

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<sup>24</sup> [‘Law 2016/007 of 12 July 2016 relating to the penal code’](#), accessed 28 August 2017.

<sup>25</sup> Ibid.

<sup>26</sup> [‘Cameroon - Closure of Radio Hot Cocoa: Peter Essoka Announced in Bamenda’](#), Cameroon-Info.Net, 11 January 2017, accessed 5 September 2017.

<sup>27</sup> [‘Cameroon reporter, Ahmed Abba to appeal 10-year terrorism sentence’](#), Daily Nation, 25 April 2017, accessed 2 September 2017.

<sup>28</sup> [‘Cameroon’s crackdown continues as journalist convicted on terrorism charges’](#), CIVICUS Monitor, 21 April 2017, accessed 22 August 2017.

<sup>29</sup> [‘Cameroon: calls to free Ahmed Abba grow as mystery surrounds appeal’](#), International Federation of Journalists, 17 August 2017, accessed 5 September 2017.

Suppression of Acts of Terrorism.<sup>30</sup> The two were released in September 2017 after President Paul Biya announced that the government had ended criminal proceedings against them.

- 4.8** On 17 January 2017, the government shut down the internet and blocked access to social media in the Northwest and Southwest regions. These actions followed protests by teachers' and lawyers' unions and the arrest of civil society leaders. The government instructed key telecommunications and mobile phone companies - Camtel, MTN Cameroon, Nextel and Orange - to enforce the ban. Following calls from citizens, national and international CSOs and media agencies, internet services were restored on 20 April 2017. Following the restoration of services, the Minister of Communications warned social media users that the government would shut the internet down again if it was used to spread false information.
- 4.9** In December 2015, journalists Félix Cyriaque Ebolé Bola of the private newspaper Mutations, Rodrigue Tongue of Le messenger and Baba Wamé, journalist and cyber journalism teacher, were summoned before a military court and accused of failing to disclose the presence of a suspected insurgent from the Central African Republic hiding on the Cameroon border.<sup>31</sup> They had initially been charged under the Penal Code on 28 October 2014 for failing to disclose information, and prosecutors banned them from publishing in the media. They were also required to report to a police station every week.<sup>32</sup>
- 4.10** On 28 October 2014, the CNC summoned Guibai Gatama and Benjamin Zebaze publishers of the private newspapers L'oeil Gatama and Ouest Littoral respectively, to respond to complaints made by the CNC and the police about violating the ethics of journalism. They were summoned after Mr Zebaze published an article about the ban imposed by the CNC on any reports that highlighted trends in elections.
- 4.11** On 10 March 2014, Amungwa Tanyi Nicodemus, the editor of the private newspaper the Monitor, was sentenced to four months in prison and fined 10 million CFA Francs (approximately US\$18,100) after he published articles alleging corrupt practices at the Cameroon Cooperative Credit Union League (CCCUL), a microfinance institution. The Cooperative Union had filed a complaint against Mr Nicodemus after he published articles accusing CCCUL of engaging in acts of bribery and embezzling funds. Zacharie Ndiomo, editor of the Zenith newspaper, was also arrested on 13 October 2014 after Urbain Ebang Mve, Chief of Staff of the Ministry of Finance, filed a libel suit over an article published by the Zenith that stated that Mr Mve could be sent to prison for corrupt practices.

## 5. Freedom of peaceful assembly

- 5.1** During Cameroon's examination under the 2<sup>nd</sup> UPR cycle, the government received four recommendations on the right to the freedom of peaceful assembly. Among other responses,

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<sup>30</sup> CIVICUS Monitor, 21 April 2017, op. cit.

<sup>31</sup> '[Cameroun : Félix Cyriaque Ebolé Bola, Rodrigue Tongue et Baba Wamé devant le tribunal militaire de Yaoundé](#)', Camerpost, 7 December 2015, accessed 2 September 2017.

<sup>32</sup> '[Baba Wame, Rodrigue Tongue et Félix Ebolé de retour au tribunal militaire](#)', Journal du Cameroun, 22 January 2016, accessed 2 September 2017.

the government committed to provide protection to HRDs at risk, especially involving the right to the freedoms of expression, peaceful assembly and association, to respect provisions of existing laws governing the freedoms of association, assembly and expression, and eliminate abuse of provisions to limit political gatherings, union activity and criticism of the government. Of the recommendations received, the government accepted three and noted one. However, as evidenced below, the government has failed to realise many of these recommendations adequately, and has not implemented any fully.

- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, the Preamble of the Cameroon Constitution guarantees the right to the freedom of assembly.<sup>33</sup> However, in practice and policy requests for permission to hold protests that highlight human rights violations and call for reforms are rejected and the security forces use brute force to disperse protests. In many cases protesters are killed.
- 5.3** In October 2016, lawyers' and teachers' unions in the Northwest and Southwest regions organised a series of protests against the economic, social and political marginalisation of the regions and called for reforms in the education and legal sectors. The protests were violently repressed by security forces. On 26 November 2016, more than 100 protesters were arrested in the city of Bamenda.<sup>34</sup> On 8 December 2016, five protesters were shot dead as they demonstrated against the violent repression of previous protests and condemned plans by the ruling party to organise a 'peace parade' in Bamenda. Many more protesters were arrested on 23 January 2017 and at time of writing are being detained at the Kondengui Central Prison in Yaoundé. Some are being held in solitary confinement and all protesters have been charged with terrorism, inciting rebellion, secession and treason. Most of these charges carry the death penalty. The whereabouts of many protesters arrested since the start of the protests in October 2016 remain unknown.

## **6. Recommendations to the Government of Cameroon**

CIVICUS, REDHAC and CHRDA call on the Government of Cameroon to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, expression and peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding, and the state's duty to protect. In light of this, the following specific recommendations are made:

### **6.1 Regarding the freedom of association**

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<sup>33</sup> Constitution of the Republic of Cameroon, op. cit.

<sup>34</sup> '[Protest leaders on trial as resistance in Anglophone Cameroon continues](#)', CIVICUS Monitor, 14 February 2017, accessed 6 September 2017.

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures, which unwarrantedly limit the right to association.
- Reinstate the Cameroon Anglophone Civil Society Consortium (CACSC) and stop persecuting its leaders so it can carry out its activities without fear of intimidation.
- Repeal sections of the Freedom of Association Law No. 90/053 of 19 December 1990 that empower authorities to prevent arbitrarily the registration of organisations or ban organisations that are critical of government policies or that call for reform. All provisions of the amended law should promote rather than inhibit associational life in Cameroon and must conform to articles 21 and 22 of the ICCPR.
- Carry out independent investigations into attacks and burglaries that target CSOs and ensure that the perpetrators of these acts are brought to justice.
- Stop unwarranted raids on CSOs and unjustifiable disruptions of legitimate conferences, seminars and other activities organised by CSOs.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of HRDs, CSOs, journalists, activists and others.

## **6.2 Regarding the protection of HRDs**

- Provide civil society members and HRDs with a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Release all HRDs and civil society members that are in detention and disclose the whereabouts of those who have not been seen since their arrests in 2016 and 2017.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs and civil society members by adopting a specific law on the protection of human rights activists, in accordance with UN Human Rights Council resolution 27/31.

### **6.3 Regarding the freedom of expression, independence of the media, access to information and attacks on journalists**

- Ensure the freedom of expression and media freedom by all bringing national legislation in line with international standards.
- Review the restrictive provisions in the penal code that are used to detain, charge and sentence journalists, particularly those on libel and sedition. The revised provisions should conform with article 19 of the ICCPR.
- Repeal or suitably amend the Law on the Suppression of Acts of Terrorism (2014) and stop using the law to target journalists.
- Reinstate all media outlets unwarrantedly closed.
- Ensure that journalists and writers can work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, to ensure free access to electronic media and allow bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights, including by liberalising electronic media ownership rules.
- Enable unfettered access to online information resources by removing restrictions on access to national and international news websites, social media outlets and CSO websites.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.
- Adopt a law on access to information in order to promote fully the exercise of the right to the freedoms of expression and opinion.
- Organise inclusive consultations with journalists and the media in order to resolve disputes that exist concerning the new media law.
- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including the arts.

#### **6.4 Regarding the freedom of assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for the practice of simple notification of events being held rather than explicit permission being needed to assemble.
- Immediately and unconditionally release all demonstrators, journalists and HRDs detained for exercising their right to the freedom of peaceful assembly, and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces while monitoring protests and demonstrations.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, launch a formal investigation into such instances and bring the perpetrators of abuses to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

#### **6.5 Regarding access to UN Special Procedures mandate holders**

- The Government of Cameroon should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy and; 7) Working Group on Arbitrary Detention.

#### **6.6 Regarding State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.

- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

### **Section 7: Annex 1. UPR of Cameroon (2<sup>nd</sup> Cycle – 16th session) - Thematic list of recommendations pertaining civic space**

<b>Recommendation</b>	<b>Position</b>	<b>Full list of themes</b>	<b>Assessment/comments on level of implementation</b>
<b><i>Theme: A24 Cooperation with special procedures</i></b>			
131.76 Issue a standing invitation to special procedures (Slovenia); <b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)	Supported	A24 Cooperation with special procedures  <b>Affected persons:</b> - general	Not Implemented Source: 2.1
131.77 Issue a standing invitation to the mandate holders of the Council (Tunisia); <b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)	Supported	A24 Cooperation with special procedures  <b>Affected persons:</b> - general	Not Implemented Source: 2.1
<b><i>Theme: D33 Arbitrary arrest and detention</i></b>			
131.106 Refrain from arbitrary arrest and detention, and enforce existing Criminal Procedure Code provisions to limit pre-trial detention, in compliance with ICCPR obligations (United States of America); <b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)	Supported	D33 Arbitrary arrest and detention  <b>Affected persons:</b> - general - persons deprived of their liberty	Not Implemented Source: 3.5, 3.6, 4.5.
<b><i>Theme: D43 Freedom of opinion and expression</i></b>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.65 Decriminalize defamation, reform the legislation regulating the press in order to ensure more freedom for journalists and writers (Germany);</p> <p><b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Noted	<p>D43 Freedom of opinion and expression</p> <p>A41 Constitutional and legislative framework</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 4.4, 4.5, 4.6</p>
<p>131.141 Ensure freedom of expression and the press by decriminalizing all press offenses and prosecuting all perpetrators of threats and attacks against human rights defenders and journalists (France);</p> <p><b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Noted	<p>D43 Freedom of opinion and expression</p> <p>D31 Liberty and security - general</p> <p>H1 Human rights defenders</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 3.3, 3.4, 3.5, 3.7, 3.8, 3.10, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11</p>
<p><b>Theme: D45 Freedom of association</b></p>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.139 Respect provisions of existing laws governing freedoms of association assembly and expression, and eliminate abuse of provisions to limit political gatherings, union activity and criticism of the Government (United States of America);  <b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Noted	<p>D45 Freedom of association</p> <p>D44 Right to peaceful assembly</p> <p>D43 Freedom of opinion and expression</p> <p>E33 Trade union rights</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>Not Implemented</p> <p>Source: 2.3, 2.4, 2.5</p>
<b>Theme: H1 Human rights defenders</b>			
<p>131.112 Provide active and immediate protection for all human rights defenders (United Kingdom of Great Britain and Northern Ireland);  <b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Supported	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> </ul>	<p>Not Implemented</p> <p>Source: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10</p>
<p>131.114 Abide by its UPR engagements made in 2009 by fully respecting and protecting the rights and freedoms of Human Rights Defenders and journalists and that no fines or prison sentences are imposed on persons for expressing political views or opposition to the current government (Hungary);  <b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Noted	<p>H1 Human rights defenders</p> <p>A27 Follow-up to Universal Periodic Review (UPR)</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- general</li> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.111 Continue to investigate acts of threats and aggression against human rights defenders and journalists and bring to justice those perpetrators (Spain);</p> <p><b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Supported	<p>H1 Human rights defenders</p> <p>B51 Right to an effective remedy</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10</p>
<p>131.113 Make every effort to fully investigate all threats and attacks against human rights defenders and journalists and bring the perpetrators to justice (Czech Republic);</p> <p><b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Supported	<p>H1 Human rights defenders</p> <p>B51 Right to an effective remedy</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.116 Ensure a favourable climate for the activities of journalists, human rights defenders and other actors of civil society (Tunisia);</p> <p><b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Noted	<p>H1 Human rights defenders</p> <p>D45 Freedom of association</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10</p>
<p>131.115 Provide adequate protection to human rights defenders at risk, especially involving the right to freedom of expression, peaceful assembly and association (Ireland);</p> <p><b>Source of position:</b> A/HRC/24/2 - Para. (advance unedited version)</p>	Supported	<p>H1 Human rights defenders</p> <p>D45 Freedom of association</p> <p>D44 Right to peaceful assembly</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Not Implemented</p> <p>Source: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10</p>