

5 March 2018

Via E-mail

His Excellency Zeid Ra'ad Al Hussein
High Commissioner of Human Rights
Office of the United Nations High Commissioner for Human Rights
zraad@ohchr.org

Re: Human Rights Violations against Anglophone Cameroonians

Your Excellency:

Together with Access Now and the University of Southern California Gould School of Law's International Human Rights Clinic (USC IHRC), we are writing to call your attention to recent human rights violations committed by the Republic of Cameroon against the Anglophone population of Cameroon. Access Now is a non-governmental organization, that works to defend the digital rights of users at risk around the world through policy, advocacy, and technology support. The USC IHRC handles *pro bono* advocacy projects to confront some of the most pressing human rights concerns.

As your Office is aware, over the past year and a half, the Government of Cameroon has brutally cracked down on any perceived political dissidents. English-speaking civilians from the Anglophone Cameroonian regions have been particularly targeted because of their opposition to the Government's discriminatory policies aimed at economic suppression and forced assimilation of this minority group. What in 2016 "began as a simple request for English to be used in the courtrooms and public schools,"¹ has since escalated into a major crisis. The Guardian reports that "dozens of people have died, hundreds have been imprisoned and thousands have escaped across the border to Nigeria."²

¹ The *Guardian*, *Deaths and Detentions as Cameroon Cracks Down on Anglophone Activists*, (3 January 2018), available at <https://www.theguardian.com/world/2018/jan/03/deaths-and-detentions-as-cameroon-cracks-down-on-anglophone-activists>. See also International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures* (19 Oct. 2017), p. 5 ("In total, since the start of the crisis in October 2016, at least 55 people have been killed, several hundred injured and hundreds more arrested in the Anglophone regions.").

² *Id.*

It has been widely reported that government officials and security forces have increasingly responded to peaceful protests with extraordinary violence, violating Anglophone Cameroonians' rights to life and bodily integrity; freedom from torture and inhumane treatment; freedom of expression, assembly, and access to information; right to non-discrimination based on language; and freedom of movement.³ Reports indicate that government forces have sexually abused and tortured those peacefully protesting against the regime's discriminatory measures and have even shot indiscriminately at crowds of protestors from helicopters.⁴ Reports indicate that the Government has banned demonstrations and gatherings of more than four people,⁵ and arrested and detained the movement's "leading figures,"⁶ as well as journalists and researchers⁷ and "individuals suspected of participating in the demonstrations,"⁸ without charging them or trying them. They have also limited Anglophone civilians' freedom of movement by enforcing curfews,⁹ and by closing regional land and sea borders.¹⁰

³ See, e.g., Declaration of the Bishops of the Bamenda Provincial Episcopal Conference (BAPEC) (4 Oct. 2017), p. 1 ("Since Friday, 29th September 2017, there have been various forms of violence and atrocities that have bedeviled most towns and villages of the North West and South West Regions..."); Spokesperson for the UN High Commissioner for Human Rights, *Press briefing notes on Cameroon* (6 October 2017) ("According to government figures, at least 10 people were killed on Sunday and credible sources indicated that some of these deaths resulted from excessive use of force by the security forces.").

⁴ International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, p. 2; International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads* (2 Aug. 2017), p. 20. See also Reuters, Cameroon army helicopters shot separatists protesters – witnesses (6 Oct. 2017); African Commission on Human and Peoples' Rights, Press Release on the Human Rights Situation in Cameroon Following strike actions of Lawyers, Teachers and Civil Society (13 Dec. 2016); OHCHR, Cameroon: human rights must be respected to end cycle of violence – UN experts (17 Nov. 2017).

⁵ International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads*, p. 20; International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, p. 2.

⁶ International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads*, p. i ("Trust between Anglophone activists and the government has been undermined by the arrest of the movement's leading figures..."); International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures* (19 Oct. 2017), p. 4 ("Leading figures of the Anglophone movement and dozens of protesters already detained for eight months are still in prison").

⁷ International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads*, p. 20; International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, p. 4.

⁸ African Union, *AU expresses concern on the situation in Cameroon* (18 Jan. 2017). See also Amnesty International, *Cameroon: Inmates 'packed like sardines' in overcrowded prisons following deadly Anglophone protests* (13 Oct. 2017) ("At least 500 people remain detained in overcrowded detention facilities following mass arbitrary arrests in the Anglophone regions of Cameroon, and many wounded protestors fled hospitals to avoid arrest, Amnesty International said today.").

⁹ International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, p. 3; OHCHR, Cameroon: human rights must be respected to end cycle of violence – UN experts (17 Nov. 2017); Amnesty International, *Cameroon: Widespread Human Rights Violations* (Oct. 2017), pp. 4-5 ("On 23 December 2014, an anti-terrorism law, Law n° 2014/028, was promulgated...The law sets out an overly broad definition of terrorism...and infringes the rights to freedom of association and assembly. The law also limits the procedural rights of suspects, including by giving military courts jurisdiction over all terrorism cases and allowing suspects to be held without charge for a period of 15 days, renewable indefinitely. Finally, it mandates capital punishment for those found guilty of carrying out, assisting or sponsoring acts of terrorism.").

¹⁰ International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, p. 3.

Freedom of expression has been particularly under threat. Specifically, on 17 January 2017, the Government ordered the suspension of internet services in the Northwest and Southwest Anglophone regions of Cameroon. The shutdown lasted 93 days and had a major, debilitating impact on the economy, educational institutions, freedom of expression, and social communication of the regions' 5 million residents.¹¹ A second connectivity freeze began on 1 October 2017, targeting popular messaging and social media platforms,¹² thwarting online mobilization by activists, and leading to immediate outcry from local and international civil society.¹³ This disruption likewise caused widespread harm by frustrating attempts to document and recover from violence, and prevented communication between internally displaced persons and their families, medical personnel, and journalists, among others.¹⁴

These actions are in blatant violation of international law. Thus, in a July 2016 resolution that called for the promotion, protection, and enjoyment of human rights on the internet, the Human Rights Council expressed deep concern over “measures aiming to or that intentionally prevent or disrupt access to or dissemination of information online, in violation of international human rights law.”¹⁵ In the resolution, the Council “condemn[ed] unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all States to refrain from and cease such measures.”¹⁶

In December 2017, the UN General Assembly adopted by consensus the resolution “The safety of journalists and the issue of impunity”, which similarly “[c]ondemn[ed] unequivocally measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or dissemination of information online and offline, aiming to undermine the work of journalists in informing the public, and call[ed] upon all States to cease and refrain from these measures, which cause irreparable harm to efforts at building inclusive and peaceful knowledge societies and democracies.”¹⁷

¹¹ International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads*, p. i (referring to a 92-day cut in internet services); Amnesty International, *Cameroon: Widespread Human Rights Violations*, p. 8 (“During the protests in the Anglophone regions, phone and internet services were cut in those regions between January and April 2017”); International Crisis Group, *Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, p. 3 (stating that two regional governors “cut off social networks, followed by the internet and electricity.”).

¹² Quartz, *Cameroon is disrupting the internet in its English-speaking regions to stifle protests again* (1 Oct. 2017).

¹³ Access Now, *KeepItOn coalition letter to the government of Cameroon* (5 Oct. 2017).

¹⁴ Access Now, *“Is this real?” Three people inside Cameroon's ongoing internet shutdown* (19 Oct. 2017); Access Now, *While loved ones share holidays, internet shutdowns leave families disconnected* (21 Dec. 2017).

¹⁵ Resolution A/HRC/RES/32/13, *The promotion, protection and enjoyment of human rights on the Internet* (1 July 2016), Preamble.

¹⁶ Resolution A/HRC/RES/32/13, *The promotion, protection and enjoyment of human rights on the Internet* (1 July 2016), para. 10.

¹⁷ UN General Assembly, *The safety of journalists and the issue of impunity*, UN Doc. A/C.3/72/L.35/Rev.1 (2017).

The Government's suppression of information goes well beyond the internet. It has also banned an English-language television station purportedly representing the interests of the Anglophone population,¹⁸ and refused to grant licenses to private, English-speaking radio and television stations.¹⁹ These are just a few of many abuses: internet shutdowns and other human rights violations tend to go hand in hand, and these were no exception.

Last October, UNHCR reported that it was working with the Nigerian government and other UN agencies on a contingency plan to provide humanitarian assistance for up to 40,000 Cameroonians crossing into Nigeria.²⁰ As the UNHCR feared, however, even that figure proved "conservative,"²¹ with the BBC reporting in early February 2018 that emergency officials in Nigeria were already putting the number of refugees at "more than 40,000."²²

Unfortunately, Anglophone Cameroonian refugees are not even safe in Nigeria. News sources report that on 5 January 2018, Nigerian security forces arbitrarily arrested and detained a group of Anglophone Cameroonian political leaders in Abuja.²³ Reports indicate that the arrests occurred during a meeting to discuss the Anglophone Cameroonian refugee crisis in Nigeria, and to obtain support for housing, medical, and food needs of refugees in anticipation of the winter season. Reports further indicate that the arrests were premised on allegedly expired immigration documents, even though all the individuals detained were legally living in Nigeria and some had been granted political asylum.²⁴

¹⁸ BBC, Cameroon bans 'opposition' English-language TV channel (30 Aug. 2017) ("Cameroon has banned people from watching a popular television station that says it represents the interests of the English-speaking population.").

¹⁹ United States Congressional Resolution H. Res. 718 (29 Jan. 2018).

²⁰ UNHCR, "Thousands of Cameroonians seek refuge in Nigeria" (31 Oct. 2017).

²¹ UNHCR, "Thousands of Cameroonians seek refuge in Nigeria" (31 Oct. 2017) ("Our fear, however, is that 40,000 might actually be a conservative figure in a situation where the conflict might continue.").

²² Ishaq Khalid, BBC News, I share my home with 28 refugees (9 Feb. 2018).

²³ The arrested individuals include: Mr. Wilfred Tassang (Refugee Status in Nigeria), Dr. Nfor Ngala Nfor (Refugee Status in Nigeria), Professor Awasom (US citizen; Professor at Houston Community College, US), Dr. Cornelius Kwanga (Professor of Economics and Management at Umaru Musa Yar'adua University, Katsina, Nigeria; Nigerian Permanent Resident Status), Dr. Henry Kimeng (PhD, Civil Engineering, Associate Professor of Civil Engineering at Ahmadu Bello University in Zaria, Nigeria; Nigerian Permanent Resident Status), Mr. Elias Eyambe (Refugee Status in Nigeria; Attorney and Member African Bar Association), Mr. Nalowa Bih (Refugee Status in Nigeria; Attorney and Member African Bar Association), Dr. Ojong Okongo (Former professor at a Nigerian University; Nigerian Resident), Mr. Julius Ayuk Tabe (Professor, American University of Nigeria; Nigerian Permanent Resident), and Dr. Fidelis Nde Che (Professor at the American University of Nigeria in Yola, Adamawa State, Nigeria; Nigerian Permanent Resident).

²⁴ Amnesty International, *Cameroon: Ten arrested Anglophone leaders at risk of unfair trial and torture if deported from Nigeria* (12 Jan. 2018), available at <https://www.amnesty.org/en/latest/news/2018/01/cameroon-ten-arrested-anglophone-leaders-at-risk-of-unfair-trial-and-torture-if-deported-from-nigeria/>.

Three weeks later, Nigeria unlawfully extradited the majority²⁵ of the arrested Anglophone Cameroonian political leaders to Cameroon,²⁶ violating both Nigerian law²⁷ and international law.²⁸ The extradited leaders are now “at risk of unfair trial and torture” in Cameroon.²⁹ They have not been seen in public since their arrests,³⁰ and news reports indicate that they will face trial.³¹

The crisis has recently become further internationalized, with Chad deploying its military in Southern Cameroons at the request of the Cameroonian government.³² Several news sources also reported that Cameroonian armed forces crossed into Nigeria in pursuit of Anglophone Cameroonian political leaders in recent weeks.³³

Access Now and the USC IHRC appreciate the statements on the Anglophone crisis that have already been made by the Office of the High Commissioner for Human Rights,³⁴ as well as

²⁵ The Journal du Cameroun reports that on 26 January, Nigeria released Dr. Ojong Okongo and Mr. Nalowa Bih (reported as “Nsoh Nabowah Bih”) on medical grounds.

²⁶ News 24, Nigeria extradites 47 separatists to Cameroon (30 Jan. 2018), <https://www.news24.com/Africa/News/nigeria-extradites-47-separatists-to-cameroon-20180130>; A Cameroon government spokesperson confirmed that the individuals in question had been brought to Yaounde and handed over to the Government of Cameroon. Voice of America, Cameroon Jails Separatists After They Were Extradited from Nigeria (29 Jan. 2018); Journal du Cameroun, Two Ambazonian leaders freed in Nigeria (28 Feb. 2018).

²⁷ Amnesty International, *Cameroon: Ten arrested Anglophone leaders at risk of unfair trial and torture if deported from Nigeria*.

²⁸ International law prohibits States from returning refugees to the country from which they fled or any other country where they would likely be in danger of torture or persecution based on, *inter alia*, their social group or political beliefs. This principle is enshrined in numerous instruments, including the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1984 Convention Against Torture.

²⁹ Amnesty International, *Cameroon: Ten arrested Anglophone leaders at risk of unfair trial and torture if deported from Nigeria*.

³⁰ Voice of America, Cameroon Jails Separatists After They Were Extradited from Nigeria (29 Jan. 2018).

³¹ Bloomberg, Cameroon Jails Secessionists After Extradition by Nigeria (29 Jan. 2018).

³² AllAfrica, Cameroon: Chad Deploys Military to Southern Cameroons as Crisis Persists (5 Feb. 2018).

³³ Reuters, Cameroonian troops enter Nigeria seeking separatists: defense agency (31 Jan. 2018), <https://www.reuters.com/article/us-cameroon-separatists-nigeria/cameroonian-troops-enter-nigeria-seeking-separatists-defense-agency-idUSKBN1FK1PR>; News 24, Cameroon forces among fleeing Anglophones in Nigeria (1 Feb. 2018), <https://www.news24.com/Africa/News/cameroon-forces-among-fleeing-anglophones-in-nigeria-20180201-2>.

³⁴ See, e.g., Spokesperson for the UN High Commissioner for Human Rights, *Press briefing notes on Cameroon* (6 October 2017); OHCHR, Cameroon: human rights must be respected to end cycle of violence – UN experts (17 Nov. 2017).

by the UN Secretary General,³⁵ and at least five UN Special Rapporteurs.³⁶

We respectfully request that your Office increase its efforts to prevent the escalation of violence and future human rights violations in Cameroon as well as in Nigeria and to ensure that those responsible for unlawful violations are held accountable. In particular, we respectfully request that the Office call on the Governments of Cameroon, Nigeria, and Chad to respect their obligations under international human rights law, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the African Charter on Human and Peoples' Rights; the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; the Convention Relating to the Status of Refugees; and the Protocol Relating to the Status of Refugees.

In so doing, the Office should call on all three Governments to, among other things:

1. Respect the right to assembly and peaceful protest;³⁷
2. Respect the right to freedom of expression,³⁸ access, seek, receive, and impart information through any media, such as the internet;³⁹
3. Release, or legitimately charge and try, all those who have been arrested in connection with the Anglophone issue;⁴⁰
4. Improve conditions of detention;⁴¹
5. Halt and provide a remedy for all instances of torture or other inhumane treatment,

³⁵ See, e.g., United Nations Secretary General, Statement attributable to the Spokesman for the Secretary-General on Cameroon (2 Oct. 2017); United Nations Secretary-General, Statement attributable to the Spokesman for the Secretary-General on Cameroon (28 Sept. 2017).

³⁶ OHCHR, Cameroon: human rights must be respected to end cycle of violence – UN experts (17 Nov. 2017).

³⁷ International Covenant on Civil and Political Rights, Article 21 (“The right of peaceful assembly shall be recognized.”).

³⁸ See, e.g., International Covenant on Civil and Political Rights, Article 19(2) (“Everyone shall have the right to freedom of expression”).

³⁹ Spokesperson for the UN High Commissioner for Human Rights, *Press briefing notes on Cameroon* (6 Oct. 2017); Office of the High Commissioner for Human Rights, UN expert urges Cameroon to restore internet services cut off in rights violation (10 Feb. 2017) (“People should be allowed to exercise their right to peaceful assembly and freedom of expression, including through having uninterrupted access to the internet.”); (“A network shutdown of this scale violates international law – it not only suppresses public debate, but also deprives Cameroonians of access to essential services and basic resources”).

⁴⁰ See, e.g., International Covenant on Civil and Political Rights, Articles 9 & 14.

⁴¹ See generally, e.g., Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Article 11 (“Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.”).

- including acts of sexual violence;⁴²
6. Provide information regarding all those who have been detained or arrested,⁴³ and ensure that they have access to legal counsel;⁴⁴
 7. Respect the right to freedom of movement;⁴⁵
 8. Refrain from applying anti-terrorism legislation as a political tool to repress Anglophone Cameroonians;⁴⁶
 9. Initiate an impartial and independent investigation of instances of violence and repression, and prosecute or extradite those responsible for violations;⁴⁷ and
 10. Refrain from forcibly returning refugees or those at risk of torture to the countries from which they came in violation of the principle of non-refoulement.⁴⁸

We also request that your Office:

11. Seek access to and interview Dr. Ojong Okongo and Mr. Nalowa Bih, as well as any other Anglophone leaders who have been arrested and released, to determine what occurred and the nature of their treatment.
12. Seek access to and interview Anglophone Cameroonians living in Cameroon or residing in Nigeria to collect and preserve evidence on the human rights violations.
13. Seek a third party-mediated dialogue between the Government of Cameroon and the Southern Cameroonian leaders to ease tensions and ensure respect for human rights.
14. Seek an Arria-formula meeting with members of the Security Council, through which

⁴² See generally Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Article 12 (“Each state party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”), and Articles 13, 14, 16.

⁴³ See, e.g., United Nations General Assembly, Resolution 43/173 (9 Dec. 1988), Principle 15 (“communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.”).

⁴⁴ International Covenant on Civil and Political Rights, Article 14.

⁴⁵ See, e.g., International Covenant on Civil and Political Rights, Article 12(1) (“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”).

⁴⁶ See Amnesty International, *Cameroon: Widespread Human Rights Violations*, pp. 4-5.

⁴⁷ See, e.g., International Covenant on Civil and Political Rights, Article 2; Human Rights Committee, General Comment 31, para. 15 (“A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant.”).

⁴⁸ Convention Relating to the Status of Refugees, Article 33; Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Article 3.

the Office and representatives from NGOs could share ideas on how to calm what has already become an international crisis threatening international peace and security.⁴⁹ Alternatively, seek a situational awareness briefing before the Security Council.

We thank you for your kind attention to this matter.

Sincerely,

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Chair, United Nations Practice Group
Counsel, International Litigation & Arbitration Department
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⁴⁹ See generally United Nations Security Council, Background Note on the "Arria-Formula" Meetings of the Security Council Members, available at <http://www.un.org/en/sc/about/methods/bgarriformula.shtml> (describing the recent practice of Security Council members to engage in informal, confidential meetings in which they can discuss topics within a procedural framework that allows interlocutors to be frank in conveying their desired message).