

FULL REPORT

# CAMEROON'S UNFOLDING CATASTROPHE

Evidence of Human Rights Violations and Crimes against  
Humanity

JUNE 3, 2019



Centre for Human Rights  
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## EXECUTIVE SUMMARY

The Anglophone population in the Republic of Cameroon is experiencing a human rights catastrophe in the South West and North West regions of the country, home to most English-speaking Cameroonians. While there have been disputes and conflicts in these regions for decades, there has been a sharp escalation of serious violence, crime, and human rights violations since the crisis began in late 2016.

This report aims to provide an evidence-based characterization of the conflict and its consequences from a legal perspective, particularly with respect to serious human rights violations committed by Cameroon government forces. Significantly, the report concludes that reasonable grounds to believe that crimes against humanity have been committed in Cameroon exist. The analysis underscores the need for immediate action to prevent further atrocities, protect civilian populations, and seek accountability.

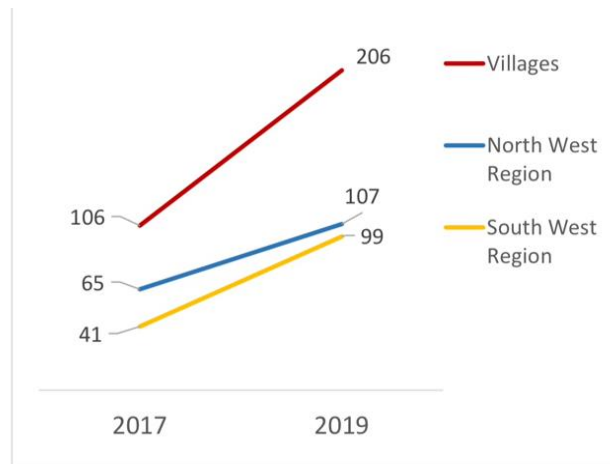
The report focuses on events from October 2016 to May 2019.

Human rights groups and international organizations have reported deteriorating political, humanitarian, and security conditions as a result of extrajudicial killings, torture, arbitrary arrests, severe deprivations of liberty, and mass displacements of civilian populations. International, regional, and domestic actors, such as the United Nations, the International Crisis Group (ICG), Amnesty International, Human Rights Watch, and the Global Centre for the Responsibility to Protect, among others, as well as the media and Cameroonian human rights organizations, including the Centre for Human Rights and Democracy in Africa (CHRDA), have been reporting on the crisis and expressing grave concern.

More than 200 villages have been partly or completely destroyed, forcing hundreds of thousands of people to flee. The rate of attacks on villages has increased steadily, usually causing significant damage.

Between 450,000 and 550,000 people have been displaced as a result of the crisis, representing

Figure 1. Villages Burned between 2017–19. Source: CHRDA



about 10 percent of the regions' population. An additional 30,000 to 35,000 people have sought asylum in neighbouring countries.

Noted author Chimamanda Ngozi Adichie refers to the crisis as Cameroon's "carnage."<sup>1</sup>

There is evidence that much of the violence is intentional and planned, including retaliation attacks on villages by government security forces, often followed by indiscriminate shooting into crowds of civilians, invasions of private homes and murder of their inhabitants, and the rounding up and shooting of villagers. Violence against women has been widely reported.

Non-state actors, including local armed groups, also bear much responsibility for the violence. Separatist militias are battling government forces, while two organizations have been directing separatists from outside Cameroon to fight not only against Cameroonian security forces, but also against pro-government "self-defence" groups. Meanwhile, criminal gangs terrorize local inhabitants, wreaking havoc.

The crisis in the Anglophone regions is not simply an internal conflict. As this report demonstrates, the military is conducting a deliberate, violent campaign against civilian populations. Moreover, the existence of internal conflict does not absolve or minimize Cameroon's responsibilities under domestic and international law to respect, protect, and fulfill human rights, to fulfill its positive duties to protect civilians during security operations, and to ensure the human rights of those arrested and detained are protected.

It is sometimes argued that the current crisis is just one more conflict in a series of reciprocal attacks and reprisals between government and secessionist forces. However, minimizing the seriousness of the attacks on civilians as part of the "normal" conflict serves to shield serious human rights violations and crimes against humanity and may even enable their continuation. Minimizing the conflict also ignores evidence that the violence is spreading, engulfing Francophone regions of the country, becoming a threat to the entire sub-region.<sup>2</sup>

Certain media outlets and social media have played a troubling role in Cameroon. On the one hand, social media has been used to expose the severity of the killings and abuse, using video materials to record events, often in real time. On the other hand, hate speech and incitement to violence and discrimination are propagated by government officials and radicalized separatist groups. Government officials refer to protesters in dehumanizing or incendiary terms, such as "dogs" and "terrorists."<sup>3</sup> Anglophones living in the Francophone

"The existence of internal conflict does not absolve or minimize Cameroon's responsibilities under domestic and international law to respect, protect and fulfill human rights, to fulfill its positive duties to protect civilians during security operations."



regions sense resentment, if not hatred, from the Francophone population.<sup>4</sup> Local armed defence groups and certain members of the diaspora have fanned the flames of intolerance and hatred, creating a real barrier to resolution of the conflict by moderates who are attempting to resolve the crisis.

### Summary background



Figure 2. Demonstrations in Bamenda, 2016. Source: CHRDA

Anglophone and Francophone Cameroon were united in 1961 with promises of power-sharing and rights for the Anglophone community. However, disputes have persisted about economic and political marginalization, disregard for the regions' common law legal system, and the francization of education for Anglophones, who are a majority in the North West and South West regions of the country.

In October 2016, in Bamenda, long-standing grievances flared once again when lawyers from the North West and South West regions of Cameroon went on strike, protesting the elimination of English-language judges and procedures in Anglophone courts, as well as the erosion of the common law system more generally. A few weeks later, English-speaking teachers joined the protests with their own grievances. Several of the protests were led by the Cameroon Anglophone Civil Society Consortium (CACSC) and the Southern Cameroons National Council (SCNC), civil society groups exercising their rights to expression and peaceful assembly.

*Figure 3. Cameroonian soldiers are routinely accused of mistreating civilians and suspects. Source: CHRDA*



However, what started as peaceful protest by lawyers and teachers degenerated into a regional conflict that has brought suffering and fear to millions and resulted in thousands of deaths.

On January 17, 2017, the government imposed a ban on the CACSC. About an hour after the ban, CACSC activists were arrested and the government imposed a four-month shutdown of the Internet in both the North West and South West regions.<sup>5</sup> The Internet ban stayed in place until April 20, 2017. In September and October 2017, the government again attempted to restrict access to the Internet in the two regions, as a result of strikes on September 22 and October 1.<sup>6</sup>

Anglophone separatists symbolically proclaimed an independent state of "Ambazonia" on October 1, 2017, worsening the crisis and intensifying the military intervention in the regions.

In the months that followed, peaceful strikes by Anglophone lawyers and teachers in the streets and on university campuses were met by increasing violence by Cameroonian security forces, sparking riots and attacks by armed local defence and secessionist groups. Incidents of excessive force by security forces were reported, including firing live ammunition into crowds and residential streets, severe beatings of public protestors, dozens of arrests, extrajudicial killings, and reports of security forces breaking into the homes of suspected secessionists and their families.

The CHRDA has documented multiple instances of attacks on villages and civilians, resulting in murders, injuries, and mistreatment of civilians, and multiple instances of gender-based violence. The CHRDA has also been monitoring migration trends as a result

of mass displacements of those who have lost their property and livelihoods and been forced to flee from security operations and attacks that have destroyed villages. Hundreds of thousands of civilians have hidden in the bush, moved to other areas, or sought refuge in neighbouring Nigeria. Entire villages have been burned down and emptied. Armed local groups, sometimes referred to as “Amba boys,” have become increasingly active as well, engaging in killings, attacks on property and schools, and kidnappings. Government buildings, vehicles, and police stations have been targeted in arson attacks by separatist groups.

“Ghost Town Operations,” an initiative of Anglophone civil society, called for boycotts of schools and businesses. The government retaliated by blocking Internet access in the two Anglophone regions, affecting more than four million inhabitants, with devastating impacts on civilians, businesses, and schoolchildren. Anglophone schools in rural areas have been shut down for two years or more. Internet blackouts have hindered communications and prevented reporting about the violence. Tens of thousands of children have lost a year or more of schooling. Teachers and school administrators have been harassed and killed.

Those arrested and detained are often held in deplorable conditions, for prolonged periods without charges or access to lawyers or family members. Detainees have been held incommunicado, and bail is often denied or not set at all. Trials of civilians have taken place before military tribunals. Anglophone detainees have been transferred to Francophone facilities, contrary to the view of the African Commission on People's and Human Rights that such transfers should not take place.<sup>7</sup>

The violence escalated further in 2018.<sup>8</sup> On December 13, 2018, US Deputy Permanent Representative to the United Nations noted a significant deterioration of the security and humanitarian conditions in the two Anglophone regions, observing that October 2018 (when presidential elections were held) was the most violent on record.<sup>9</sup> In his end-of-year address to the Cameroonian nation on December 31, 2018, President Paul Biya declared that if his plea to “warmongers to lay down their weapons remains unheeded, the defence and security forces will be instructed to neutralize them.” This statement raises serious concerns about an intent to prolong the armed conflict, resulting in more suffering and death. The parties now appear deadlocked, with no dialogue between the government and separatists.<sup>10</sup>

### Domestic and international responses

International responses to the crisis have been muted, featuring benign statements about the importance of dialogue and peace. On October 24, 2018, following the re-election of President Biya, Global Affairs Canada released a statement calling on Cameroonian authorities and stakeholders to “engage in peaceful solutions to the crisis and [to] put an end to the violence raging in the North West and South West regions.”<sup>11</sup> Calls by the international community to address the human rights crisis through internal dialogue have proved largely ineffective to date. The Cameroonian defence ministry announced on May 16, 2019 that investigations into burnings and property destruction would take place, but

few initiatives or investigations to punish those responsible for these human rights violations and crimes, or to end impunity, have been launched.<sup>12</sup>

Efforts to resolve the crisis have been accelerating of late, however. It is encouraging that the African Union,<sup>13</sup> the Commonwealth, the International Organisation of la Francophonie, the US, France, and the UK have all urged Cameroon to resolve the crisis.<sup>14</sup> In April 2019, the European Parliament adopted a resolution calling for the crisis to be considered by the UN Security Council (UNSC) and the UNSC held its first Arria-Formula Meeting on the humanitarian and human rights situation in Cameroon in May 2019.

Efforts by the government of Cameroon to broker peace, including the creation of the National Commission for the Promotion of Bilingualism and Multiculturalism (Decree No. 2017/013 of 23 January 2017), and the National Disarmament, Demobilization and Reintegration Committee (Decree No. 2018/719 of 30 November 2018), have had little impact to date. None of these entities have undertaken investigations, let alone informed the public of the results or provided compensation to victims. In a private communication for this report, one Cameroonian lawyer expressed the concern that these initiatives were “just a tool to show the international community that the government is committed to resolving conflict.” Members of the clergy, including Catholic Cardinal Christian Tumi and other religious leaders, as well as civil rights activists, politicians, and journalists, have collectively attempted to convene an Anglophone General Conference (AGC) to discuss and propose durable solutions to the ongoing crisis. However, the government has opposed such initiatives, notably by prohibiting all meetings planned by the AGC organizers.

From April 25 to May 9, 2018, the African Commission met to release a “Resolution on the Human Rights Situation in the Republic of Cameroon.”<sup>15</sup> The Commission noted:

...the continuous deterioration of the human rights situation in Cameroon, as well as the socio-economic situation, since October 2016 following brutal crackdowns on peaceful protests by lawyers, teachers and members of civil society of the English-speaking North West and South West regions of Cameroon who called for the preservation of the Anglophone legal and educational systems in their regions, and end to marginalisation, and for better management of the regions by the Government of Cameroon in terms of development and infrastructure.<sup>16</sup>

The resolution condemned human rights violations in Cameroon since October 2016 and called for impartial and independent investigations to identify perpetrators of the violations in order to bring them to justice. The African Commission called on all parties to engage in a “dialogue towards saving lives and restoring calm, security and peace as soon as possible.”<sup>17</sup>

Some five months later, in the October 2018 elections, President Paul Biya won his seventh term in office, further extending his 36 years of power.

There are contextual elements that help explain the relative lack of international action. The violent and criminal acts of armed secessionist groups have terrorized local populations. As well, the government's conflict with Boko Haram in the far North of the country has

resulted in a multinational joint task force, which has been working with the government to stabilize the region. Notably, however, the US has acknowledged that further instability in southern regions of the country jeopardize the mutual security objectives of Cameroon and the Multinational Joint Task Force.<sup>18</sup>

International pressure, outspoken and clear, is needed to end human rights abuses, to create credible and effective avenues to hold those responsible to account, and to encourage the Cameroonian government to work toward peace. There has been impunity for state actions, and hostile, often aggressive, responses to domestic civil society organizations and human rights defenders. Cameroonian sources consulted for this report say that civil society does not have enough influence to effect change alone.

There is reason to believe that international pressure can produce results. On December 13, 2018, the US Deputy Permanent Representative to the United Nations criticized human rights violations and urged Cameroon to resolve the crisis. President Biya responded quickly, abruptly discontinuing ongoing military trials of 289 detainees arrested in connection with the Anglophone crisis.

### Human rights violations and crimes against humanity

The human rights violations and crimes against humanity described in this report have taken place in violation of the Republic of Cameroon's own constitution, international conventions to which it is a State party, and customary international law.<sup>19</sup> The Global Centre for the Responsibility to Protect places Cameroonian populations at imminent risk and has also signalled evidence of crimes against humanity.<sup>20</sup>

Significantly, the evidence in this report supports a conclusion that crimes against humanity have been perpetrated, including acts of:

- murder,
- deportation or forcible transfer of populations,
- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law,
- torture,
- rape and sexual violence, and
- persecution of the Anglophone minority.

As previously noted, the State has had to confront violence perpetrated by non-state groups that have figured prominently in the conflict. These groups must be denounced; those that have committed criminal offences must be punished in accordance with due process and the rule of law. However, serious human rights violations and crimes against humanity cannot be justified, even in times of internal conflict.

It is not possible to read the accounts in this report and continue to hold the position that the events described herein are merely the product of inevitable conflict between government

and secessionist elements. The very silence surrounding the crisis is precisely what has led us to work together in common cause to share this report.

### What can be done

The foundations of the crisis are political and institutional, but human rights violations and crimes against humanity are obstacles to the peace process. Drawing on the monitoring work of the CHRDA as a leading Cameroonian civil society actor, and the ongoing work of respected international organizations and NGOs cited in this report, we urge the international community to take a more active public stance and denounce the violence. The Cameroonian diaspora in Canada and around the world has been working for years to shine a spotlight on the violence, often with limited results.

International agencies and organizations have been turning their collective attention to preventing conflict and crisis escalation, rather than reacting to serious human rights violations and crimes against humanity after the fact. The evidence from Cameroon offers a compelling case study and an opportunity to translate clear early warning signs into early action to prevent further escalation. Whether framed as a “responsibility to protect,” the protection of populations, or a “responsibility to prevent,” the situation in Cameroon calls for action.<sup>21</sup>

“The evidence from Cameroon offers a compelling case study and an opportunity to translate clear early warning signs into early action to prevent further escalation.”

We support the calls of the African Commission, the UN Office of the High Commissioner for Human Rights, and the UN special advisor on prevention of genocide, Adama Dieng, for Cameroon to engage in meaningful dialogue and end the violence, and for impartial investigations into the violence.<sup>22</sup> More action is needed, including full investigations of the actions of law enforcement, security, and military personnel, to hold the perpetrators accountable for their crimes. Immediate reforms are required to end arbitrary arrests, and the practice of torture and incommunicado detention.<sup>23</sup> Hate speech and hate propaganda should be immediately taken off-line.

When considering solutions, it is also important to note the strong gendered component to the crisis: women have experienced sexual violence and discrimination, while men are generally chosen to lead negotiations with teachers and lawyers. The voices of women have been routinely disregarded in the quest for peace, justice, and reconciliation.<sup>24</sup> They must be heard.

We also believe Canada has a more constructive role to play. In a statement issued at the time of the elections in Cameroon, Global Affairs Canada stated that:

Canada is a long-time friend of the Cameroonian people and seizes the opportunity to reiterate its commitment to support Cameroon in its future efforts to meet the challenges of peace and social and

economic development. Canada remains ready to accompany Cameroon in its process for the return of peace.<sup>25</sup>

We welcome the announcement in April 2019 of new development funding for Cameroon from Global Affairs Canada; but for peace to prevail, justice must be served. Reconciliation is a long-term process. Canada is uniquely placed to share its experience in peace-building, rule of law, the longer project of building bilingual and bijural legal systems, and instituting bilingual educational systems. Canada places a strong value on multiculturalism and has long-standing economic and international development ties with Cameroon, without a colonial history in the region. Canada has provided and continues to provide development assistance for governance, humanitarian assistance, health, and education, including support related to the crisis.<sup>26</sup>

The Raoul Wallenberg Centre for Human Rights and the Centre for Human Rights and Democracy in Africa call on the international community, including Canada, to take more concerted, public, and effective measures to denounce the violence, end the persecution of Anglophone communities, resolve the humanitarian crisis, and ensure that those responsible for atrocities are punished in accordance with the law.

## FOREWORD

This report is the product of a unique Canadian-Cameroonian partnership between the Centre for Human Rights and Democracy in Africa (CHRDA) and the Raoul Wallenberg Centre for Human Rights (RWCHR). It provides an analysis of the serious human rights crisis in the English-speaking regions of Cameroon and draws present conclusions regarding the legal characterization of these events, mainly since 2016. Significantly, the evidence indicates that there are reasonable grounds to believe that crimes against humanity have been committed.

There can be no justice without peace; and there can be no peace or justice in a climate of impunity. We call upon the international community to take urgent action to prevent the escalation of violence. The first step toward addressing widespread human rights violations is exposing them and working with state actors so that they assume their responsibilities.

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The initiative began in the spring of 2018, after members of the Cameroonian diaspora in Canada approached Canadian lawyers for assistance in sounding the alarm about atrocities in the Anglophone regions of Cameroon. Indeed, Cameroonians generally have been pleading with international organizations and national governments to take stronger action in speaking out about the crisis and denouncing the serious human rights violations taking place. But despite the violence and terror, the response of the international community has been largely one of indifference.

The RWCHR agreed to take on the project, and undertook a legal review, analyzing scholarly materials, NGO reports, international law sources and first-hand accounts of attacks on the ground, as well as public sources and personal accounts related to the crisis.

Canadian human rights organizations and university centres have also been examining events in the two regions and raising the alarm. Lawyers' Rights Watch Canada (LRWC) spearheaded a visit to Canada by Cameroonian lawyer Felix Agbor Nkongho, who is the chairman of the CHRDA and a prominent lawyer and human rights defender. Barrister Nkongho appeared in Ottawa before the House of Commons' Subcommittee on International Human Rights (of the Standing Committee on Foreign Affairs and International Development) on October 30, 2018 to describe the scope of the crisis and ask the Canadian government to help. Likewise, members of the Cameroonian diaspora in Canada have come together to express their solidarity with victims, both English-speaking and French-speaking alike, in Cameroon.

Following Barrister Nkongho's visit to Canada, the two centres agreed to work together to prepare and launch a joint report that integrated the experience of people living and working on the ground in Cameroon with legal analysis of the human rights and international criminal law dimensions of the crisis.



This report is the product of these efforts. It documents human rights violations that have been committed by the Cameroonian government and calls for accountability in connection with these violations.

After reviewing the facts, this report is organized around significant human rights violations and an analysis of the evidence of crimes against humanity.

We recognize that the political and security situations in Cameroon are complex and that responsibility for the violence is also shared by non-state actors. A proper understanding of the situation in Cameroon requires sensitivity to these facts and proceeds from the premise that the actions of the government do not occur in a void. Nonetheless, the violations of non-state actors do not absolve state actors of their responsibilities under domestic and international law.

It is within this context that this report analyzes the human rights violations committed by state actors, and calls the international community to urgent action, to work with the government of Cameroon in initiating independent investigations, and to end both the violence and impunity with all deliberate speed.

The focus of this report is on identifying, exposing, and, at least on an initial basis, giving legal characterization to the human rights atrocities in the Anglophone regions of Cameroon. In this respect, the report does not purport to be exhaustive: the human rights violations in Cameroon can certainly be seen through legal paradigms of domestic and international law not considered herein.

Rather than providing an encyclopedic survey of the atrocities in Cameroon, this report attempts to offer concrete evidence for readers to better comprehend the atrocities unfolding and underscores a moral imperative to act. Our hope is that this report, however disturbing, will help to light a path toward better Canadian and international efforts toward reconciliation and peace for millions of people who have suffered too long without either.

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Raoul Wallenberg Centre for Human  
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## THE CRISIS IN NUMBERS

The crisis in the Anglophone regions of Cameroon, the North West and South West, affects a population of 4 to 5 million people, representing between 20 and 25 percent of a national population of more than 24 million people.

The figures presented below are based on recent available reports from respected NGOs working in the region, research from CHRDA sources on the ground, and public sources, recognizing that the situation is evolving. Nonetheless, every effort has been made to ensure that the figures below present a reasonably accurate picture of the circumstances and the enormity of the humanitarian crisis that the conflict has caused.

### Key facts:

- By the end of December 2018, the crisis had forced **mass displacements** of populations in the North West and South West regions, with estimates of between **450,000 and 550,000 displaced persons**.<sup>27</sup> This represents more than 10 percent of the regions' population.
- Cameroon now has the **sixth largest displaced population in the world**.<sup>28</sup> Many are fleeing violence as a result of raids on villages and surrounding areas. Men, women, and children have found refuge in forests where they lack hygiene, health services, sanitation, shelter, and food. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported in January 2019 that **1.3 million people** are in need of humanitarian assistance.<sup>29</sup>
- In 2019, CHRDA reported **206 villages attacked**, 134 of which have been completely or significantly damaged by state defence forces in efforts to crack down on armed separatists, in retaliation attacks, or against areas suspected of containing arms or harboring secessionists.
- **Approximately 32,000 Cameroonians are refugees in Nigeria**.<sup>30</sup> This figure includes only those who have been registered by the United Nations and does not include Cameroonians who have fled to the border areas in Nigeria to seek shelter, but are staying with family and friends.

Figure 4. Cameroon. Credit: Wikimedia Commons Public Domain: Source [IPS](#)



- At least **1,800 people have been killed since 2017**.<sup>31</sup>
- **Sexual violence and discrimination against women** have been widely reported. Women and girls are vulnerable to sexual assault.<sup>32</sup> Rape, sexual exploitation, public humiliation, and torture have been reported to have been committed by security forces and non-state armed groups.<sup>33</sup>
- There have been multiple reports of **severe deprivations of liberty, torture**, overcrowded and unsanitary conditions, arbitrary and **incommunicado detentions** and disappearances, and trials of civilians before military tribunals.
- **Most children in the two regions have been deprived of the right to an education, with 30,000-40,000 children affected**.<sup>34</sup> As at June 2018, armed separatists had reportedly attacked 42 schools, at least 36 of which were burnt down. The Cameroonian government's figures are higher, with armed groups having burned at least 120 schools.<sup>35</sup> Rural areas are especially affected.

## 1. HISTORICAL BACKGROUND

Cameroon today is one of Africa's most diverse countries, with 250 ethnic groups and identities.<sup>36</sup> According to 2018 UN figures, the population of Cameroon is 24.7 million people.<sup>37</sup> English speakers represent between 4 and 5 million people living mainly in the South West and North West regions.<sup>38</sup>

English and French are the two official languages under the Constitution.<sup>39</sup> The crisis in Cameroon is commonly characterized as a linguistic one, with politically marginalized Anglophones opposing the government, but language is only part of the crisis, which is deeply rooted in the local and institutional culture and history of decolonization.

After the First World War, the Treaty of Versailles split the previously German territory into British and French colonies, with the French occupying the larger territory.<sup>40</sup> The two parts of the British colonies, Northern and Southern Cameroons, were part of the Federation of Nigeria, which was also administered by Britain.<sup>41</sup> Both the French and English areas were under League of Nations mandates. The territories eventually became Class B United Nations Trust Territories under the Trusteeship System following the Second World War.

### A. Decolonization and Independence

On January 1, 1960, the French-administered territory in Cameroon achieved independence and became the Republic of Cameroon (*République du Cameroun*).<sup>42</sup> It became a member of the UN on September 20, 1960.<sup>43</sup> Nigeria acceded to independence the same year.<sup>44</sup> Southern Cameroons separated from Nigeria, but remained under British administration, independent from the French-speaking area. On February 11, 1961, the UN sponsored a plebiscite on the Anglophone region.<sup>45</sup> Anglophones were offered two options to “achieve

independence,” either by joining the independent Federation of Nigeria or by joining the independent Republic of Cameroon.<sup>46</sup> Full and separate independence was not offered, considerably weakening Anglophone politicians' bargaining power with either Nigeria or Cameroon.

The Northern part of the British colonies voted to remain with the Federation of Nigeria, and the Southern region voted to join the Republic of Cameroon. The decision to join the Republic of Cameroon was given effect by the UN General Assembly Resolution 1608 (XV).

Southern Cameroons had previously enjoyed a degree of autonomy, with its own Executive Council and Legislative Assembly.<sup>47</sup> The new State steadily asserted and centralized its power; what was then called West Cameroon was to be financed by federal funds until a different mechanism was developed, but no new mechanism transpired.<sup>48</sup> As a result, the Anglophone territory became financially dependent on the federal Cameroonian government.<sup>49</sup> President Ahmadou Ahidjo divided the federation into administrative regions, each of which had a federal inspector.<sup>50</sup> Federal inspectors were answerable to the president, granting them more powers than the prime minister.<sup>51</sup> President Ahidjo declared a one-party state and cultural and faith-based associations in the Anglophone regions were proscribed.<sup>52</sup>

On May 20, 1972, a “snap” referendum was held less than two weeks after being announced, with little time for public consideration. Cameroonians voted in favour of a unitary, centralized state to replace the previous federal system. Anglophone Cameroonians argued that promises had been broken, that they had been dominated as a people economically and politically, and that their equality rights had been violated.<sup>53</sup> The Republic of Cameroon's name was changed to the United Republic of Cameroon.<sup>54</sup> The star representing the Anglophone minority was removed from the national flag.<sup>55</sup>

## B. Marginalization of Anglophone Communities

In November 1982, Paul Biya succeeded Ahmadou Ahidjo as president of the United Republic of Cameroon.<sup>56</sup> He has presided over the country since that time, maintaining a centralized and unitary State throughout. The name of the country was changed again in 1984, returning to the pre-unification name, *La République du Cameroun*.<sup>57</sup>

The changes were not merely cosmetic. The Minister of National Education altered the General Certificate of Education (GCE), making French mandatory in English education.<sup>58</sup> Students at the University of Yaoundé drafted a petition against the new GCE and peacefully protested. Police attacked the demonstrators violently with batons.<sup>59</sup>

Cameroonian lawyer Fongum Gorji-Dinka prepared a document called “New Social Order,” addressed to the president, in which Mr. Dinka accused Mr. Biya's regime of violating the constitution. Mr. Dinka called for independence.<sup>60</sup> He referred to the events in 1972 as “Ahidjo's coup d'état”<sup>61</sup> and was also the first individual to use the word “Ambazonia,” in 1984, to describe a future, independent, Anglophone State.<sup>62</sup> Mr. Dinka was charged with

high treason before a military tribunal.<sup>63</sup> The case collapsed in early 1986, and he went into exile in Nigeria and then the United Kingdom, where he was recognized as a refugee.<sup>64</sup>

These events would prompt Mr. Dinka to file a communication to the United Nations Human Rights Committee and, in 2005, the Human Rights Committee expressed the view that violations of his rights to liberty, security of the person, and the rights to be free from arbitrary arrest and/or detention had occurred.<sup>65</sup>

In 1990, the Anglophone minority created the first opposition political party in the English-speaking region, the Social Democratic Front (SDF) in Bamenda.<sup>66</sup> Its president, John Fru Ndi, organized an inaugural meeting on May 26, 1990. Armored state vehicles and helicopter gunships were deployed in Bamenda and shot six young Anglophones dead.<sup>67</sup>

By August 1991, the economic and political marginalization of the Anglophone regions had intensified. The Anglophone regions' economic infrastructure was dismantled under the aegis of centralization.<sup>68</sup> Teachers and students complained about the lack of English-speaking teachers and universities' loss of autonomy.<sup>69</sup>

The Cameroon Anglophone Movement (CAM) was formed in 1991 as part of a broader revival of Anglophone nationalism. The CAM was among the first organizations to advocate openly and explicitly for Anglophone self-determination. During a tripartite summit in 1991, Anglophones formally raised the issue of federalism as part of a political solution.

During the 1992 elections, an Anglophone candidate ran in opposition to Mr. Biya, and although Mr. Biya was re-elected, the elections were characterized by irregularities.<sup>70</sup> Anglophones turned out in low numbers because of a boycott. The Washington-based National Democratic Institute for International Affairs found "serious fault with the electoral process," which did not "make it possible to determine which candidate would have been the winner in a fair election."<sup>71</sup> The Institute's report noted that the government had taken unusually extreme and illegitimate actions to ensure that President Biya would be elected again.<sup>72</sup>

In 1993, the first All Anglophone Conference (AAC) took place, endorsing a return to a two-state federation. A year later, the second All Anglophone Conference, which took place in Bamenda, warned that an independent state of Southern Cameroons would be declared if the Biya regime failed to negotiate for two-state federalism within "a reasonable time." The Bamenda conference also renamed the AAC as the Southern Cameroons People's Conference (SCPC), which would later become the Southern Cameroons Peoples Organization (SCAPO), with the Southern Cameroons National Council (SCNC) as its executive governing body.<sup>73</sup>

In 1995, the SCNC petitioned against the annexation of Southern Cameroons, and called upon the United Nations to "complete the process of self-determination and full sovereignty" for Southern Cameroons. Activists clamouring for English speakers to have a role in deciding their own fate were severely punished. In September 1995, Abel Apong,

Chrispus Achan Keenebie, John Kudi, and Jacob Djent were taken into custody and incarcerated without trial in connection with the planning and signing of a petition advocating for a referendum on the independence of the Southern Cameroons.<sup>74</sup>

The 1997 elections were plagued by considerable violence. The Biya regime sent troops into the Southern Cameroons, notably in Kumba, Bamenda, Bali, and Bafut. President Biya refused to create an independent electoral commission and major opposition parties boycotted the election.<sup>75</sup> Southern Cameroonian political activists were attacked, shot, tortured, and placed in detention in appalling conditions.<sup>76</sup> From March to August 1997, the State cracked down on activists who had protested the arrest and conviction of the Southern Cameroons Youth League (SCYL) chairman, Mr. Ebenezer Akwanga, who had been tried by a military tribunal and sentenced to 20 years in prison on charges of subversion and terrorism.<sup>77</sup> There were sweeping arbitrary arrests, torture, rape, and unlawful killings in the villages of Bui and Mezam.<sup>78</sup>

The 2004 elections were also “flawed by irregularities,” according to international election observers.<sup>79</sup> The Social Democratic Front (SDF) protested, but the government violently disrupted opposition meetings and detained opposition political leaders.<sup>80</sup>

In February 2011, Chief Ayamba Ette Otun and other SCNC members were reportedly arrested by authorities for “circulating tracts calling for the independence of Southern Cameroon” and warning the government against the mistreatment of Southern Cameroonians.<sup>81</sup> They were released several days later, according to Amnesty International.<sup>82</sup>

On August 2, 2013, more than 70 SCNC members were arrested by gendarmes and police forces during a meeting in Kumbo, an English-speaking region. It was reported that they were detained and tortured.<sup>83</sup> On August 8, 2013, 83 SCNC activists who were meeting together were arrested and detained and the house where the meeting was held was searched and ransacked.<sup>84</sup>

On December 27, 2014, state security forces attacked the villages of Magdémé and Doublé, in the Far North region of Cameroon, leading to the arbitrary arrests of about 200 individuals, 25 of whom died in detention, and massive destruction of property.<sup>85</sup> Violence and repression were reignited in 2016, when the conflict between the Anglophone community and President Biya's government began with peaceful protests.

### C. The 2018 Elections

On October 22, 2018, it was announced that President Paul Biya had won a seventh term in office with a strong majority, although voter turnout in the Anglophone regions was as low as 5 percent, partly due to threats of violence and loss of trust in the electoral system.<sup>86</sup>

Activists were muzzled and prevented from speaking out by the government before the election results were released. In a BBC audio report and a press release by *The Guardian*, prominent activist Kah Walla described her house arrest:

...three dozen policemen armed in riot gear with machine guns had been outside my house. They parked their pick-up truck across my drive way so there was no way for anybody to leave the house with the car. They told me that they have received instructions for me not to leave the house. So I am under illegal house arrest, illegal because they have no warrant, they have no documents, they are not accusing me of any wrongdoing, they simply want to stop me from leaving the house. They have been here since about 10:30 am, it is now 3 pm. They are still outside my gate.<sup>87</sup>

While the US government applauded Mr. Biya's government for a peaceful post-election transition, they did not hesitate to express concerns that the elections were marred by irregularities:

...there were a number of irregularities prior to, during, and after the October 7 election. These irregularities may not have affected the outcome but created an impression that the election was not credible or genuinely free and fair.<sup>88</sup>

## 2. CRISIS IN THE ANGLOPHONE REGIONS

The following incidents provide an overview of the nature and extent of the crisis. However, many attacks remain unreported, while others occurred during the government cuts to the Internet, making them difficult to report in an exhaustive manner.

### A. Protests, Violence, and Repression

In late 2016, Anglophone lawyers began to organize strikes and peaceful demonstrations in the North West and South West regions of Cameroon. Their grievances included: the imposition of civil law in the common law regions; the lack of English translation of basic legal texts; the failure to implement the two official languages; and the failure to establish a common law section at the national Supreme Court.<sup>89</sup> They also denounced the appointment of civil law-trained magistrates with no understanding of English or common law, and the assignment of notaries to do the work of lawyers under the common law system.<sup>90</sup>

Lawyers mobilized hundreds of people for a march in Bamenda on November 8, 2016, and in Buea on November 10, 2016. In addition to restoring the common law system, protesters sought a return to a federalist state with power-sharing.<sup>91</sup>

On November 21, 2016, teachers also protested, raising concerns about the government's mismanagement of the Anglophone regions, including the imposition of French in schools, and the appointment of French-speaking teachers unable to speak or write in English.<sup>92</sup> The Cameroon Teachers' Trade Union (CATTU) secretary general, Tassang Wilfred, argued,

“Anglophone teachers want to teach in English and we want Anglophone children to be taught by teachers who know the English sub-education system of Cameroon.”<sup>93</sup>

The police and the army responded violently and repressively to the protests. Peaceful demonstrators were severely beaten, and many were treated in hospitals with bullet wounds, some in critical condition. At least 100 people were arrested in the days following the protests.<sup>94</sup> According to the National Commission on Human Rights and Freedoms, at least two people were shot dead by the security forces.<sup>95</sup>

Anglophone Cameroonian students quickly joined the teachers in protest. One week after the teachers' strikes, on November 28, 2016, at the University of Buea, a peaceful march protested new fees. According to the International Crisis Group:

The university rector's response was to call the police onto the campus. They brutally repressed the students and arrested some of them in their homes. Female students were beaten, undressed, rolled in the mud and one was allegedly raped. The demonstrations were violently stopped by the police and resulted in arrests and humiliating acts against the Anglophone students.<sup>96</sup>

CHRDA has documented that at least 14 student hostels were attacked that day. More than 140 rooms were vandalized, their occupants tortured on the Buea (Molyko) main boulevard, and some students were asked by the anti-riot police to chant “an Anglophone will never rule the country.” CHRDA reached out to over 85 student-victims and witnesses of police brutality from November 28 to 30, 2016, and collaborated with the Fako Lawyers' Association to provide legal assistance to over 40 students arrested and detained in Buea. Even though most students were finally released, several of them spent three days in detention facilities in overcrowded cell conditions, with little or no communication with their families.<sup>97</sup>

On December 8, 2016, a violent confrontation took place in Bamenda, when the Cameroon People's Democratic Movement (CPDM) organized a pro-government rally in the English-speaking regions. Demonstrators came out to protest the rally. The encounter resulted in 4 deaths, several wounded, and approximately 50 arrests.<sup>98</sup> The prime minister, the CPDM secretary general, the governor of the North West region, and the national security adviser were forced to go into hiding.<sup>99</sup> Cameroonian Communication Minister Issa Tchiroma Bakary blamed organized groups for inciting unrest in the regions and claimed government forces were trying to restore order.<sup>100</sup>

The Republic of Cameroon's government militarized the region in response to the violent clashes. From October 2016 to February 2017 alone, 9 people were killed and between 80 and 150 people were arrested and brought before martial courts on charges of terrorism in the aftermath of the protests and strikes.<sup>101</sup>

After negotiations between government, teachers' unions, and civil society organizations failed, the CACSC initiated general strikes, dubbed “Ghost Town” operations. As part of this initiative, Anglophones were asked to boycott schools and close shops and businesses.<sup>102</sup> The government retaliated by denying access to the Internet for 94 days, from



January 17 to April 20, 2017, and banning the CACSC and the SCNC. The international community and international organizations, including the UN, strongly condemned the Internet blackout and urged the government to restore service.<sup>103</sup>

In 2017, separatist militias were reported to have kidnapped several people and circulated details about Anglophones who did not respect the Ghost Town operations and senior officials who opposed the protests.<sup>104</sup> By mid-October, the Ghost Town operations had escalated from one to three days per week.<sup>105</sup>

Figure 5. Mile 17 in Buea on a Ghost Town day, July 9, 2018. Source: CHRDA



On September 22, 2017, tens of thousands protested in the North West and South West, the largest demonstrations in a decade. Protesters demanded the release of political prisoners and Anglophone leaders, and the resignation of President Biya. Although generally peaceful, the marches led to some violence, including the vandalizing of the Buea mayor's home and an arson attack on a police station in Mamfe, while excessive force deployed by defence and security forces in Santa, Bamenda, Ekona, and Limbe resulted in at least four protesters being shot dead and dozens more injured.<sup>106</sup>

On October 1, 2017, thousands of people marched and protested in Bamenda, Buea, and across the Anglophone areas, chanting “no violence” and symbolically proclaiming the independence of Ambazonia. Businesses were closed, military helicopters circled overhead, and troops from the Cameroonian army's Rapid Intervention Battalion (BIR) were deployed.<sup>107</sup> Ambazonian flags were hoisted atop residences of traditional chiefs, a police station, and a gendarmerie post.<sup>108</sup> Defence and security forces used tear gas and live ammunition, forcing themselves into people's homes and deploying weapons in the streets against protesters.<sup>109</sup> It is estimated that the clashes caused at least 40 deaths, over 100 injured, and many hundreds of arrests and detentions without warrant.<sup>110</sup> On October 1 alone, more than twenty people were killed and 500 were arbitrarily arrested.<sup>111</sup> During this period of unrest, the government once again ordered Internet service providers to shut down the Internet in the Anglophone areas and blocked social media networks in French-speaking regions.<sup>112</sup> Between October 2017 and February 2018, Internet services were cut off again for about 136 days, with negative impact on economic activity in the regions.<sup>113</sup>

On July 30, 2018, seven youths were extra-judicially killed in the Bakweri Town and Sandpit neighbourhoods of the South Western region of Cameroon by members of the BIR.<sup>114</sup> Reports indicate that five were executed on the spot and two were arrested and taken to the village of Maussaka, where they were executed and dumped in a refuge pit.<sup>115</sup> Witnesses claim that the youths were not separatists or “Amba boys.” No explanation was given by government officials for these killings.<sup>116</sup>

The upsurge in hostilities has triggered a humanitarian crisis, displacing an estimated half a million people.<sup>117</sup> The UN Office for the Coordination of Humanitarian Affairs and the High Commissioner for Refugees say 36,000 Cameroonians have been registered as refugees in Nigeria.<sup>118</sup> The majority have “fled into the bush with little to survive on,” according to news reports citing the UN Office for the Coordination of Humanitarian Affairs (OCHA).<sup>119</sup> Many internally displaced persons are farmers and forced displacements have had a serious impact on food security. The OCHA, in coordination with the Cameroonian government, attempted an Emergency Response Plan on May 28, 2018.<sup>120</sup> The plan prioritized shelter, health, access to safe drinking water and sanitation, education, gender-based violence, security, and the protection of civilians.<sup>121</sup> According to the concept note circulated in advance of the May 13, 2019, Arria-Formula Meeting at the UN Security Council, 3 million people are now food insecure, and more than 1.5 million people need emergency health assistance.

### **B. Militarization of the Anglophone regions: Organized and Structured Response by Cameroonian Forces**

By September 2017, the growing violence in the two Anglophone regions quickly exceeded the capacity of police and gendarmes, and the Cameroonian government militarized the Anglophone areas, declaring a state of emergency and implementing martial law.<sup>122</sup> The Social Democratic Front, an opposition party, denounced the militarization of the Anglophone regions, including the deployment of thousands of soldiers.<sup>123</sup>

On November 30, 2017, in a televised interview, the head of state decried the deaths of four soldiers and two police officers in the South West region and announced that military measures were being taken against “terrorists.”<sup>124</sup> From that day, civilians and public servants, mostly teachers and defence and security forces, were targeted in increasing numbers, and either abducted, tortured, or assassinated. The announcement was seen as a provocation and led to the creation of several armed groups, the intensification of attacks, and violent military retaliations.

There have been widespread reports of excessive use of force by the security forces and of soldiers murdering people in their homes across the Anglophone regions, which are discussed in detail in the following sections and in the incidents reported in the Annexes.<sup>125</sup> Defence and security forces targeted the villages of separatist leaders, including Ewele, Akwaya, Eyumodjock, and Ekona.<sup>126</sup> Witnesses who participated in the raids said that soldiers entered people's homes and shot inhabitants. Hundreds were forced to leave their villages and hide in the bush.<sup>127</sup> The deputy mayor of Ndu was suspected of secessionism and reportedly killed at his home.<sup>128</sup>

The rapidly evolving complexity of the conflict, and the multiple and changing composition and identities of groups involved in the conflict is highlighted by the International Crisis Group:

Nearly ten separatist militias now battle government forces, while two organisations provide direction from abroad: the interim government of Ambazonia (the putative name of the self-proclaimed Anglophone State) and the Ambazonia Governing Council. The separatists are pitted not only against

Cameroonian security forces, but also against pro-government “self-defence” groups. Criminal gangs in Anglophone areas have taken advantage of the chaos to expand their activities.<sup>129</sup>

### C. Razing Homes and Villages: An Established Military Tactic <sup>130</sup>

Burning and razing homes and villages are established military tactics and the signature human rights violation perpetrated in the conflict. Civilians have been killed and mistreated as a result of military raids, which have forced hundreds of thousands to flee. Homelessness, a humanitarian crisis, and food insecurity are direct results of these tactics.

The CHRDA has reported **206 settlements** raided and partially destroyed by state defence forces during attempts to crack down on armed separatists, 134 of which have been severely damaged.<sup>131</sup> Several villages in Mbonge and Konye Subdivision have been completely emptied of their populations.<sup>132</sup> The government has frequently denied these allegations. Civilian witnesses say that army attacks are routinely followed by the ransacking of houses and shops, the destruction of food stocks, and the rounding up and mistreatment or killing of civilians, often as reprisals for the killing of a member of the defence and security forces.

Anglophone villages suspected of harbouring separatists or arms have been burned and pillaged in both the South West and North West regions. Homes have been burned to ashes, sometimes with their inhabitants. As the CHRDA infographic at Figure 1 shows (See Executive Summary, “Villages Burned between 2017–19”), the rate of attacks on villages has been escalating steadily. The map in Figure 6 of villages affected shows that the highest concentration of damage is in the North West, with a majority of villages and settlements severely affected or affected.

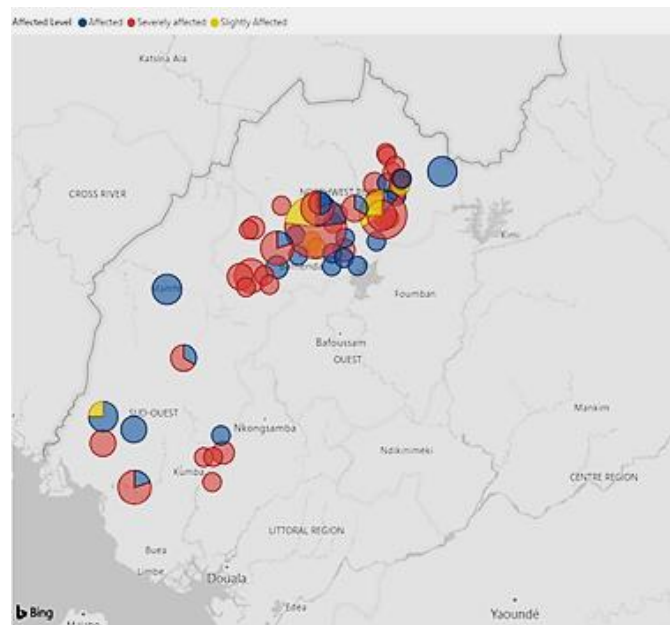


Figure 6. Level of Damage Inflicted by Village. Source: CHRDA, 2019

Incidents reported include several attacks where disproportionate force and indiscriminate use of violent tactics have resulted in foreseeable civilian deaths and where, in several instances, civilians were directly targeted:

- On December 18, 2017, residents of Kembo in South Western Cameroon reported that defence and security forces set fire to most of the houses in the village during a security operation.
- On January 14, 2018, a security operation by more than 100 members of the security forces was conducted in the village of Kombone in the Anglophone region. The following day, the security forces conducted a similar operation in the neighbouring village, KwaKwa. According to eyewitnesses, almost the entire village was set on fire.<sup>133</sup>
- In April 2018, 13 soldiers, who appeared to be state agents and members of the BIR based on their uniforms and arms, attacked Aki, a village in the South West region, and set fire to a house.<sup>134</sup> A local resident said the troops belonged to BIR, but the Minister of Communication claimed that armed separatists took the army's equipment to make it appear as if the army committed the crimes.
- At the end of April 2018, security forces carried out an attack on the village of Munyenge. The centre of the village was set ablaze and the sounds of gunshots were captured by amateur video footage.<sup>135</sup> Three residents said that the village was destroyed by government security forces and that villagers ran into the bush to avoid being shot. One civilian was allegedly killed. Satellite images show large portions of the village burned to the ground.<sup>136</sup>



*Figure 7. Burning of Munyenge. Source: CHRDA*

- Video footage from May 2018 of the village of Kuke Mbomo documented burning houses, the presence of ammunition, and chaos within the population. By the end of the month, many houses had been destroyed.

- Satellite images also reveal extensive fire damage across villages in the Southern regions of Bekora, Kumukumu, Kwakwa, and Bole.<sup>137</sup>
- In Wone, witnesses provided first-hand accounts of government forces arriving on the scene and setting fire to the entire village, including their homes, and to a neighbouring village.<sup>138</sup>
- On December 3, 2018, in Meluf, Bui Division, North West region, the military set fire to 40 houses in retaliation for an attack the previous day by armed separatist groups (ASGs). The CHRDA investigated the attack. At about 5 p.m., a witness saw the military drive into the locality and throw explosives on houses along the road at St. Augustine College junction. All the houses caught fire, including hers.
- The next day, Meluf residents returned to see the same soldiers setting fire to more houses. A 70-year-old man, with visual and hearing disabilities, could not hear neighbours' warnings and was burned alive in his home. A witness said that when the soldiers attacked the village, everyone ran. Forty houses were partially or completely destroyed.
- After Meluf, the military went to Romajai, a village in Nso, Nkum Subdivision, Bui Division, on December 4, 2018, and set fire to dozens of houses along the road. A victim told CHRDA that he had fled on learning of the military operations on December 3, but upon his return, he realized that his house had been razed to the ground by the military. Neighbours said the BIR were responsible. Twenty-two houses were damaged.
- In February 2019, in and around Kumbo in the North West region, dozens of houses were burned by the military following security operations in search of separatist groups.<sup>139</sup>
- In May 2019, following what Human Rights Watch describes as a "rampage" by soldiers in Mankon, Bamenda, in the North West, 70 homes were burned, prompting the government to promise an investigation.<sup>140</sup>

For a full list of villages attacked and burned in the Anglophone regions by division and sub-division, see Annex VI.

#### D. Forced Mass Displacements

Mass displacements in the Anglophone regions have forced civilians to flee following attacks on villages and high levels of insecurity that prevail in both regions. The crisis has forced the displacement of half a million people.

Internally displaced persons (IDPs) are mostly situated in the bush in remote areas and therefore have little or no access to medical assistance. Limited or no access to potable water has resulted in dysentery and diarrhea, especially among children. Most IDPs are suffering from malaria after sleeping rough with no protection. Girls and young women have no access to sanitary pads or basic hygiene products and are forced to use whatever is available in their

surroundings, resulting in serious infections. Most IDPs are women and children who abandoned their farms and have limited access to food. They are also in need of shoes, clothing, and other basic items necessary for survival.

In a critique of the government's 18-month humanitarian action plan adopted in June 2018, the CHRDA's Salim Sango denounced the government's lack of will to protect the rights of IDPs and refugees whose homes were burned down: the government had budgeted for 10,000 homes for rehabilitation within 18 months, but the commitment had not been delivered by April 2019, making it difficult for thousands of refugees and IDPs to return to their homes.<sup>141</sup>

### E. Arbitrary and Severe Deprivations of Liberty and Inhumane Detention Conditions

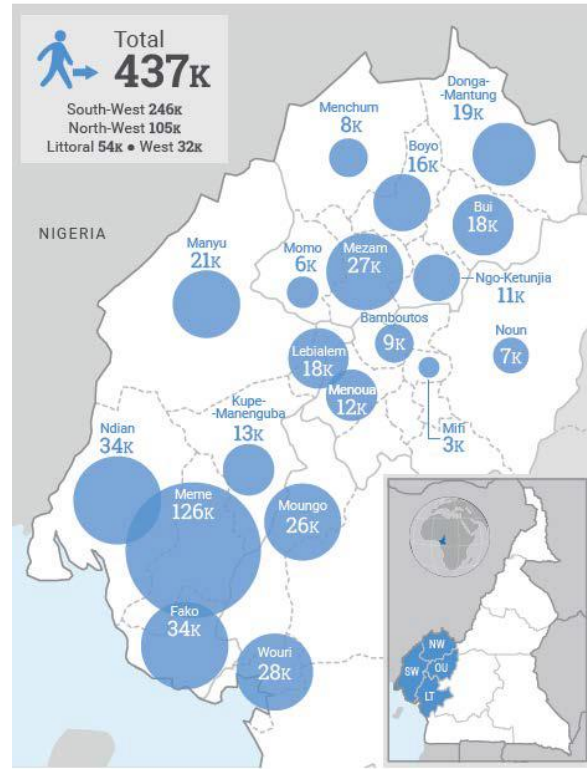
In early January 2017, the Cameroon Anglophone Civil Society Consortium (Consortium or CACSC) agreed to meet with the government about the release of protesters arrested during a 2016 demonstration in Bamenda. The Consortium accused the government of shooting four unarmed youth and proceeded to declare "Ghost Towns" on January 16 and 17.<sup>142</sup> In response, the government cut the Internet and banned the activities of two groups, the Southern Cameroons National Council (SCNC) and the Consortium, on January 17, 2017.<sup>22</sup> The same day, two prominent Anglophone civil society activists who headed the Consortium – Mr. Felix Agbor Nkongho and Dr. Fontem Neba – were arrested.<sup>143</sup>

On January 9, 2017, armed soldiers forcibly entered the home of Mr. Mancho Bibixy, a journalist and newscaster of "Abakwa" (a local radio program reporting on the rights of the Anglophone minority), and arrested him, along with six other activists. Mr. Bibixy was also working closely with the Anglophone Consortium.<sup>144</sup> He was hooded and taken to a vehicle without shoes or identification documents.<sup>145</sup> He was then arbitrarily detained for 18 months and his hearings were postponed more than 14 times.

In other developments:

- Between September 22 and October 17, 2017, alone, 500 people were arrested, with witnesses describing the detainees as being packed into jails and other facilities in the South West region.<sup>146</sup>

Figure 8. Source: UN OCHA North-West and South-West Situation Report (January 31, 2019)



- In December 2017, a group of about 70 heavily armed Cameroonian soldiers and BIR sealed off the village of Dadi to conduct search-and-arrest operations, resulting in 23 arrests.<sup>147</sup> Eyewitnesses said, however, that there had been no demonstrations that day. The victims had been returning from their farms or were in front of their homes.<sup>148</sup>
- On January 5, 2018, 47 separatist activists, including Mr. Sisiku Ayuk Tabe, leader of the self-proclaimed interim government of Ambazonia,<sup>149</sup> were arrested and detained by Nigerian authorities in Abuja.<sup>150</sup> The detainees were repatriated shortly afterwards and imprisoned in Yaoundé for six months, awaiting trial.<sup>151</sup> Human rights groups and supporters said the detainees were not given access to their lawyers or charged with any offence.<sup>152</sup> Cameroon's government spokesperson Issa Tchiroma Bakary denied any mistreatment.<sup>153</sup> In June 2018, the government permitted some of the detainees to consult with lawyers and the International Committee of the Red Cross (ICRC).<sup>154</sup> Several of the activists, including Mr. Tabe, remain in detention.
- On May 25, 2018, Mr. Bibixy and his co-accused were sentenced to between 10 and 15 years of prison each by a military court, for acts of terrorism, secession, hostilities against the State, propagation of false information, revolution, insurrection, contempt of public bodies and public servants, resistance, depredation by band, and non-possession of national identity cards.<sup>155</sup> The CHRDA released a statement calling the decision of the Yaoundé military tribunal "a major setback for the respect of human rights and fundamental freedom."<sup>156</sup> On July 12, 2018, LRWC sent a letter expressing concern about the sentencing and ongoing arbitrary detention of Mr. Bibixy who was being held in an overcrowded cell at the Kondengui central prison, a maximum-security prison in Yaoundé. He does not have regular access to his family.<sup>157</sup>
- On April 10, 2018, *Radio France Internationale* correspondent Ahmed Abba was sentenced to 10 years' imprisonment by a Yaoundé military court. The trial was marred by irregularities and the victim was tortured while being held incommunicado for three months.<sup>158</sup>

Mass arrests and detentions have caused harsh and often life-threatening prison conditions in Cameroon, including gross overcrowding, lack of access to water and medical care, and deplorable hygiene and sanitation.<sup>159</sup> According to Cameroon's Ministry of Justice, prisons in the country stood at 171 percent capacity on December 31, 2017 and in the South West region alone, occupancy rates stood at 218 percent capacity.<sup>160</sup> According to CHRDA researchers, the under-capacity in the North West region (at 88 percent) reflects the practice of transferring prisoners out of the region to other, more secure areas.

## F. Torture and Cruel, Inhuman, and Degrading Treatment

Between January 2018 and January 2019, Human Rights Watch documented at least 14 cases of torture at a State Defense Secretariat (*Secrétariat d'Etat à la défense*, "SED") detention site.<sup>161</sup> Total numbers are likely much higher, as detainees are subjected to torture in secrecy and former detainees are hesitant to speak out for fear of reprisals. Detainees have been severely beaten and subject to near-drowning techniques to extract confessions.<sup>162</sup>



The Dadi village attack on December 13, 2017, resulted in the arrest of villagers between 4 and 5:30 p.m. They were then taken to a community hall, where they were held for three days, tied up, blindfolded, and tortured.<sup>163</sup> The Dadi attack resulted in severe mistreatment and torture of detainees. A victim told Amnesty International:

At the community hall I received the beatings of my life. I was beaten for three days by the BIR with wires and belts and hit with a gun. I was also electrocuted by connecting a cable on a generator and plugging it on my body. They further poured hot water on my body and this has affected my hearing ability. A whitish liquid is exuding out of my left ear.<sup>164</sup>

In July 2018, the CHRDA reported that 18 Anglophone civilians were arbitrarily arrested, detained, and tortured in cells in the Kondengui Central Prison in Yaoundé.<sup>165</sup> CHRDA's president, Mr. Felix Agbor Nkongho, stated that the detainees were "kept in tight chains and were brutally tortured last night [July 3, 2018] by prison guards who repeatedly called them Ambazonians."<sup>166</sup> Among them was Mr. Tanyi Robert Tataw, 32 years of age, who was arrested in the South West region on June 16, 2018. He was molested, blindfolded, and told to consume excrement; he lost an eye and was transferred naked to Yaoundé.<sup>167</sup>

A video released in 2018 documented gendarmes in the North West region torturing a separatist leader after his arrest.<sup>168</sup> The video shows gendarmes tying the suspect's hands behind his back, kicking him, and stomping on his head, while he lies on his stomach in the mud. The video went viral on social media. A government minister acknowledged that the behaviour was "clearly out of the norms and legal techniques in such circumstances."<sup>169</sup>

Human Rights Watch reported that, on January 29, 2018, security forces beat to death 22-year-old Fredoline Afoni, who was in Kumbo to visit his uncle.<sup>170</sup> According to a friend, Afoni received a phone call from an unknown number telling him to collect luggage at a nearby junction. When he arrived, he was taken by unknown persons dressed as civilians and then taken into custody by the gendarmerie. When his uncle went to the gendarme station, he was told to come back in the morning. The next day he was told the youth had died. He was able to recover the body three days later. The corpse showed signs of torture: marks of severe beatings, broken ribs, and blood coming out of the anus.<sup>171</sup>

In other incidents:

- On February 1, 2018, Mr. Ndi Walters was shot at his shop in Bamenda by men dressed as civilians but wearing army footwear. He was taken away. A week later, his body was found at the mortuary. An autopsy revealed that he had died from hard blows to the chest and forehead.<sup>172</sup>
- According to Human Rights Watch, in early February 2018, security forces arrested and tortured Mr. Samuel Chiabah, a father of five children, whose neck was sliced open.<sup>173</sup>
- On January 30, 2019, a 45-year-old man was abducted in Buea by defence and security forces and illegally held for a period of 45 days at a makeshift camp in Tole, situated near Buea. The victim was severely tortured. On March 19, the CHRDA

interviewed the victim, who was being treated in a Yaoundé-area hospital and photographed the victim's back. The CHRDA has retained the medical records.

### G. Gender-Based Violence and Discrimination<sup>174</sup>

In the 24 months following the escalation of the crisis, CHRDA conducted fact-finding missions and carried out interviews in the affected regions with women and girls in relation to gender-based violence and sexual assault, including interviews with detained women and young girls. More than 75 percent of women interviewed had experienced physical or sexual violence. Military and security forces have mistreated female IDPs and sexually exploited female refugees travelling without national identity cards in exchange for letting the women through security checkpoints.<sup>175</sup> In the North West region, the governor established a curfew of 6 p.m., which affects women involved in informal businesses. The curfew may have encouraged corrupt and sexually exploitative practices, such as women being asked for sex in exchange for permission to travel past roadblocks and security checks after curfew.

CHRDA has reported that female students at the University of Buea were molested and physically assaulted by state forces.<sup>176</sup> At least one female student was raped on November 28, 2016, in Buea by a police officer. No concrete steps have been taken to identify or hold accountable the perpetrators.

Physical insecurity, sexual assault, and loss of life are not the only consequences for women in this context. Women also bear the brunt of the economic hardship and food insecurity caused by the crisis, for themselves and their children. In most rural communities in Cameroon, women are mainly involved in subsistence agriculture and informal businesses to earn a livelihood and sustain their families. Women farmers are already vulnerable because they generally have little or no legal access to land title and often rely on their husbands' or sons' help for physically challenging tasks like clearing land. However, the killing and arbitrary arrests of men and boys in these rural communities have left women with little to no assistance or support.

*Figure 9. Students detained by military, November 2016. Source: CHRDA*



## H. Armed Separatist Forces and Groups

### *i) Overview*

During the crisis, bands of armed civilians have evolved to become more structured and organized defence and insurgent groups, and have taken control of certain parts of Cameroonian territory. The main civilian organizations are the Southern Cameroons National Council (SCNC), Southern Cameroons Anglophone People's Organization (SCAPO), Southern Cameroons Youth League (SCYL), Movement for the Restoration of the Independence of Southern Cameroons (MORISC), and the Southern Cameroons Ambazonia Consortium United Front (SCACUF), which identifies itself as the interim government of the Federal Republic of Ambazonia.

The most active armed groups are the Southern Cameroons Defence Forces and the Ambazonia Defence Forces (ADF is the military arm of the Ambazonia Governing Council). In addition, there are numerous local cells with hundreds of fighters, not only from Cameroon but also Nigeria. Other groups include the Ambazonia Restoration Army in Belo/Boyo, the Nso Liberation Army in Bui, the Tigers of Manyu in Manyu Division, and the Red Dragons of Lebialiem Defence Force in the locality of Lebialiem. According to the International Crisis Group, armed separatist groups have between 2,000 and 4,000 fighters.<sup>177</sup>

The following incidents are illustrative of the violence faced by Cameroonians in the region:

- A local human rights activist stated that “there are kidnappings for ransom, with the separatists seeking between 20,000 and 30,000 francs (about US \$35-\$54) from the families. And there are others, those they keep.”<sup>178</sup>
- In Wone, armed separatists burned a timber truck while it was operating along the Kumba-Mamfe road.<sup>179</sup> Several witnesses provided first-hand accounts of government forces arriving on the scene and setting fire to the entire village, including their homes, and a neighbouring village.<sup>180</sup>
- Nine employees of a construction company have been missing since December 2017, with only the burned-out shells of their vehicles found. The brother of one of the missing men said, “We live with anxiety. If they have been killed, then let us know so we can mourn. If they are being held captive somewhere, then we want their captors to tell us what it will take to get them released.”<sup>181</sup> (It is unclear, however, whether the attack was committed by the security forces or the ASGs.)

In September 2018, CHRDA received a tip about ASG attacks directed against the Mbororo community in the North West region, apparently the result of its active cooperation with the government against the ASGs. Data collected by the CHRDA shows that 662 inhabitants of Mbororo had been evicted from their communities, six were murdered, twenty were abducted, and sixteen homes were burned down.<sup>182</sup>

*ii) Attacks against the State*

Armed factions in the North West and South West regions have killed and kidnapped members of the military, as well as government officials. Non-state forces have caused havoc by seizing ammunition and burning down military posts, vehicles, and prisons.

Between September 2017 and May 2018, at least 44 members of the security forces allegedly were killed in attacks by secessionist groups.<sup>183</sup>

In 2018, armed separatist groups claimed responsibility for the following attacks:<sup>184</sup>

- On January 14, 2018, two military men were detained by separatists in Kombone. One was allegedly killed and beheaded. In retaliation, state security forces attacked the village of Kwakwa and set houses on fire.<sup>185</sup>
- On February 1, 2018, in Mbingo, two gendarmes were stabbed to death by young men believed to be armed separatists.<sup>186</sup>
- On June 21, 2018, unidentified gun men suspected to be ADF members, armed with machetes and guns, launched an attack on a police checkpoint in Mutengene, killing Gendarme Officer Adjutant Ngankeu Robinson and injuring his colleague, chopping off his hand with a machete.
- On July 18, 2018, in Wum, the main town in the Menchum Division of the North West region, two police officers at a checkpoint were attacked by unidentified gunmen. Officer Daouda Charles was beheaded.
- On the night of August 4, 2018, unidentified gunmen suspected to be ADF members attacked the home of Police Commissioner Simon Ekahnjume, killing him in Mutengene, in the Tiko Subdivision of the South West region.
- In February 2018, an attack led by armed separatists in the village of Kombone resulted in the killing of at least one member of the state security forces. This incident prompted state security forces to burn six houses and kill two civilians in the same village.<sup>187</sup>
- On June 26, 2018, two police officers earlier in June in the North West and South West regions were killed by their abductors.<sup>188</sup>
- At the end of July 2018, suspected separatists attacked a jail in the North West, freeing more than 160 prisoners. The detention centre was set ablaze.<sup>189</sup>

It should be noted that the government does not allow full access to statistics of killed or wounded soldiers. However, CHRDA estimates that the number of attacks is over 1,000, with more than 500 soldiers killed, given the frequency of attacks and gun battles.

*iii) Attacks on Schools, Teachers, and Students*

Education has become an instrument of the struggle and has been terribly affected by the ongoing crisis in the North West and South West regions of Cameroon. According to the CHRDA, several schools are used by ASGs as military bases and hideouts, preventing children from pursuing their education.

Violence against educational institutions and teachers, as well as students, has led to school closures, in some cases for two years. Hundreds of thousands of school-aged children are affected, especially in rural areas. Students are afraid to go to school because some of them are attacked on the way, while others are beaten or ridiculed. Teachers and students who have not abided by boycott operations have been threatened and attacked.<sup>190</sup> Separatists and self-defence groups have targeted and kidnapped both students and teachers on their way to school.

The right to education has been severely eroded in the crisis. Students have fled their homes and hometowns and dropped out of school as a result of widespread insecurity, including constant attacks on schools by the ADF. Amnesty International has reported that, whereas over 400 students were enrolled at the Catholic Primary School in Menji before the boycott started in late 2016, fewer than 50 still attended by September 2017.<sup>191</sup>

Additional incidents of attacks on schools and children include:

- In September 2017, seven schools were burned by ASGs.<sup>192</sup>
- On October 17, 2017, an arson attack led by a mob of hundreds of youths burned down parts of the Catholic Primary School in Menji.<sup>193</sup>
- Amnesty International reported that the Government Bilingual High School in Menji was partly burned to the ground on November 24, 2017.<sup>194</sup> The administrative block and a classroom were burned down, and school records were destroyed.
- ASGs reportedly attacked at least 42 schools between February 2017 and May 2018, including 34 damaged by arson attacks, according to Amnesty International.<sup>195</sup>
- On January 30, 2018, a teacher at the Government Primary School in Ntungfe was assaulted by an unidentified man carrying a locally made gun for failing to observe the boycott operation.<sup>196</sup> The same day, a teacher at the Baptist Comprehensive High School in Njinikejem was assaulted by a man armed with a 30-centimetre-long knife for not enforcing the school boycott.<sup>197</sup>
- In June 2018, UNICEF and UNESCO jointly reported that at least 40 schools had been burned down in the Anglophone regions and that 33,000 students were not attending school as a result of the security situation.<sup>198</sup>
- On September 17, 2018, separatist groups launched an attack at St. Joseph's College Sasse in Buea in the South West region, causing students to flee.

In September 2018, and despite government calls for the resumption of school at the start of the new academic year, schools had still not reopened. In the North West region, on September 3, 2018, the first day of school, approximately a dozen students were abducted from the campus of the Presbyterian School of Science and Technology (PSST), Bafut, along with the principal of the institution.

The CHRDA has recorded 33 school arsons allegedly perpetrated by ASGs since October 2018. The CHRDA has also documented witness accounts of several dozen attacks on teachers and students that, in some cases, have resulted in loss of life. Examples include:

- Mr. Ashu Thomas Nkongho, the senior discipline master of Bilingual High School (B.H.S), Kossala, in Meme Division of the South West region, was shot and killed by unidentified gunmen, while on school campus on April 25, 2018, for failing to respect school boycott orders.
- Mrs. Sophie Mandengue Maloba, a 42-year-old teacher of a government primary school in Muyuka, in Fako Division of the South West region, and a mother of three children, was shot and killed by unidentified gunmen suspected to be separatist group members on April 30, 2018.

#### iv) *Attacks on and Abductions of Traditional Chiefs*

Traditional chiefs have been attacked by armed separatists for allegedly collaborating with the Cameroonian government.<sup>199</sup> On February 13, 2018, the residence of Myerem's traditional chief was burnt down by a group of men believed to be ADF members.<sup>200</sup>

On February 24, 2018, the residence of the interim traditional chief in Nguti was burnt down by a group of 25 armed men, who accused the chief of collaborating with the government against the secession movement. According to a witness's testimony, the assailants had machetes, local guns, and sticks, and they poured petrol on the house to burn it. They beat seven elders to find out where the chief was, as his house was empty. The villagers nearby did not say a word, as they feared the reprisals.<sup>201</sup>

### I. Views of the African Commission

The African Commission on Human and Peoples' Rights met at its 62<sup>nd</sup> Ordinary Session from April 25 to May 9, 2018, to release a Resolution on the Human Rights Situation in the Republic of Cameroon.<sup>202</sup> The Commission expressed concerns about:

... the continuous deterioration of the human rights situation in Cameroon, as well as the socio-economic situation, since October 2016 following brutal crackdowns on peaceful protests by lawyers, teachers and members of civil society of the English-speaking North West and South West regions of Cameroon who called for the preservation of the Anglophone legal and educational systems in their regions, and end to marginalisation, and for better management of the regions by the Government of Cameroon in terms of development and infrastructure.<sup>203</sup>

The African Commission expressed deep concerns about allegations of:

...enforced disappearance, arbitrary detention under deplorable conditions, prohibition of peaceful demonstrations and constant insecurity; leading to the displacement of a significant number of Anglophone Cameroonians to Nigeria and thousands of internally displaced persons since the beginning of the crisis without means of subsistence and access to basic necessities.

The African Commission condemned the human rights violations committed in Cameroon since 2016 and the ongoing repression of human rights defenders.

Among its multiple recommendations, the Commission requested that impartial and independent investigations be conducted to identify the perpetrators of violations and bring them to justice, calling on all parties to engage in a “dialogue towards saving lives and restoring calm, security and peace as soon as possible.”<sup>204</sup>

### 3. LEGAL ANALYSIS

Against the backdrop of the crisis in Cameroon, the report now turns to a legal analysis of the facts pertaining to state responsibility for serious human rights violations and crimes against humanity. The presence of an insurgency, internal conflict or violence by third-party actors does not absolve, minimize or neutralize the State of these responsibilities in law.

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The Preamble of the Constitution of Cameroon incorporates human rights standards of the *Universal Declaration of Human Rights* (UDHR), the *African Charter on Human and People's Rights*, and all ratified international conventions. The Preamble further provides that “human beings, without distinction as to race, religion, sex or belief, possess inalienable and sacred rights.” The first three articles of the Preamble provide:

- 1) All persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development;
- 2) The State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law;
- 3) Freedom and security shall be guaranteed each individual, subject to respect for the rights of others and the higher interests of the State.<sup>205</sup>

Under the Constitution, international law takes precedence over national law. Article 45 of the Constitution provides, “Duly approved or ratified treaties and international agreements shall, following the publication, override national laws, provided the other party implements the said treaty or agreement.”

Therefore, all international obligations duly approved or ratified are binding on all state agents, including law enforcement, military personnel, gendarmes and members of the security forces. Cameroon is party to the following several international human rights instruments, whose provisions are directly relevant to the issues discussed in this report:

- *African Charter on Human and People's Rights* (ratification on June 20, 1989).
- *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (CAT; ratification on December 19, 1986);
- *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW; ratification on August 23, 1994);
- *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity* (accession on October 6, 1972)
- *Convention on the Rights of the Child* (CRC; ratification on January 11, 1993) and its *Optional Protocol* (ratification on February 4, 2013);
- *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD; ratification on June 24, 1971);
- *International Covenant on Civil and Political Rights* (ICCPR; ratification on June 27, 1984);



- *International Covenant on Economic, Social and Cultural Rights* (CESCR; ratification on June 27, 1984); and
- *Maputo Protocol* (2006).<sup>206</sup>

As a state party, Cameroon has positive obligations to respect, protect, and fulfill these rights. Under the ICCPR, the State is obliged to ensure that all individuals within its territory and subject to its jurisdiction enjoy the rights enumerated therein without distinction based on, among other grounds, language, political, or other opinion, or other status.<sup>207</sup> Cameroon is also a party to the *Vienna Convention on the Law of Treaties*, which provides that “every treaty in force is binding upon the parties to it and must be performed by them in good faith.”<sup>208</sup>

Cameroon is therefore bound by the international law instruments noted above and by its own constitution to respect human rights and freedoms. Such rights include but are not limited to: the right to life, liberty and security of the person; the right to be free from torture or cruel, degrading and unusual treatment; the right to be free from arbitrary arrest and detention; the right to association and peaceful assembly; the right to equality before and equal protection of the law; the right to take part in the conduct of public affairs; the right to have criminal charges and rights determined by a competent, impartial and independent tribunal (and, in the case of civilians, a civilian court); the right to a fair trial, representation by a lawyer of choice, and (where the defendant does not have means to pay for legal representation) legal aid; the right to prompt, detailed notice of charges in a language understood by the defendant and adequate time and facilities to prepare a defence against them and communicate with counsel; the right to an interpreter where required; the right to appeal; the right to not be prosecuted for any act or omission that was not a crime when committed; and the right to self-determination.

While the rights listed above find particular application in the case of the Anglophone regions of Cameroon, an in-depth analysis of each of them is outside the scope of this report. In the sections that follow, serious human rights violations are discussed in connection with: (a) the right to life and security of the person; (b) the right to be free from arbitrary arrest and detention; (c) the right to be free from torture and cruel, inhuman or unusual treatment or punishment; and (d) women's rights to be free from violence.

Finally, crimes against humanity are discussed at the end of this section, following the examination of serious human rights violations by the State.

## A. Serious Human Rights Violations by the State

### i) *The Right to Life and Security of the Person*

#### LEGAL FRAMEWORK

The rights to life and security of the person are guaranteed by the Cameroonian Constitution, (“every person has a right to life, to physical and moral integrity”), Articles 4 and 6 of the African Charter, and Articles 6 and 9 of the ICCPR. The international conventions are incorporated into Cameroon’s domestic law through its own Constitution.

The right to life is non-derogable (Article 4, para 2, ICCPR). It has both positive and negative dimensions. Negative obligations include the prohibition on depriving anyone of life and security of the person, while positive obligations require the State to adopt measures that are conducive to life and human security. While law enforcement officials, security forces, police agents and other State agents can use **coercive measures** to ensure public order (*ordre public*), the UN Human Rights Committee (HRC) has vast jurisprudence, which restricts the use of such force. The disproportionate use of force and firearms by the State is also strictly circumscribed by the **UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials** (UN Basic Principles).<sup>209</sup> Article 4 states that law enforcement officials must use non-violent means before resorting to the use of force and firearms, and only when other means have proved ineffective. If the use of force and firearms is unavoidable, law enforcement officials should exercise restraint and act in proportion to the seriousness of the offence and the legitimate objective to be achieved, namely to minimize damage and injury and to respect and preserve human life (Article 5). Lethal force may only be used when strictly unavoidable to preserve life (Article 9). Exceptional circumstances such as internal political instability or any other public emergency cannot justify any departure from the UN Basic Principles (Article 8).

#### 1. *State Deprivation of the Right to Life*

According to the International Crisis Group, at least **1,850 people have been killed since 2017**, with the ICG reporting that at least 235 soldiers and police officers, 650 civilians, and close to 1,000 separatists have lost their lives. Anglophone federalists estimate 3,000-5,000 dead; separatists estimate 5,000-10,000 dead.<sup>210</sup>

As set out in Section 2 of this report, peaceful protests and demonstrations have been met with violent repression by the State. Defence and security forces have used live ammunition against protestors in the streets, razed entire villages, and entered people’s homes and shot inhabitants, while survivors fled their villages to hide in the bush.<sup>211</sup>

The following emblematic incidents illustrate the targeted nature of the killings:

- In December 2017, eyewitnesses claim that a security operation of up to 50 soldiers and the BIR entered a village in Kajifu early in the morning. The soldiers were described as heavily armed, wearing bulletproof vests and helmets. It is alleged that security forces started shooting indiscriminately at residents as they attempted to flee.<sup>212</sup> At least three unarmed men were killed.<sup>213</sup>
- On July 11, 2018, BIR soldiers massacred 16 unarmed civilians, including a teacher and seven members of his family (his wife, three children, father, mother and mother-in-law) in Batibo.<sup>214</sup> Troops entered the village at about 7 a.m. while

villagers were preparing their merchandise for the weekly market at a neighbouring locality.<sup>215</sup> The troops started shooting sporadically in the air, causing panic and fear among the villagers. Three villagers heard gunshots in the streets and ran to their house for safety but were all murdered there.<sup>216</sup>

- Cameroonian troops attacked Menka, a village in the North West, resulting in the deaths of at least 32 criminals and 5 hostages. Villagers claimed that the dead included criminals but not “terrorists.”<sup>217</sup>
- On May 15, 2019, the Air Force and the BIR attacked Mancon, in the North West region. Mr. Nwacha Christopher Neba, a 41-year-old mechanic, was killed and several homes and businesses were burned, in what Human Rights Watch says was retaliation against separatist sympathizers: “A witness said that the military went to Neba’s house in Alachu, ‘broke down the door, pulled him out, and beat him savagely.’ The witness then heard gunshots. He said the man’s body was found in the street shortly afterward, shot in the head and the back.”<sup>218</sup>

It is important to underscore that the excessive violence, reprisal killings, and attacks on civilians are not properly characterized as unavoidable or inevitable injuries and deaths related to the conflict between security forces and ASGs. In many instances, unarmed civilians with no connection to criminal secessionist activities were attacked.

The State’s obligation to protect the right to life includes the duty to prevent and punish arbitrary deprivation of life by criminal acts but also to prevent arbitrary killing by their own law enforcement personnel.<sup>219</sup> Deprivation of life caused by state authorities is an offence of the utmost gravity, especially if the act is the result of the intentional action of state agents.<sup>220</sup> The evidence demonstrates that security forces used excessive force and lethal weapons with the intention of causing death or serious injury to ASGs and civilians, where they knew or should have known the consequences of their actions. Even the targeting and killing of suspected members of ASGs violates the right to life under the ICCPR. Indeed, the UN Human Rights Committee held that where law enforcement personnel have killed suspects of a prior kidnapping, they have violated the right to life under the ICCPR and “deprived them of all the protections of due process of law laid down by the Covenant.”<sup>221</sup> Such actions by state agents resulting in deprivation of life are considered “disproportionate to the requirement of law enforcement in the circumstances of the case.”<sup>222</sup>

Similarly, acts such as indiscriminate shooting into crowds of peaceful protestors or on residential streets, breaking into the homes of civilians and killing or injuring them, and the burning of villages, all constitute intentional acts where security forces knew or should have known that there was a foreseeable likelihood of death or serious injury, in violation of the Constitution, Articles 4 and 6 of the African Charter, and Articles 6 and 9 of the ICCPR.

## *2. State Responsibility for the Killings by ASGs*

As noted in Section 2, local armed groups and separatist militias have been responsible for numerous killings and attacks on civilians, government officials, and security agents.

The State is obliged to guarantee the right to life to all those under its jurisdiction, whether the risk to their lives results from a state agent or a private actor. The positive right to life and to security includes a duty to prevent private entities from causing deprivations of life.<sup>223</sup>

Under Article 6 of the ICCPR, the State has a specific duty to ensure that entities or private individuals respect, protect and fulfill with right to life.<sup>224</sup>

In Cameroon, ASGs and local defence forces are acting independently of the State. Nonetheless, under international human rights law jurisprudence, the right to life includes “a primary duty on the State to secure the right to life by putting in place an appropriate legal and administrative framework to deter the commission of offences against the person, backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions.”<sup>225</sup> The positive obligation must be interpreted reasonably so as to avoid impossible or disproportionate burdens on the authorities. Hence:

[N]ot every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. For a positive obligation to arise, **it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers** which, judged reasonably, might have been expected to avoid that risk. (Emphasis added.)<sup>226</sup>

In short, the duty on the State is not without limits, especially given the limitations on policing and securing order in unstable contexts like the Anglophone regions of Cameroon. However, the use of excessive force, the unrestricted use of lethal force, as well as reprisal attacks on entire villages and unarmed civilians and the extrajudicial killings of persons suspected to be secessionists with no due process all constitute clear violations of the rights to life and security of the person. Cameroon is also legally required to take practical and effective measures to protect the right to life.

### *3. Duty to Investigate and Punish the Perpetrators*

Article 2(3) of the ICCPR places responsibility on the State to ensure that any person whose rights have been violated has an effective remedy, determined by a competent judicial, administrative, or legislative authority. State parties are required to investigate deprivations of life, to bring to justice those responsible for the death of the victims, to pay compensation to the surviving families, and to ensure that the right to life is duly protected.<sup>227</sup>

Investigations must be adequate, effective, and conducted by persons who are independent from those implicated in the events.<sup>228</sup>

There is extensive jurisprudence on the duty to carry out effective investigations into extrajudicial killings.<sup>229</sup>

In a case dealing with the State's failure to protect the right to life, the European Court of Human Rights (ECHR) concluded that the investigation "failed to establish significant elements of the incident (...) and has not been conducted with the diligence and determination necessary for there to be any realistic prospect of identifying and apprehending the perpetrators."<sup>230</sup> The ECHR has emphasized that the duty to take reasonable steps to find all necessary evidence should include investigations that determine whether the use of force was justified, and provide identification and punishment of those responsible.<sup>231</sup>

In *Bautista de Arellana v. Colombia* (563/93), the HRC found that "purely disciplinary and administrative remedies cannot be deemed to constitute adequate and effective remedies within the meaning of [A]rticle 2."<sup>232</sup> Article 2 also has a protective aspect in that States are required to take specific and effective measures to prevent the disappearances of individuals.<sup>233</sup> The duty to prosecute and punish perpetrators entitles victims and their relatives to identification of the perpetrators and knowledge of what the sanctions are.<sup>234</sup>

State unwillingness to investigate promptly or to prosecute allegations of unlawful killings by state officials leaves open the possibility of collusion or tolerance of unlawful acts on the part of the government.<sup>235</sup> When the involvement of state agents is suspected, the State must ensure an investigation independent of the state agents subject to suspicion. The Human Rights Committee has ruled that the State must take effective measures to bring the perpetrators of summary executions "to justice, to punish them and to compensate victims," and,

[i]f allegations of such crimes have been made against members of the security forces, whether military or civilian, the investigations should be carried out by an impartial body that does not belong to the organization of the security forces themselves.<sup>236</sup>

The Human Rights Committee has noted that impunity may be "an important contributing element in the recurrence of ... violations," and has emphasized that the State obligation to provide an effective remedy pursuant to Article 2(3) of the ICCPR may in appropriate cases require guarantees of non-repetition and changes in relevant laws and practices.<sup>237</sup>

The UN has developed detailed standards for investigation of unlawful killing, including:

- *UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (the "UN Investigation Principles"),<sup>238</sup> and
- *Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions* (the "Minnesota Protocol").<sup>239</sup>

The UN Investigation Principles, while non-binding, reflect a global consensus on the standards for investigations:

- thorough, prompt, and impartial investigation of all suspected cases of extra-legal, arbitrary, and summary executions;
- an independent commission of inquiry for those cases in which the established investigative procedures are ineffective because of lack of expertise or impartiality, and for cases in which there are complaints from the family of the victim about these

- inadequacies or other substantial reasons;
- protection from violence or intimidation for complainants, witnesses, families, and investigators;
- removal from power or control over complainants, witnesses, families, or investigators of anyone potentially implicated in extra-legal, summary or arbitrary executions;
- access by families and their legal representatives to any hearing and to all relevant information, and the right to present other evidence;
- a detailed written report on the methods and findings of the investigation to be made public within a reasonable time;
- government action to bring to justice persons identified by the investigation as having taken part in extra-legal, arbitrary and summary executions;
- responsibility of superiors, officers or other public officials for acts committed under their authority if they had a reasonable opportunity to prevent such acts; and
- fair and effective compensation for the families and dependents of victims of extra-legal, arbitrary and summary executions within a reasonable period of time.

In Cameroon, there have been no comprehensive efforts to (a) identify the perpetrators of the killings and enforced disappearances of civilians, (b) effectively investigate whether the use of force was justified under the specific circumstances, or (c) to compensate the victims and their families.

## ii) *The Right to be Free from Arbitrary Arrest and Detention*

### 1. *Violations Attributed to the State*

The Preamble to the **Cameroonian Constitution** affirms the principle that no person may be prosecuted, arrested or detained except “in the cases and according to the manner determined by law”. The *Criminal Procedure Code* further protects the rights of arrested persons by ensuring that they be brought before the authority without delay and be informed of the reason for their arrest (ss 30, 31). An individual may be arrested only with a warrant of arrest except in limited circumstances. Arrested persons must be given reasonable facilities to contact family members, to obtain legal advice, to make arrangements for a defence, to consult a doctor, and to receive medical treatment, and take necessary steps to obtain release on bail.

Article 6 of the **African Charter** provides that “Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.” It also guarantees every individual’s right to have their cause heard (Article 7), which comprises the right to an appeal, to be presumed innocent until proven guilty, to defence, and to be tried within a reasonable time.

According to the **UN Working Group on Arbitrary Detention**, deprivation of liberty is considered arbitrary when it falls into one of the following categories:

- (1) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty, as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her;

(2) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13-14 and 18-21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18-19, 21-22 and 25-27 of the International Covenant on Civil and Political Rights;<sup>240</sup>

(3) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character;

(4) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy;

(5) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

The **ICCPR** protects the right to liberty and security of person, and prohibits arbitrary arrest or detention (Article 9, paragraph 1). It also sets out procedural rights: arrested persons shall be informed promptly of the reasons of their arrest and of the charges raised against them (Article 9, paragraph 2). Those arrested or detained on a criminal charge must be brought before a fair and public hearing by a competent, independent and impartial tribunal in a reasonable time (Article 9, paragraph 3; Article 14, paragraph 1).

Consistent with the presumption of innocence and the presumption in favour of liberty, the international standards also provide that pre-trial detention should be the exception and not the rule, and should be used as a means of last resort only, and for the minimum necessary period. As stated by the Human Rights Committee, interpreting Article 9 of the ICCPR, "Pre-trial detention should be an exception and as short as possible."<sup>241</sup>

Both the African Charter and the ICCPR require that judicial review of pre-trial detention be prompt. The Human Rights Committee interpreting the word "promptly" in ICCPR Article 9.3 determined that the delay between the arrest of an accused and the detainee being brought before a judicial officer "should not exceed a few days"<sup>242</sup> and ideally should be made available within 48 hours.<sup>243</sup> The African Commission on Human and People's Rights (ACHPR) found that a Nigerian Decree which authorized the detention of people without charge for a 3-month period and allowed the government arbitrarily to hold people critical of its policies for a period of 3 months without having to submit any explanations and without the possibility to challenge the arrest and detention before a court violated Article 6 of the African Charter.<sup>244</sup> The ACHPR also found a violation of Articles 7(1)(d) and 26 (independence of the courts) of the African Charter where victims had been detained for weeks and months respectively without any charges being brought against them.<sup>245</sup>

States parties to the ICCPR are obliged to ensure that detained individuals have access to legal representation of their choosing and to be tried without undue delay. In addition, detainees have a right to be released pending trial. Article 9, paragraph 4, of the ICCPR states that "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 the detention is not lawful." Principle 4 of **the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment** states that "any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority".

According to Cameroon's *Criminal Procedure Code*, arrested persons must be given reasonable facilities to contact family members, to obtain legal advice, to make arrangements for a defence, to consult a doctor, and

to receive medical treatment, and take necessary steps to obtain release on bail. (*Criminal Procedure Code* s. 37)

Article 14 of the ICCPR states: "In the determination of any criminal charge ... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."<sup>246</sup>

The minimum guarantees of the right to a fair trial are also enshrined in Article 14 of the ICCPR.

Several principles help determine whether a deprivation of liberty is considered "arbitrary,"<sup>247</sup> such as when it is impossible to invoke any legal basis to justify the deprivation of liberty and when the deprivation of liberty results from the exercise of a right or freedom guaranteed by international law.<sup>248</sup>

There has been a significant escalation in arbitrary arrests and detentions since the beginning of the crisis in October 2016. Under the anti-terror law of December 2014, the government has used arbitrary arrest and detention to silence dissent and punish lawyers and other human rights defenders, as well as civilians who have been caught in the nets of surveillance and security operations. The anti-terror law limits the procedural rights of suspects, allowing them to be detained without charge for up to 15 days, and contains an overly broad definition of terrorism that can be invoked to criminalize fundamental rights and freedoms.<sup>249</sup>

Cameroon is legally required to take concrete steps to prevent and put an end to arbitrary arrest and detention.<sup>250</sup> Protection from arbitrary arrest and detention also protects many of the rights to dissent, which are central for many of the human rights defenders and civil society organizations in Cameroon, including freedoms of expression, association, and the right to peaceful assembly.<sup>251</sup> Cameroon's government is responsible for protecting civilians during security operations and for ensuring that those who are arrested and detained are lawfully detained and not subjected to human rights violations.

Since the crisis began, security forces have arrested hundreds of people for peacefully exercising their rights to expression, assembly, and association. According to the CHRDA, those targeted have been, for the most part, held without a prior arrest warrant and, in some cases, their homes have been invaded by state agents seeking evidence of their alleged crimes.

## *2. Right to a Fair Trial and the Use of Military Tribunals*

States must ensure that courts are independent, impartial, and competent. Military courts, as part of the executive branch of government, are generally considered to contravene the principles of independence and impartiality, at least with respect to trying civilians.

The jurisdiction of military courts should include only military personnel charged with offences of an exclusively military nature.<sup>252</sup> However, the Cameroonian government uses these courts to prosecute civilians. The use of military or special courts to try civilians presents "serious problems as far as the equitable, impartial and independent administration



of justice is concerned.”<sup>253</sup> Trying civilians in military courts contravenes international human rights standards noted earlier, as well as the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, which stipulates in Article G(c): “Military courts should not in any circumstances whatsoever have jurisdiction over civilians.”<sup>254</sup> As Lawyers’ Rights Watch Canada (LRWC) has put it: “There is international consensus that trials of civilians by military tribunals contravene the non-derogable right to a fair trial by a competent, independent, and impartial court to the extent that they violate rights guaranteed by instruments such as the UDHR, ICCPR and the African Charter.”<sup>255</sup>

In exceptional circumstances, civilians may be tried before a military court. However, in these cases, martial courts must be restricted to ensure that procedural rights are respected.<sup>256</sup>

The repeated use of military tribunals by the Cameroonian authorities to try civilians is discussed in Section 2 and has infringed the rights of many of individuals exercising their democratic rights of free expression, association, and peaceful assembly, in violation of international human rights law and Cameroonian law. International human rights groups and the African Commission have expressed concern over the arbitrary arrest, detention, and sentencing of civilians for their peaceful activity by military tribunals in violation of the right to a fair trial.

### *3. State Responsibility in Connection with Violations Attributed to ASGs*

The Cameroonian State has specific responsibilities under international law and by virtue of its own Constitution. It is responsible for protecting civilians during security operations and for ensuring that those arrested and detained are not subjected to human rights violations.

Kidnappings by ASGs have been frequently reported and have been adopted as a tool to enforce discipline in anti-government protests and instill fear among French-speaking officials. ASGs have been targeting state representatives, administrative authorities, and traditional leaders accused of loyalty to the State. Between October 2017 and May 2018, the CHRDA reported at least 50 known cases of kidnapping, but noted that many more were likely unreported.<sup>257</sup> The State has a responsibility to respect, protect, and fulfill the human rights of its citizens in international human rights law. However, it appears that Cameroon is not able to protect its citizens in the current circumstances.

#### *iii) Right to Be Free from Torture and Cruel, Inhuman or Unusual Treatment or Punishment*

The **Constitution of Cameroon** states that “[u]nder no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment.” Section 30 of the Cameroonian *Criminal Procedure Code* further states that “No bodily or psychological harm shall be caused to the person arrested.” Suspects must be treated humanely both morally and materially (s 122, paragraph 1a) and be given reasonable time to rest during the investigation (s 122, paragraph 1c).

Torture and cruel, inhuman, or degrading treatment and punishment are prohibited by the **African Charter** (Article 5), the ICCPR (Article 7) and the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**, both of which Cameroon has ratified. The CAT further provides that the prohibition against torture applies even in times of war, public emergency, or internal instability and is non-derogable (Article 4). The CAT also compels State Parties to take effective measures to prevent acts of torture, establish jurisdiction over such conduct and extradite or prosecute an offender that turns up in the State Party's territory.

Article 10 of the ICCPR further provides that all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person.

Under the ICCPR, there is a negative duty not to subject a person to ill-treatment and a positive duty to protect persons under the State's jurisdiction.<sup>258</sup> *The State parties' obligations on the prohibition of torture apply regardless of whether the acts were committed by public officials, persons acting on behalf of the State, or private individuals.*<sup>259</sup>

As was extensively documented in Section 2, there have been repeated, brutal instances of torture at the hands of state agents, including members of the security forces, gendarmes, and prison wardens. It has also been reported that Cameroon's military has burned alive unarmed civilians in the Anglophone regions, while setting fire to villages.<sup>260</sup> English speakers have been the most at-risk population for torture outside the Far North region. In 2018-19, human rights monitors have noted that torture in detention has been perpetrated by security forces "without fear of repercussion."<sup>261</sup>

Anglophones who are arrested are frequently detained in cruel, inhuman, degrading, and even life-threatening conditions.<sup>262</sup> The general conditions in Cameroonian prisons are significantly below the UN minimum standards, which must be observed notwithstanding the country's level of development.<sup>263</sup> Inhuman prison conditions also amount to violations of Article 7 of the ICCPR.<sup>264</sup>

International jurisprudence has characterized as torture acts similar to those described in this report in several cases.<sup>265</sup>

### *1. Incommunicado Detention and Enforced Disappearances*

Incommunicado detention is a common practice in counter-terrorism measures in Cameroon. Detainees are denied access to family, friends, and lawyers. In early 2018, the 47 separatists who were arrested and detained in Nigeria and then transferred to Cameroon were subjected to incommunicado detention for three months.<sup>266</sup> They were denied access to lawyers and were not charged with any offence. The location of their facility was unknown.

The right to challenge the lawfulness of detention must always be available through an effective remedy. According to the UN Human Rights Committee, Article 9(4) of the ICCPR operates when a person is held incommunicado and effectively barred from challenging the arrest and detention.<sup>267</sup> The Human Rights Committee is of the view that such practices are a violation of Article 10 of the ICCPR because incommunicado detention are considered cruel and/or inhuman treatment.<sup>268</sup>

These cases of incommunicado detention often amount to enforced disappearance. The International Convention against Enforced Disappearance defines “enforced disappearance” as the “deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person.”

Between January 2018 and January 2019, Human Rights Watch documented 26 cases of incommunicado detention and enforced disappearance at SED detention sites, the headquarters of the National Gendarmerie, including 14 cases of torture.<sup>269</sup>

Moreover, General Comment 20 of the HRC provides that “prolonged solitary confinement of the detained or imprisoned person may amount to acts amounting to torture that are prohibited by Article 7.”<sup>270</sup> The Human Rights Committee is of the view that incommunicado detention can be considered cruel and/or inhuman treatment.<sup>271</sup>

## 2. States' Duty to Remedy Violations

Under the ICCPR and the CAT, the State has a duty to prevent torture and to investigate allegations of torture, or cruel, inhuman, or degrading treatment. Complaints related to torture must be promptly, efficiently, and impartially investigated by competent authorities.

State parties to the CAT must ensure that competent authorities investigate all cases where there is a “reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction” (Article 12). The CAT obliges States to ensure that all acts of torture are offences under their criminal law (Article 2, paragraph 1; Article 4).

Similar protections are found in Article 5 of the **African Charter**.

State parties' legal systems must effectively guarantee the immediate termination of prohibited acts and complaints must be investigated promptly and impartially by competent authorities.<sup>272</sup> The HRC states in General Comment 20 that States:

must ...guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future. States may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible.

There is no evidence that the State has conducted comprehensive investigations of the many serious allegations of incommunicado detention, torture, and other ill-treatment in detention centres.<sup>273</sup>

### iv) *Women's Rights to be Free from Violence*

The Cameroonian **Constitution** guarantees the equal rights of all persons, without distinction on the grounds of, among other grounds, sex. Article 18 obliges the State to ensure the elimination of “every discrimination

against women and also ensure the protection of the right of the women and the child as stipulated in international declaration and conventions.”

Articles 2 and 3 of the **African Charter** protect equality rights and guarantee all rights and freedoms regardless of, among other grounds, sex.

Article 3 of the **ICCPR** ensures equal rights of men and women to the enjoyment of all civil and political rights, and such rights may not be derogated from even in times of public emergency (Article 4).

The Cameroon government became a party to **CEDAW** by its ratification without reservation on the 26<sup>th</sup> day of August 1994. The preamble contains a specific obligation to protect women and children.

The Republic of Cameroon has ratified and adopted its plan of action for the implementation of the UN **Security Council Resolution 1325** (2000) on Women, Peace and Security.

Cameroon is among the 122 countries who have endorsed the Declaration of Commitment to End Sexual Violence in Conflict.

Gender-based violence (GBV) has occurred and continues to occur throughout English-speaking regions in a wide range of contexts, and to a wide variety of women, urban and rural, with tragic repercussions for the victims and, to date, few consequences for the perpetrators. Victims of rape, including women, young girls, and even children, suffer immeasurable harm, including physical harm in the form of internal and external wounds from assaults, the consequences of unwanted pregnancies—sometimes for children not sufficiently mature to bear children— psychological harm from the assaults, and insecurity in the general environment, aggravated by the real threat, fear, and reality of contracting HIV/AIDS and other sexually transmitted diseases or infections.<sup>274</sup>

As noted in Section 2, multiple instances of sexual assault and other forms of physical attack and public humiliation have been perpetrated on women, reportedly by government officials and by armed insurgency groups. In Cameroon, there is no indication of proper investigations of allegations of sexual assault or that the victims or their families have received compensation for the abuse to which these women have been subjected. African jurisprudence and international law confirm the obligation of the State to ensure that women are protected from sexual assault and provide for appropriate investigations of assault by police in accordance with accepted law enforcement practices.<sup>275</sup>

## B. Crimes against Humanity

By 2018, the violence and severe human rights violations had increased in occurrence and spread across the entire geographic area of the two Anglophone regions, representing a systematic expansion of military activity, accompanied by patterns of reprisal killings and attacks on entire villages, which suggest systematic and planned patterns of attack. This evidence is consistent with orders given by the Biya regime to militarize the region in 2017 and to “declare war” on the secessionists.<sup>276</sup>

**Legal Framework:**

Crimes against humanity are prohibited acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Crimes against humanity may take place during war or peacetime.<sup>277</sup> The Human Rights Committee, General Comment 29, at para 12, further notes that the prohibition against crimes against humanity persists even in emergencies.<sup>278</sup>

These crimes derive from customary international law and have the character of peremptory norms of general international law and international conventional law that is already widely recognized.<sup>279</sup>

In 2001, the International Law Commission stated that the prohibition of crimes against humanity has been “clearly accepted and recognized” as a peremptory norm of international law.<sup>280</sup> The International Court of Justice has also indicated that the prohibition on certain acts, such as State-sponsored torture, has the character of *jus cogens*. This view necessarily means that a prohibition on the perpetration of such acts on a widespread or systematic basis would also have the character of *jus cogens*.<sup>281</sup> Because international crimes such as crimes against humanity and torture form part of *jus cogen* norms, they are non-derogable.<sup>282</sup>

Section 8 of Cameroon's Code of Military Justice of 2017 grants the Military Tribunal exclusive jurisdiction to adjudicate on certain matters, which include:

- (a) Military offences and war crimes;
- (b) Crimes against humanity and crimes of genocide;
- (c) Offences relating to acts of terrorism and the security of the State.<sup>283</sup>

Crimes against humanity include any of the following acts when committed as part of a *widespread or systematic attack directed against any civilian population, with knowledge of the attack*:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;<sup>284</sup>
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;<sup>285</sup>
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ... or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph ...;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.<sup>286</sup>

The acts immediately pertinent to the Cameroonian context are namely (a), (d), (e), (f), (g), and (h) (the “Underlying Acts”). The factual basis for the Acts is set out in Section 2 of this preliminary report.

i) *Contextual Elements of Crimes against Humanity*

1) *“Attack directed against any civilian population”*

An “attack directed against any civilian population” means a course of conduct involving the “multiple commission of... [the acts listed above] against any civilian population.”<sup>287</sup> An attack “may also be defined as a campaign or operation.”<sup>288</sup> Although the term “any” civilian population suggests no requirement to establish a particular nationality, ethnicity, or identity, Anglophones in Cameroon do have a distinct historic, social, legal, and linguistic identity, and have been recognized as a “people” by the African Commission:

... the Commission finds that “the people of Southern Cameroon” qualify to be referred to as a “people” because they manifest numerous characteristics and affinities, which include a common history, linguistic tradition, territorial connection and political outlook. More importantly they identify themselves as a people with a separate and distinct identity. Identity is an innate characteristic within a people. It is up to other external people to recognise such existence, but not to deny it.<sup>289</sup>

The term “any civilian population” can include persons targeted for their political affiliation or even perceived political affiliation.<sup>290</sup> In addition, although the targeted population must be of a “predominantly” civilian nature, the presence of combatants within the population does not change its civilian character.<sup>291</sup> If individuals who do not qualify as civilians are present among the population, it “does not deprive the population of its civilian character.”<sup>292</sup> In Cameroon, the presence of ASGs and other individuals who do not qualify as civilians do not deprive the populations in which they reside, namely villages in the South West and North West regions, of their civilian character.

The prevalent attacks against Anglophones inside or in front of their homes constitute further evidence that they were directed against a *civilian* population, since individuals in their private homes are clearly not partaking in hostilities.<sup>293</sup> Moreover, raids on villages where no local armed troops are subsequently found is further evidence that the attacks are directed against civilian populations.<sup>294</sup>

Thus, the campaign of military raids into these villages inhabited by civilians, as documented above, constitute evidence of attacks directed against a civilian population.

2) *“Widespread or Systematic Attack”*

The phrase “widespread or systematic” is disjunctive and not conjunctive. The attack in question may be either widespread *or* systematic to meet the threshold for a crime against humanity, but not necessarily both.<sup>295</sup> Nevertheless, there is considerable evidence of both the widespread and systematic nature of the attacks.

The term “widespread” connotes the large-scale nature of the attack and the number of its victims.<sup>296</sup> It either entails “an attack carried out over a large geographical area or an attack

in a small geographical area directed against a large number of civilians.”<sup>297</sup> In Cameroon, the attack has been carried out both over a large geographical area and against large number of civilians. From late 2016 to 2018, the violence and the attacks spread from a few divisions in the South West to encapsulate the entire geographic area of the Anglophone regions, affecting the most significant Anglophone areas in the country.

The term “systematic” connotes “the organised nature of the acts of violence and the improbability of their random occurrence.”<sup>298</sup> It also “refers to the existence of ‘patterns of crimes’ reflected in the non-accidental repetition of similar criminal conduct on a regular basis.”<sup>299</sup>

The systematic nature of an attack has been found in circumstances where troops have attacked and/or burned down villages, followed by the rounding up of villagers who are beaten, killed, or tortured.<sup>300</sup> Similar patterns have been seen in Cameroon. As was established in Section 2, security forces have consistently carried out large-scale operations characterized by similar modus operandi and patterns, suggesting that they were based on orders from the highest levels of the State.<sup>301</sup>

Intention can be inferred through organized conduct, following a consistent pattern of reprisal attacks on villages, rounding up, mistreating and/or killing of villagers, arresting and detaining villagers and transferring them out of the jurisdiction, as documented against the Anglophone population.

The existence of a policy or plan can be inferred from repetitive acts, patterns of behaviour, evidence of preparations, and collective mobilization.<sup>302</sup> The systematic nature of the attacks is evidenced by apparent planned and routine violence, including coordinated attacks on protesters, attacks on a large number of entire villages by military units, and patterns of reprisal attacks and reprisal killings directed against specific villages.

Since the crisis began, the entire Anglophone population has been systematically denied fundamental rights.

## *ii) The Underlying Acts of Crimes against Humanity*

Each of the underlying acts require that the perpetrator knew or intended the conduct to be part of a widespread or systematic attack against a civilian population. Even a single act may qualify as a crime against humanity, as long as there is a link with the widespread or systematic attack against a civilian population.<sup>303</sup> As was largely demonstrated in previous sections, state agents have been involved in murder, arbitrary arrests and detentions, torture, and mass displacement.

### *1) Murder*

The crime against humanity of murder constitutes a killing of one or more persons, where killing is interchangeable with “caused death.”<sup>304</sup> Cameroonian state agents have repeatedly

used excessive and lethal force against civilian populations in circumstances where they knew or should have known that death or serious injury would result. Several incidents have already been cited in this report.

Incidents of sporadic and indiscriminate use of live ammunition and other weapons against peaceful protestors and civilians, murder of suspected secessionists *hors de combat*, and planned attacks and burning of entire villages have had the foreseeable likelihood of leading to death or serious injury.

## *2) Deportation or forcible transfer of population*

The crime against humanity of deportation or forcible transfer requires the transfer of a population that was lawfully present in the area of which the perpetrator was aware.<sup>305</sup> Deportation or forcible transfer is interchangeable with “forcibly displaced.” Moreover, the term “forcibly” is not limited to physical force but includes the threat of force or taking advantage of a coercive environment. As noted previously, CHRDA has recorded that 176 villages have been attacked and burned, many of which have been completely emptied, and that more than 500,000 people have been displaced and unable to stay in their homes. The displacements comprise about 10 percent of the region’s population or 1 in 5 Anglophones living in those regions. Military operations carried out throughout the Anglophone region have forced hundreds of thousands to flee the violence into the bush with little on which to survive.

## *3) Imprisonment or other severe deprivation of physical liberty*

According to international criminal jurisprudence, “imprisonment” is defined as the “unlawful captivity of a person in an enclosed environment, such as a prison or psychiatric institution; [whereas] ‘other severe deprivation of physical liberty’ denotes the unlawful restriction of the person’s movements to a specific area, such as a ghetto, camp or a house.”<sup>306</sup> In Cameroon, rights organizations have documented mass arbitrary arrests and detention in physical prisons, as well as other places like a village community hall. Moreover, it is required that the victim be deprived of “physical liberty without due process of law.”<sup>307</sup> This may occur when there is no legal basis to detain a person or when their procedural rights are denied, resulting in severe deprivations of liberty.<sup>308</sup>

As noted earlier, there have been mass arbitrary arrests, detentions, transfers of Anglophone civilians to Francophone jurisdictions, and prosecutions by military tribunal without guarantees of due process during the crisis. The Working Group on Arbitrary Detention (WGAD) has taken the position that arbitrary detention may constitute a crime against humanity, reiterating that “under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the fundamental rules of international law may constitute crimes against humanity.”<sup>309</sup> When human rights defenders are targeted and detained in conditions of severe deprivation of liberty (including lack of access to counsel, incommunicado detention, lack of access to bail, inhuman treatment in detention including torture, failure to promptly submit the custody of the accused to judicial



authorities), arbitrary detention may cross the threshold from violation of civil and political rights to crimes against humanity.<sup>310</sup>

#### 4) *Torture*

The crime against humanity of torture connotes the infliction of severe physical or mental pain or suffering, while in the custody of the perpetrator.<sup>311</sup> As documented above, there is extensive evidence of torture in the custody of state agents, including members of the security forces, gendarmes, and prison wardens.

Incommunicado detention, overcrowded cells in detention centres, combined with acts of inhumane, cruel, or degrading treatment against members of the Anglophone minority that have been documented in this report, have been used collectively and systematically. The result of such practices is to punish and instill fear in the population.<sup>312</sup>

#### 5) *Rape and sexual violence*<sup>313</sup>

The crime against humanity of rape constitutes conduct resulting in any form of penetration with a sexual organ of any part of the body, or with any object or part of the body in the anal or genital opening of the victim. The invasion must also have been coerced in some way or committed against a person incapable of giving genuine consent.

The crime of sexual violence is an act of a sexual nature against a person or that coerces the person to engage in an act of a sexual nature, including acts “caused by fear of violence, duress, detention, psychological oppression or abuse of power ... or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent.”<sup>314</sup> In this context, military, security forces, and ASGs have engaged in sexual assault, exploitation of female IDPs and refugees at security checkpoints, and gender-based violence against women villagers, students and demonstrators. Government-imposed curfews have only served to further authorize and exacerbate these acts of sexual violence.

#### 6) *Persecution*

Persecution may consist of the targeting of a group causing severe deprivation of fundamental rights.<sup>315</sup> The underlying acts amount to persecution if the acts “constitute a denial of or infringement upon a fundamental right laid down in international customary law.”<sup>316</sup> Cameroonian Anglophones are considered to be a distinct group or people,<sup>317</sup> and persecution against them has been well documented in the incidents and developments described throughout this report, including:

- Intimidation
- The politicization of government administration and justice institutions
- Formal or informal disqualification of Anglophones from elected public office
- Attacks on freedom of expression, association, and peaceful assembly
- Raids on and destruction of Anglophone villages

- Violent repression and the excessive use of force
- Persecution and forcible displacement and asylum in the bush and in neighbouring countries
- Shutting down of Anglophone schools, leaving thousands of children without schooling
- Economic marginalization of Anglophone regions, food insecurity, and heightened vulnerability of women and children, especially in rural areas

## CONCLUDING REMARKS

The systematic marginalization of the South West and North West regions in the Republic of Cameroon is the product of a half-century of discriminatory policies aimed at suppressing and assimilating minority Anglophones. This report highlights recent developments, which have caused increasing violence and sustained the patterns of systemic discrimination, and describes the rise of radicalized armed separatist groups and secessionist forces, and their role in the violence and brutality in the country.

Perhaps because of the long-standing conflict in the regions, it is sometimes argued that the current crisis is just one more conflict in a series of reciprocal attacks and reprisals between government and secessionist forces. The international community frequently responds with benign statements about the importance of dialogue and seeking peace.

The evidence in this report sets out evidence of gross violations of human rights and atrocities, as well as patterns of those violations as widespread and systematic in the two regions, with a significant number of civilian victims. These facts point to evidence of crimes against humanity. Minimizing or normalizing the seriousness of the attacks on civilians as the inevitable product of internal conflict serves to shield serious human rights violations and may enable further atrocities.

Canada holds itself up as standing for human rights, good governance, and democracy.<sup>318</sup> It is crucial that Canada stands with the international community to end the violence and to combat impunity.<sup>319</sup> This should include engaging in multilateral dialogue and seeking accountability. We reiterate the African Commission's recommendation regarding impartial and independent investigations, that such investigations should be conducted to identify the perpetrators of violations and bring them to justice.

Canada should also join the African Commission in calling upon all the parties to engage in a "dialogue towards saving lives and restoring calm, security and peace as soon as possible."

"Minimizing or normalizing the seriousness of the attacks on civilians as the inevitable product of internal conflict serves to shield serious human rights violations and may enable further atrocities."

Aside from the Far North of the country, where the government is seeking to eradicate Boko Haram, the arrests, detentions, and torture have mainly targeted Anglophones in the South West and North West regions. Repeated and well-documented reports have recorded multiple instances of death in custody, appalling detention conditions, and instances of torture and other forms of cruel and unusual treatment. Women and girls have been subjected to sexual violence, including rape and other atrocities, as a direct result of their displacement and their enhanced vulnerability at the hands of government armed forces, criminals, and local armed groups.

The Cameroonian government has regularly violated fundamental legal rights, including the right to be charged and tried within a reasonable time, the right of civilians to be tried before civilian courts and not military tribunals, the rights to bail and access to legal counsel, and the right not to be held incommunicado, resulting in severe deprivations of liberty.

The ongoing failure of the Cameroonian government and the international community to defuse the crisis in the North West and South West regions has been a source of despair for Anglophone Cameroonians and, indeed, all Cameroonians who wish to see an end to the conflict. This report urges the Canadian government to join with the international community to demand an end to the atrocities being committed in Cameroon by pushing for government accountability and action in respecting, protecting, and fulfilling the rights of its citizens, and ensuring the prevention and punishment of crimes against humanity.

The political solution to achieving peace lies in the hands of Cameroonians but exposing the growing evidence of patterns of serious human rights violations and ending these violations are challenges that confront all humanity.

### **Call to Action**

Considering the facts and evidence documented in this report, we call on the international community, including Canada, to act with all deliberate speed in the face of compelling evidence of serious human rights violations and crimes against humanity, which present clear legal and moral imperatives in the case of the Anglophone minority in Cameroon. The complex political and cultural issues underlying the present conflict cannot be used to excuse the widespread abuses on the ground.

In particular:

- The violence must stop immediately and humanitarian assistance be provided to those in need.
- The State must be held **accountable** for serious human rights violations.
- The evidence canvassed in this report points to reasonable grounds to believe that crimes against humanity have been committed; they cannot be ignored. **Targeted and impartial investigations into crimes against humanity are necessary** to protect civilians, who are at imminent risk. Victims should be compensated.
- The Cameroonian government must **use its authority to end the escalation of violence**. State actors who commit human rights violations and abuse their authority must be prosecuted.
- Bilateral and multilateral internationally mediated **dialogue** is needed to build trust and promote peaceful solutions. Countries with close relationships with Cameroon should exert pressure on the Cameroonian government and send the clear signal that these atrocities will not be tolerated.

It is unclear what the ultimate peaceful solution will look like for the people of Cameroon. But whatever form that peace takes, it will only come when the State effectively respects, protects, and fulfills the rights of its citizens and there has been an end to the impunity.

## Annex I: Extrajudicial, Summary and Arbitrary Executions

Additional incidents have been monitored and reported on by the CHRDA:

- On October 1, 2017 in Buea, security forces shot a 34-year-old technologist and a 39-year-old lawyer near their homes; both victims died of their wounds.<sup>320</sup>
- On the same day in Bamenda, a man with a physical disability was killed by the State's security forces and brought to a morgue by police; his death was never investigated.
- On October 2, in Kumbo, a man with an intellectual disability was intercepted on the street and asked to remove everything from his bag. He was beaten with guns and irons and finally undressed.<sup>321</sup> The security forces dislocated his arm and hand, and took him to a nearby hospital, where he remained unconscious until the next day.
- In early December 2017, eyewitnesses claim that a security operation of up to 50 soldiers and the BIR entered a village in Kajifu early in the morning. The soldiers were described as being heavily armed, wearing bulletproof vests and helmets. It is alleged that security forces started shooting indiscriminately at residents as they attempted to flee.<sup>322</sup> At least three unarmed men were killed.<sup>323</sup>
- On December 14, soldiers cordoned off Bodam village and "started shooting indiscriminately as people attempting to flee."<sup>324</sup> An elderly man was extrajudicially executed by soldiers as he used his cane to prop himself up.<sup>325</sup> Several houses were damaged resulting in village inhabitants hiding in the bushes for a week, before fleeing to Nigeria.<sup>326</sup>
- On January 18, 2018, State security forces burned hundreds of houses and killed at least seven civilians in the village of Kwakwa.<sup>327</sup> Video footage and satellite imagery in the aftermath of the attack showed extensive destruction, as well as the burned bodies of several people.<sup>328</sup>
- On February 2, 2018, more than 40 members of the security forces conducted operations in Belo, stopping several vehicles and forcing passengers to step out, and who were beaten;<sup>329</sup> one man was killed, and dozens were beaten and arbitrarily arrested, four of whom died in custody, according to Amnesty International.<sup>330</sup>
- On July 11, 2018, five university students in Bambili were removed from their rooms as they were studying and shot dead by government soldiers. The students were asked to present their identity cards and ordered to sit on the floor.<sup>331</sup> They were then asked to stand up and move forward toward the soldiers who killed the students in execution-style.<sup>332</sup> The five unidentified bodies were discovered the next morning at the Regional Hospital in Bamenda.
- On September 15, 2018, a mathematics teacher of Cameroon Protestant College Bali, was removed from a public transport vehicle and shot dead by the Defence and Security forces.
- On October 7, 2018, election day, the BIR shot at close range and killed an older disabled man and another man, 43 years of age. According to the CHRDA which undertook an investigation, an eyewitness in Bamenda saw four pickup trucks with BIR soldiers on patrol who came under an attack by ASGs. A night watchman heard

the shots and ran across the road to hide in a house. The military assumed he was a separatist fighter and shot at him. Two soldiers went to the house, opened the door and shot at the homeowner in the stomach while he was seated in his wheel chair. A second man, who was seated by the door, was shot in the head. The night watchman who had run into the house had hidden under the bed. The soldiers did not see him. Witnesses who buried the victims recounted that 40 bullets were found inside the house.

- On November 22, 2018, Father Cosmas Omboto Ondari, a Kenyan Catholic Priest, was killed in Kembong, in the South West Region, among a rising number of religious leaders killed in the conflict. The priest had been working with persons displaced by the conflict. Sources indicate that the killing was carried out by the military.<sup>333</sup>
- On November 14, 2018, defence and security forces invaded the Tatum, a village in Kishong, situated in Nkum Subdivision, Bui Division of the North West region. They set fire to dozens of houses and shot two men, one of whom died. The incident was a retaliation for an attack on the military by separatist forces. The CHRDA spoke with a witness, a teacher by profession, who heard exchange of gunfire between the military and separatist forces, and later saw four trucks of soldiers passing by and setting homes by the road on fire. During the attack, his friend, 50 years old, and his wife were attacked at the market square in Kishong by the BIR and his friend was shot in the left leg and right arm. His wife was seriously beaten. A well, an older man was shot and killed in Kishong by the military.

## Annex II: Arbitrary Arrests and Detention

Additional incidents have been monitored and reported on by the CHRDA:

- On 1 October 2017, a young woman, 21 years old, was arrested in Molyko, a student residential area, and charged with illegally protesting and causing destruction and violence. She is reportedly still in detention at the Buea Central Prison.
- On December 6, 2017, the Cameroonian-American author, Patrice Nganang, was arrested at Douala's airport and jailed for three weeks in Yaoundé for criticizing President Biya's regime in an op-ed and for conducting a field study in an Anglophone area.<sup>334</sup> He was released on December 27 2017 and deported to the United States. Mr. Nganang has since published a book, *La révolte Anglophone: Essais de liberté, de prison et d'exile*, which was banned in Cameroon.
- On February 2, 2018, more than 40 members of the security forces conducted operations in Belo, stopping several vehicles and forcing passengers to step out, who were then beaten and humiliated, and their valuables were stolen. Security forces torched at least one vehicle and a motorbike, and destroyed two other vehicles.<sup>335</sup> One man was killed, and dozens were beaten and arbitrarily arrested, according to Amnesty International.<sup>336</sup>
- In July 2018, the CHRDA reported that 18 Anglophone civilians were arbitrarily arrested and detained at the Kondengui Central Prison in Yaoundé. On July 5, 2018, the CHRDA and the Human Rights Implementation Centre of the University of Bristol sent an urgent appeal to the Chair of the African Commission on Human and Peoples' Rights to intervene in respect of the 18 individuals "who have been arbitrarily arrested and detained in Cameroon in the recent crackdown by the Government in the Anglophone regions."<sup>337</sup> LRWC addressed a letter to the State on July 10, 2018, urging the government to immediately and unconditionally release them.<sup>338</sup>



## Annex III: Torture and Cruel, Inhuman or Degrading Treatment

Additional incidents have been monitored and reported on by the CHRDA:

- On May 12, 2018, a video taken by security forces showed a suspected separatist leader being subjected to intense beating by men wearing gendarmerie fatigues, while being handcuffed and having his legs immobilized by a chair.
- In June 2018, two teenage girls were tortured and forced to crawl in mud on the airport road leading to the Cameroon Protestant College in Bali Nyonga, in the North West region. The military filmed the girls as they crawled in mud, accusing them of being spies and secessionists.<sup>339</sup>
- In early July 2018, the CHRDA reported that 18 Anglophone civilians were arbitrarily arrested and detained at the Kondengui Central Prison in Yaoundé. The CHRDA reported that they had been “brutally tortured” by prison wardens.<sup>340</sup>
- On February 2, 2018, security forces conducted operations in Belo, stopping several vehicles and forcing passengers to step out. One man was killed, and dozens were beaten and arbitrarily arrested, four of whom died in custody, according to Amnesty International.<sup>341</sup> A day later, the four corpses were found at the Bamenda Regional Hospital morgue and were later identified as the men who had been arrested by a group of State's gendarmes.<sup>342</sup> The bodies were bloodied with marks on their necks.<sup>343</sup>

## Annex IV: Gender-Based Violence

Additional incidents have been monitored and reported on by the CHRDA:

- On 23/07/2018, a young breastfeeding mother was sexually assaulted by Mbita Arthur (soldier) at the Veterinary Junction in Bamenda, North West region.
- AA woman was violently mutilated by unknown persons on 21/02/2018. She lost her left breast, and her vulva was completely removed; her right breast was saved by doctors.
- A woman who was five months pregnant and her husband, were arrested in Limbe, South West Region during the government's repression on October ,1 2017. They were and detained for a month. The woman was only released after the intervention of the Taskforce of the Fako Lawyers Association (FAKLA).
- Women are disproportionately represented among victims who are teachers and school administrators, including those who have been abducted and killed.
  - Ms Georgiana Enanaga, Prinicpal of GHS Mile 16 Buea kidnapped on May 25, 2018. ASGs are suspected.
  - Ms. Mary Singe, principal of GHS Bomaka kidnapped 12/07/18.

## Annex V: ASG Attacks on the Military or Government Officials

Additional incidents have been monitored and reported on by the CHRDA:

- In mid-September 2017, four homemade bombs were found in the North Western region, one of which wounded three police officers near a police station. Nobody has claimed responsibility for the acts.<sup>344</sup>
- In October 2017, in Buea, protesters vandalised the home of the town's mayor.<sup>345</sup>
- In Mamfe, protesters set a police station on fire.<sup>346</sup>
- ASGs carried out eight attacks against military and police in November 2017, killing at least ten people. The Ambazonia Defence Force and the Tigers of Ambazonia claimed responsibility for the attacks. At least 10 deaths resulted.<sup>347</sup>
- A May 2018 report shows that two local officials seized in the North West region were missing since February 2018.

Amnesty International has corroborated the names of 23 people who had been arbitrarily arrested, including two individuals with mental health disabilities, two minors, and five Nigerian nationals.<sup>348</sup>

## Annex VI. Data on Burned Villages 2019

Figure 10. Data on Burnt Villages, North West Region. Source: CHRDA, May 24, 2019

Region	Division	Sub Division	Count of Villages/Towns	Count of Affected Level
North West Region	Boyo	Belo	16	16
		Bum	2	2
		Fundong	2	2
		Njinikom	3	3
		<b>Boyo Total</b>		<b>23</b>
	Bui	Jakiri	4	4
		Kumbo	15	15
		Mbven	1	1
		Nkum	4	4
		Noni	2	2
		Oku	3	3
	<b>Bui Total</b>		<b>29</b>	<b>29</b>
	Donga Mantung	Ndu	7	7
		Nkambe	3	3
		Nwa	4	4
	<b>Donga Mantung Total</b>		<b>14</b>	<b>14</b>
	Menchum	Fungom	5	5
		Menchum Valley	1	1
		Wum	1	1
	<b>Menchum Total</b>		<b>7</b>	<b>7</b>
	Mezam	Bafut	1	1
		Bali	2	2
		Bamenda 1,2,3	1	1
		Tubah	2	2
	<b>Mezam Total</b>		<b>6</b>	<b>6</b>
	Momo	Batibo	8	8
		Mbengwi	5	5
		Ngie	2	2
		Njikwa	3	3
		Widikum-Menka	3	3
	<b>Momo Total</b>		<b>21</b>	<b>21</b>
	Ngo-Ketunjia	Babessi	1	1
Balikumbat		1	1	
Ndop		5	5	
<b>Ngo-Ketunjia Total</b>		<b>7</b>	<b>7</b>	
<b>North West Region Total</b>		<b>107</b>	<b>107</b>	

Figure 11. Burnt Villages in South West Region. Source: CHRDA, May 24, 2019

Region	Division	Sub Division	Count of Villages/Towns	Count of Affected Level	
South West Region	Fako	Buea	3	3	
		Muyuka	8	8	
		Tiko	1	1	
	<b>Fako Total</b>			<b>12</b>	<b>12</b>
	Kupe Muanengouba	Bangem	1	1	
		Nguti	3	3	
		Tombel	5	5	
	<b>Kupe Muanengouba Total</b>			<b>9</b>	<b>9</b>
	Lebialem	Alou	1	1	
		Fontem (Menji)	2	2	
	<b>Lebialem Total</b>			<b>3</b>	<b>3</b>
	Manyu	Akwaya	7	7	
		Eyumojoek	4	4	
		Mamfe	4	4	
		Upper Bayang	8	8	
	<b>Manyu Total</b>			<b>23</b>	<b>23</b>
	Meme	Konye	6	6	
		Kumba 1,2,3	5	5	
		Mbonge	27	27	
	<b>Meme Total</b>			<b>38</b>	<b>38</b>
	Ndian	Bamousso	3	3	
		Ekondo Titi	4	4	
		Mundemba	4	4	
Toko		3	3		
<b>Ndian Total</b>			<b>14</b>	<b>14</b>	
<b>South West Region Total</b>			<b>99</b>	<b>99</b>	

## Annex VII: List of Abbreviations

ADF	Ambazonia Defence Forces
ACG	Anglophone General Conference
African Commission	African Commission on Human and Peoples' Rights
ASG	Armed Separatist Group
ACHPR	African Charter on Human and Peoples' Rights ("African Charter")
BIR	<i>Bataillon d'intervention rapide</i> (Rapid Intervention Battalion)
BPUF	Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
CACSC	Cameroon Anglophone Civil Society Consortium
CAM	Cameroon Anglophone Movement
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
CHRDA	Centre for Human Rights and Democracy in Africa
CPDM	Cameroon People's Democratic Movement
ECHR	European Court of Human Rights
GBV	Gender-based violence
HRC Committee	United Nations Human Rights Committee
ICCPR or Covenant	International Covenant on Civil and Political Rights

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ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
MORISC	Movement for the Restoration of the Independence of Southern Cameroons
OCHA	Office for the Coordination of Humanitarian Affairs
Rome Statute	International Criminal Court Statute
RWCHR	Raoul Wallenberg Centre for Human Rights
SCAPO	Southern Cameroons Peoples Organization
SCNC	Southern Cameroons National Council
SED	Secrétariat d'Etat à la défense
SDF	Social Democratic Front
SCACUF	Southern Cameroons Ambazonia Consortium United Front
SCYL	Southern Cameroons Youth League
UN	United Nations
UDHR	Universal Declaration of Human Rights
WGAD	Working Group on Arbitrary Detention

## Endnotes

- <sup>1</sup> Chimamanda Ngozie Adichi, "The Carnage of the Cameroons", *NY Times* (15 September 2018), online: <<https://www.nytimes.com/2018/09/15/opinion/sunday/chimamanda-ngozi-adichie-cameroon.html>>.
- <sup>2</sup> International Crisis Group, "Cameroon's Anglophone Crisis: How to Get to Talks?" (May 2, 2019). Online: <<https://www.crisisgroup.org/africa/central-africa/cameroon/272-crise-Anglophone-au-cameroun-comment-arriver-aux-pourparlers>> [ICG Africa Report N° 272].
- <sup>3</sup> International Crisis Group, "Cameroon's Worsening Anglophone Crisis Calls for Strong Measures" Briefing No. 130 / Africa (19 October 2017). Online <<https://www.crisisgroup.org/africa/central-africa/cameroon/130-cameroon-worsening-Anglophone-crisis-calls-strong-measures>> [ICG Briefing N° 130], at 7.
- <sup>4</sup> *Ibid*
- <sup>5</sup> Human Rights Council, Universal Periodic Review: Cameroon. UN Docs A/HRC/WG/6/30/CMR/1 (May 3, 2018), Human Rights Council, para 30.
- <sup>6</sup> *Ibid*
- <sup>7</sup> *Kevin Mgwanga Gunme & Members of the SCNC and SCAPO (for themselves and on behalf of the People of the Southern Cameroon) v La Republique du Cameroun*, Hearing on the Merits, 2009 African Commission on Human and Peoples' Rights, Comm. No. 266/2003, ACPHR, 26 Ann. Activity Rep. (2008–09) [*Kevin Mgwanga Gunme*]
- <sup>8</sup> Human Rights Watch, "Cameroon: Events of 2018", online <<https://www.hrw.org/world-report/2019/country-chapters/cameroon>>.
- <sup>9</sup> Ambassador Jonathan Cohen, US Deputy Permanent Representative to the United Nations "Remarks at a UN Security Council Briefing on the Central African Region" (New York City, December 13, 2018) [Cohen 2018].
- <sup>10</sup> ICG Africa Report N° 272, *supra* note 2.
- <sup>11</sup> <https://www.canada.ca/en/global-affairs/news/2018/10/canadian-statement-following-camerouns-constitutional-councils-decision-on-presidential-election.html>
- <sup>12</sup> Human Rights Watch, "Cameroon: Promised Investigation Should Be Independent: Government Forces on Rampage in North-West Region City" (May 16, 2019) online: <<https://www.hrw.org/news/2019/05/23/cameroon-promised-investigation-should-be-independent>>. [HRW Promised Investigation].
- <sup>13</sup> See, e.g., African Union Directorate of Information and Communication, Press Release, "AU expresses concern on the situation in Cameroon", (18 January 2017). Online: <<https://au.int/en/pressreleases/20170118-0>>., African Union Peace and Security, Press Release, "African Union urges for restraint and dialogue to resolve the situation in the North West and South West of Cameroon", (9 October 2017), online: <<http://www.peaceau.org/en/article/the-african-union-urges-for-restraint-and-dialogue-to-resolve-the-situation-in-the-North-West-and-South-West-of-cameroon>>.
- <sup>14</sup> ICG Briefing N° 130, *supra* note 3, at 6.
- <sup>15</sup> African Commission on Human and Peoples' Rights, "Resolution on the Human Rights Situation in the Republic of Cameroon", ACHPR/Res. 395 (LXII), 62nd Ordinary Session, (2018) online: [http://www.achpr.org/sessions/62nd\\_os/resolutions/395/](http://www.achpr.org/sessions/62nd_os/resolutions/395/) [African Commission, Cameroon Resolution].
- <sup>16</sup> *Ibid*
- <sup>17</sup> *Ibid*
- <sup>18</sup> Ambassador Jonathan Cohen, US Deputy Permanent Representative to the United Nations "Remarks at a UN Security Council Briefing on the Central African Region" (New York City, December 13, 2018) [Cohen 2018].
- <sup>19</sup> Focusing on the factual and legal underpinnings of these human rights violations, this report does not delve into the details of the specific legal remedies that are available in domestic and international law.
- <sup>20</sup> Global Centre for the Responsibility to Protect, Populations at Imminent Risk: Cameroon (May 2019). Online ≤ <http://www.globalr2p.org/regions/cameroon> ≥.
- <sup>21</sup> There is ongoing debate and controversy about the use of these terms and the robustness of related norms. Nonetheless, the academic debate should not present an obstacle to remedial action designed to address recognized and serious human rights violations and crimes against humanity. See generally, Emily Paddon



Rhoads and Jennifer Welsh, "Close cousins in protection: the evolution of two norms", *International Affairs*, Volume 95, Issue 3, May 2019, Pages 597–617, Online <<https://doi.org/10.1093/ia/iiz054s>>.

<sup>22</sup> See generally, African Commission, Cameroon Resolution, *supra* note 15. See also, Office of the High Commissioner for Human Rights, "UN Human Rights Chief deeply alarmed by reports of serious rights breaches in Cameroon" (25 July 2018). Online

<<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23404&LangID=E>>

<sup>23</sup> Human Rights Watch, "Cameroon: Routine Torture, Incommunicado Detention" (May 6, 2019) Online <<https://www.hrw.org/news/2019/05/06/cameroon-routine-torture-incommunicado-detention>>. [HRW Routine Torture]. Human Rights Watch has called for the United Nations Security Council to place Cameroon on its agenda.

<sup>24</sup> Sango Aliyu has called this phenomenon "43 Years of Compulsive Sexism in Cameroon": see Aliyu S.S., "43 Years of Compulsive Sexism in Cameroon" *The Advocate Newspaper* (7 November, 2018), at 5, online: <<http://www.wfaccameroon.org/43-years-of-compulsive-sexism-in-cameroon/>>

<sup>25</sup> Canada, "Canadian Statement following Cameroon's Constitutional Council's decision on presidential election" (October 24, 2018) online: <https://www.canada.ca/en/global-affairs/news/2018/10/canadian-statement-following-camerouns-constitutional-councils-decision-on-presidential-election.html>

<sup>26</sup> High Commission of Canada in Cameroon, 'Republic of Cameroon,' Fact Sheet Document, (Government of Canada, September 2018). In April 2019, Canada announced \$6.65 million CAD in humanitarian assistance in 2019 for the populations affected by the conflict in the North-West & South-West & in the Far North & East.

<sup>27</sup> Centre for Human Rights and Democracy in Africa reports 553,775 persons displaced, "Upsurge of IDPs in Cameroon's Anglophone Regions," (20 December 2018), online: <https://chrda.org/2018/12/20/upsurge-of-idps-in-camerouns-Anglophone-regions/>. [CHRDA Upsurge]. The concept note circulated ahead of the Arria-Formula meeting at the UN Security Council in May 2019 reports 560,000 displaced persons. See Relief Web Press Release ≤ <https://reliefweb.int/report/cameroon/arria-formula-meeting-humanitarian-situation-cameroon?>>. UN OCHA reported approximately 450,000 in January 2019.

<sup>28</sup> Relief Web, Press Release <<https://reliefweb.int/report/cameroon/arria-formula-meeting-humanitarian-situation-cameroon>> (May 13, 2019). [Relief Web 2019].

<sup>29</sup> UN OCHA, Cameroon: North-West and South-West Crisis Situation Report No. 3 - As of 31 January 2019. Online <<https://reliefweb.int/report/cameroon/cameroon-north-west-and-south-west-crisis-situation-report-no-3-31-january-2019>>.

<sup>30</sup> UN figures as at January 9, 2019 were 32,751; UNHCR Operational Portal: Nigeria. Online: <<https://data2.unhcr.org/en/country/nga>>.

<sup>31</sup> Human Rights Watch cites 1800 dead: "Cameroon: Promised Investigation Should Be Independent Government Forces on Rampage in North-West Region City" (May 23, 2019). Online <<https://www.hrw.org/news/2019/05/23/cameroon-promised-investigation-should-be-independent>>.

See also ICG Africa Report N° 272 *supra* note 2; earlier ICG reports cited higher figures with 5,000 dead: Robert Malley, "10 Conflicts to Watch in 2019" (International Crisis Group: December 29, 2018).

International Crisis Group, <https://www.crisisgroup.org/global/10-conflicts-watch-2019> [ICG Malley 2018].

<sup>32</sup> Care International, "Cameroon NW & SW Crisis - Care Explanatory Mission Report" (September 2018) at 2.

<sup>33</sup> CHRDA reports have cited multiple instances of sexual violence, which are noted throughout this report.

<sup>34</sup> UNESCO, "Cameroon: Joint Statement of UNICEF and UNESCO on Abduction of Education Personnel and Attacks against Schools in the South-West Region of Cameroon" (June 1, 2018). Online

<[www.unesco.org](http://www.unesco.org)>. See also, Refugees International, "Crisis Denied in Cameroon: Government Refusal to Recognize Suffering the NWSW Deters Donors" (May 29, 2019). [www.refugeesinternational.org](http://www.refugeesinternational.org)

<sup>35</sup> *Plan d'Assistance Humanitaire d'Urgence dans les régions du Nord-Ouest et du Sud-Ouest 2018-2019*, at 4.

See also, Africa News, "Cameroon government says Anglophone separatists killed 81 officers, seeks \$21m emergency aid", (21 June 2018), online: <<http://www.africanews.com/2018/06/21/cameroon-gov-t-says-Anglophone-separatists-killed-81-officers-seeks-21m/>>.

<sup>36</sup> Piet Konings, *The Politics of Neoliberal Reforms in Africa: State and civil society in Cameroon*. (Oxford: African Books Collective, 2011) at 13.

<sup>37</sup> UNFPA, *State of the World Population 2018*, online <<https://www.unfpa.org/swop-2019>> at 138.

<sup>38</sup> Phyllis Taoua, “Cameroon’s Anglophone crisis has brought the country to the brink of civil war”, *Quartz Africa* (26 June 2018), online: <<https://qz.com/africa/1313745/camerouns-Anglophone-crisis-has-brought-the-country-to-the-brink-of-civil-war/>>.

<sup>39</sup> Cameroon Constitution, Article 1(3), Law N° 96-06 of 18 January 1996 revising the Constitution of 2 June 1972.

<sup>40</sup> E.H. Nfobin and Nchotu Veraline Nchang Epse Minang, “The Cameroon ‘Anglophone question’ in International Law” (2014) 22:2 *Africa J of Intl Comp L* 234 [Nfobin and Minang], at 234.

<sup>41</sup> *Ibid*

<sup>42</sup> The Governing Council of the Southern Cameroons/Ambazonia Consortium United Front (SCACUF), *Proclamation restoring the Independence of the Former British Trust Territory of the Southern Cameroons and asserting its sovereign Statehood* (October 1, 2017).

<sup>43</sup> UN, Press Release, ORG/1469, “United Nations Member States” (July 3, 2006), online: *UN Meetings Coverage and Press Releases* <<https://www.un.org/press/en/2006/org1469.doc.htm>>.

<sup>44</sup> Nfobin and Minang, *supra* note 40, at 235.

<sup>45</sup> Nfobin and Minang, *supra* note 40, at 235; International Crisis Group, Cameroon’s Anglophone Crisis at the Crossroads, Africa Report 250 (2017) at 2 [ICG Africa Report 250].

<sup>46</sup> Mufor Atanga, *The Anglophone Cameroon Predicament* (Oxford: African Books Collective, 2011) [Atanga 2011] at 47.

<sup>47</sup> Anthony Ndi, *Southern West Cameroon Revisited: North-South West Nexus 1858-1972* vol. 2 (Oxford: African Books Collective, 2014) at 9.

<sup>48</sup> Joseph Ebune, “The Dilemma of The Federal System in West Cameroon 1961–1972” (2016) 3:7 *Journal of Scientific Research and Studies* 133, online: <http://www.modernrespub.org/jsrs/pdf/2016/July/Ebune.pdf> [Ebune 2016] at 134

<sup>49</sup> *Ibid*, at 136.

<sup>50</sup> *Ibid*, at 135.

<sup>51</sup> *Ibid*, at 137.

<sup>52</sup> *Ibid*, at 137.

<sup>53</sup> Kevin Mgwanga Gunme, *supra* note 7.

<sup>54</sup> Nna-Emeka Okereke, “Analysing Cameroon’s Anglophone Crisis” (2018) 10:3 *Counter Terrorism Trends and Analyses* 8, online: <[https://www.jstor.org/stable/26380430?seq=3#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/26380430?seq=3#metadata_info_tab_contents)> at 8.

<sup>55</sup> ICG Africa Report 250 *supra* note 45.

<sup>56</sup> *Ibid*, at 6.

<sup>57</sup> Susan Dicklitch, “The Southern Cameroons and minority rights in Cameroon” (2011) 29:1 *J Contemporary African Studies* 49, online: <<https://doi.org/10.1080/02589001.2011.533059>> at 54.

<sup>58</sup> Francis B Nyamnjoh, *The Cameroon GCE Crisis: A Test of Anglophone Solidarity* (Oxford: African Books Collective, 2008) at 1.

<sup>59</sup> *Ibid*

<sup>60</sup> Nfobin and Minang, *supra* note 40.

<sup>61</sup> *Ibid*, at 236.

<sup>62</sup> Fongum Gorji-Dinka, “Gorji Dinka Releases Ambazonia Message”, *Cameroon Postline* (15 November 2010), online: <<https://cameroonpostline.com/gorji-dinka-releases-ambazonia-message/>>.

<sup>63</sup> *Fongum Gorji-Dinka v. Cameroon*, Communication No. 1134/2002, U.N. Doc. CCPR/C/83/D/1134/2002 (2005) (available on [http://www.worldcourts.com/hrc/eng/decisions/2005.03.17\\_Gorji-Dinka\\_v\\_Cameroon.htm](http://www.worldcourts.com/hrc/eng/decisions/2005.03.17_Gorji-Dinka_v_Cameroon.htm)), at para 2.8.

<sup>64</sup> *Ibid*, at para 2.10.

<sup>65</sup> *Ibid*, at para 4.5.

<sup>66</sup> Piet Konings & Francis B Nyamnjoh, “The Anglophone Problem in Cameroon” (1997) 35:2 *J Modern African Studies* 207 at 226.

<sup>67</sup> Piet Konings, “Le problème Anglophone au Cameroun dans les années 1990” (1996) 62 *Politique Africaine* 11, online: <<https://openaccess.leidenuniv.nl/handle/1887/3499>> at 27.

<sup>68</sup> ICG Report No. 250, *supra* note 54, at 3.

<sup>69</sup> Macé Célian, “In Cameroon, the dirty war behind the ‘Anglophone crisis’”, *Libération* (12 June 2018), online: <[https://www.liberation.fr/planete/2018/06/12/au-cameroun-la-sale-guerre-derriere-la-crise-Anglophone\\_1658321](https://www.liberation.fr/planete/2018/06/12/au-cameroun-la-sale-guerre-derriere-la-crise-Anglophone_1658321)> [Célian 2018].

<sup>70</sup> Atanga, *supra* note 46.

<sup>71</sup> Charles Manga Fombad, "Election management bodies in Africa: Cameroon's 'National Elections Observatory' in perspective" (2003) 3:25 Africa Human Rights LJ 26, online: <<https://heinonline.org/HOL/P?h=hein.journals/afhrhlj3&i=35>> at 33.

<sup>72</sup> *Ibid*

<sup>73</sup> Chatham House, "The Cameroon Anglophone Crisis: Examining Escalation and Seeking Solutions" Africa Programme Meeting Summary (November 2, 2017). Online: <<https://www.chathamhouse.org/sites/default/files/events/Meeting%20Summary%20-%20The%20Cameroon%20Anglophone%20Crisis.pdf>>

<sup>74</sup> Roland Bup, "Smear campaign against Southern Cameroonians", *Cameroon-Info Net* (15 October 2002), online: <<http://www.cameroon-info.net/article/smea-campaign-against-the-southern-camerouns-issue-80382.html>>.

<sup>75</sup> Charles Manga Fombad, "Election management bodies in Africa: Cameroon's 'National Elections Observatory' in perspective" (2003) 3:25 Africa Human Rights LJ 26, online: <<https://heinonline.org/HOL/P?h=hein.journals/afhrhlj3&i=35>> at 34.

<sup>76</sup> See, in particular, the cases of Attambun Geh Sama as reported in French-language national media: Cameroon-info Net, "Southern Cameroon's National Council: The case that overwhelms the Biya regime", (1 October 2003), online: <<http://www.cameroon-info.net/article/southern-camerouns-national-council-le-dossier-qui-accable-le-regime-biya-84090.html>>., See also the case of Ebenezer Derek Mbongo Akwanga, which was brought to the UN Human Rights Committee: Cameroon Postline, "Ebenezer Akwanga Vs Cameroun: Gov't To Pay FCFA 1.5 Billion As Compensation", (6 September 2016), online: <<https://cameroonpostline.com/ebenezer-akwanga-vs-cameroun-govt-to-pay-fcfa-1-5-billion-as-compensation/>>.

<sup>77</sup> Cameroon Postline, "Ebenezer Akwanga vs Cameroun: Gov't to Pay FCFA 1.5 Billion as Compensation", (6 September 2016), online: <<https://cameroonpostline.com/ebenezer-akwanga-vs-cameroun-govt-to-pay-fcfa-1-5-billion-as-compensation/>>.

<sup>78</sup> Piet Konings & Francis B Nyamnjoh, *Negotiating an Anglophone Identity: A Study of the Politics of Recognition and Representation in Cameroon* (Leiden, The Netherlands: Koninklijke Brill, 2003) at 104.

<sup>79</sup> Susan Dicklitch, "The Southern Cameroons and minority rights in Cameroon" (2011) 29:1 J Contemporary African Studies 49, online: <<https://doi.org/10.1080/02589001.2011.533059>> at 51.

<sup>80</sup> *Ibid*, at 56.

<sup>81</sup> Immigration and Refugee Board of Canada, Country of Origin Information, "Responses to Information Request", online: <<https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=455183&pls=1>>.

<sup>82</sup> *Ibid*

<sup>83</sup> *Ibid*

<sup>84</sup> *Ibid*

<sup>85</sup> Amnesty International, "Cameroon. Two years on and the families of 25 people who died still do not know where they are buried" (13 March 2017), online: > <https://www.amnesty.org/en/press-releases/2017/03/cameroun-deux-ans-aprs-la-confirmation-de-la-mort-en-dtention-de-25-personnes-leurs-familles-ignent-toujours-leur-lieu-dnhumation/>>

<sup>86</sup> BBC, "Cameroon's President Paul Biya wins seventh term", *BBC News* (22 October 2018), online: <<https://www.bbc.com/news/world-africa-45940414>>; Brenda Kiven, Sam Stone & Ruth Maclean, "Biya wins again in Cameroon as crackdown disrupts Anglophone vote", *The Guardian* (22 October 2018), online: <<https://www.theguardian.com/world/2018/oct/22/paul-biya-cameroon-85-year-old-president-wins-re-election-landslide>>. For an excellent overview of the political context and the challenges facing those seeking election, see Akere T. Muna, "I ran for president in Cameroon. Here's what I learnt" *African Arguments*. Online <https://africanarguments.org/2018/11/14/i-ran-for-president-in-cameroon-elections/> (November 2018).

<sup>87</sup> Ruth Maclean, "Cameroon locks down major cities before release of election results", *The Guardian* (21 October 2018), online: <<https://www.theguardian.com/world/2018/oct/21/cameroon-cities-clamp-down-ahead-of-results-in-presidential-election>>.

<sup>88</sup> United States Department of State, Heather Nauert, "Cameroon's Presidential Election Results" (Washington, DC, October 22, 2018) [Nauert, 2018], online: <<https://www.State.gov/r/pa/prs/ps/2018/10/286815.html>>

<sup>89</sup> Amnesty International, Research Report, *A Turn for the Worse: Violence and Human Rights Violations in Anglophone Cameroon* (London: Amnesty International Publications, 2017) at 5 [Amnesty International 2017]. See also CHRDA, “Letter to the United Nations High Commissioner for Human Rights on the Anglophone Crisis: 2 Years Later” (December 5, 2018). Online <<https://chrda.org/2018/12/05/letter-to-the-united-nations-high-commissioner-for-human-rights-on-the-anglophone-crisis-2-years-later/>>/

<sup>90</sup> ICG, Africa Report No. 250, *supra* note 45, at 9.

<sup>91</sup> *Ibid*

<sup>92</sup> Government measures that forced the introduction of French into the education system were deemed inconsistent with a 1998 law on the orientation of education. This law explicitly stipulated that the two sub-systems of education, English and French, are independent and autonomous. See Ludovica Iaccino & Daniele Palumbo, “Tensions rise in Cameroon as teachers demand ‘respect for Anglo-Saxon heritage’”, *International Business Times* (23 November 2016), online: <<https://www.ibtimes.co.uk/tensions-rise-cameroon-teachers-demand-respect-anglo-saxon-heritage-1593018>>.

<sup>93</sup> *Ibid*

<sup>94</sup> BBC, “Bamenda protests: Mass arrests in Cameroon” (November 23, 2016). Online: <<https://www.bbc.com/news/world-africa-38078238>>.

<sup>95</sup> Cited in ICG Africa Report 250, *supra* note 45.

<sup>96</sup> ICG Africa Report 250, *supra* note 45 at 10.

<sup>97</sup> CHRDA, “Torture of University Students: 2 Years After” (28 November 2018)

<https://www.unfpa.org/swop-2019https://chrda.org/2018/11/28/torture-of-university-of-buea-students-2-years-after/>

<sup>98</sup> ICG Africa Report 250, *supra* note 45 at 10.

<sup>99</sup> *Ibid*

<sup>100</sup> Radina Gigova, “Rights groups call for probe into protesters’ deaths in Cameroon”, CCN (15 December 2016), online: <<https://www.cnn.com/2016/12/15/world/cameroon-protesters-deaths/index.html>>; see also Atanga, *supra* note 46, at 102.

<sup>101</sup> Amnesty International 2017, *supra* note 89, at 9.

<sup>102</sup> *Ibid* at 5.

<sup>103</sup> Yomi Kazeem, “The internet shutdown in English-speaking parts of Cameroon is finally over”, *Quartz Africa* (20 April 2017), online: <<https://qz.com/africa/964927/caemroons-Internet-shutdown-is-over-after-93-days/>>.

<sup>104</sup> ICG, Africa Report 250, *supra* note 45, at 15.

<sup>105</sup> ICG Briefing N° 130 *supra* note 3, at 4.

<sup>106</sup> *Ibid* Reports vary between of between 30,000 and 80,000 people.

<sup>107</sup> Reuters, “Cameroon soldiers shoot independence activists dead”, (October 1, 2017), online: <<https://www.theguardian.com/world/2017/oct/01/cameroon-soldiers-shoot-independence-activists-dead>>.

<sup>108</sup> ICG Briefing N° 130 *supra* note 3 at 4.

<sup>109</sup> *Ibid* at 2.

<sup>110</sup> Célian, 2018, *supra* note 69.

<sup>111</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World's Human Rights* (London, UK, 2018) at 113. See also Amnesty International 2017, *supra* note 89, at 11.

<sup>112</sup> Internet Front, “New Internet shutdown ordered in Cameroon - Internet sans Frontières”, (2 October 2017), online: <<https://Internetwithoutborders.org/new-Internet-shutdown-ordered-in-cameroon/>>.

<sup>113</sup> Amindeh Blaise Atabong, “Cameroon’s Nigerian business community is fleeing as the Anglophone crisis deepens”, *Quartz Africa* (7 July 2018), online: <<https://qz.com/africa/1322709/cameroons-Anglophone-crisis-sees-nigerian-business-community-flee-as-ambazonia-forces-strike/>>.

<sup>114</sup> The National Times, “Exclusive: The untold story about the Buea extra-judicial killings” (2 August 2018), online: <<https://natimesnews.com/2018/08/02/exclusive-the-untold-story-about-the-buea-extra-judicial-killings/>>.

<sup>115</sup> *Ibid*.

<sup>116</sup> *Ibid*.

<sup>117</sup> CHRDA reports that 553,775 persons have been displaced, “Upsurge of IDPs in Cameroon’s Anglophone Regions,” (20 December 2018), online: <https://chrda.org/2018/12/20/upsurge-of-idps-in-cameroons-Anglophone-regions/>

<sup>118</sup> This figure includes only those who had been officially registered by the United Nations refugee agency. It is likely there are many more given that sources in Cameroon have advised that many people have relatives and friends in Nigeria and stay with them rather than registering as refugees: see International Crisis Group, *Uncertainties Deepen in Cameroon after Divisive Election*, Q&A/Africa (International Crisis Group, 2018).

<sup>119</sup> AFP, “UN says 160,000 Anglophone Cameroonians fled violence since 2016”, *Daily Mail* (15 May 2018), online: <<https://www.dailymail.co.uk/wires/afp/article-5731851/UN-says-160-000-Anglophone-Cameroonians-fled-violence-2016.html>>.

<sup>120</sup> UN OCHA, *Emergency Response Plan 2018: Cameroon North West and South West*, Emergency Response Plan Summary (United Nations Office for the Coordination of Humanitarian Affairs, 2018). [UN OCHA 2018].

<sup>121</sup> *Ibid.*

<sup>122</sup> Africa News, “Movement restricted in Cameroon Region ahead of independence day”, (29 September 2017), online: <<http://www.africanews.com/2017/09/29/movement-restricted-in-cameroon-region-ahead-of-independence-day/>>

<sup>123</sup> Cameroun: l’opposition fustige une « forte militarisation » des régions Anglophones, <http://sikkatv.info/cameroun-lopposition-fustige-forte-militarisation-regions-Anglophones/>, December 2017

<sup>124</sup> Presidency of the Republic of Cameroon, “Assassination of four soldiers and two policemen around Mamfe: the Head of State reassures and promises an end to such criminal acts” (30 November 2017). Online: <<https://www.prc.cm/en/news/2546-assassination-of-04-soldiers-and-two-policemen-around-mamfe-the-head-of-state-reassures-and-promises-an-end-to-such-criminal-acts>>.

<sup>125</sup> ICG Briefing Note 130, *supra* note 3, at 4-5.

<sup>126</sup> *Ibid* at 5.

<sup>127</sup> *Ibid.* See also Care International, *Cameroon NW & SW Crisis - Care Explanatory Mission Report* (2018) at 3 citing “at least 246,000 displaced people in the SW alone”.

<sup>128</sup> ICG Briefing No 130, *supra* note 3 at 3.

<sup>129</sup> ICG Malley 2018, *supra* note 31. A July 2018 report from Human Rights Watch reported 20 such groups and it is unclear whether there are fewer groups now, whether groups have merged, or whether the government has succeeded in eliminating certain groups: “These Killings Can Be Stopped: Abuses by Government and Separatist Groups in Cameroon’s Anglophone Regions, 18 July 2018, Online: <https://www.hrw.org/report/2018/07/19/these-killings-can-be-stopped/abuses-government-and-separatist-groups-camerouns>, at 20 (HRW These Killings).

<sup>130</sup> The information in this section is from monitoring data collected by the CHRDA in 2018 and 2019 unless otherwise indicated. Data on file at CHRDA.

<sup>131</sup> CHRDA, “206 Villages Raided and Partially or Severely Burnt in the Anglophone Regions of Cameroon since 2016” May 24, 2019 online < <https://chrda.org/2019/05/24/206-villages-raided-and-partially-or-severely-burnt-in-the-anglophone-regions-of-cameroon-since-2016/>>.

<sup>132</sup> UN OCHA, *Emergency Response Plan Summary: Cameroon North West and South West*, (New York: UN, 2018) at 2.

<sup>133</sup> Amnesty International, “A Turn for the Worse: Violence and Human Rights Violations in Anglophone Cameroon” (2017). 23-24.

<sup>134</sup> <https://www.bbc.com/news/world-africa-44561929>

<sup>135</sup> *Ibid*

<sup>136</sup> HRW These Killings, *supra* note 129 at 43.

<sup>137</sup> <https://www.bbc.com/news/world-africa-44561929>

<sup>138</sup> *Ibid* at 50.

<sup>139</sup> Cameroonian authorities say only houses containing weapons are burned. “We only burn houses where weapons were found” according to General Donatien Nouma Melingui, in charge of military operations in the Southwest Region, Cameroon <https://tribune.com.pk/story/1702984/3-dirty-war-ravages-camerouns-anglophone-region/>; Colonel Didier Badjeck stated that if the military finds a terrorist shelter with arms, it is destroyed and reiterated the proportional response of the army: RFI “Cameroun: des dizaines de maisons brûlées à Kumbo en zone anglophone.” Online <<http://www.rfi.fr/afrique/20190221-cameroun-dizaines-maisons-brulees-kumbo-zone-anglophone>>.

<sup>140</sup> “Cameroon: Promised Investigation Should Be Independent Government Forces on Rampage in North-West Region City” (May 23, 2019) < <https://www.hrw.org/news/2019/05/23/cameroon-promised-investigation-should-be-independent>>

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- <sup>141</sup> Center for Human Rights and Democracy in Africa, Salim Sango Aliyu, “Cameroon’s Abandoned IDPs”, (3 April 2019), online: <<https://chrda.org/2019/04/03/camerouns-abandoned-idps>>.
- <sup>142</sup> HRW, *These Killings*, *supra* note 129 at 15.
- <sup>143</sup> *Ibid*
- <sup>144</sup> Bibixy Tse, “Cameroon: Conviction, Sentencing and Ongoing Arbitrary Detention of Mr Mancho Bibixy Tse | Letter”, *Lawyers Rights Watch Can* (14 July 2018), online: <<https://www.lrwc.org/cameroon-conviction-sentencing-and-ongoing-arbitrary-detention-of-mr-mancho-bibixy-tse-letter/>>. [Tse 2018].
- <sup>145</sup> *Ibid*.
- <sup>146</sup> Amnesty International Press Release, “Cameroon: Inmates ‘packed like sardines’ in overcrowded prisons following deadly Anglophone protests” (13 October 2017), online: <<https://www.amnesty.org/en/press-releases/2017/10/cameroon-inmates-packed-like-sardines-in-overcrowded-prisons-following-Anglophone-protests/>>.
- <sup>147</sup> Amnesty International 2017, *supra* note 89 at 20.
- <sup>148</sup> *Ibid* at 21. The mistreatment of the detainees is discussed in the next section.
- <sup>149</sup> Journal du Cameroun, “Cameroon: Gov’t says arrested separatist leaders are in good health”, (10 April 2018), online: <<https://www.journalducameroun.com/en/cameroon-govt-says-arrested-separatist-leaders-good-health/>>.
- <sup>150</sup> Daniel Finnan, “Cameroon Anglophone separatists ‘doing well’ after three months held incommunicado, says government”, *RFI* (9 April 2018), online: <<http://en.rfi.fr/africa/20180409-cameroon-Anglophone-separatists-doing-well-after-three-months-held-incommunicado-say>>. [Finnan 2018].
- <sup>151</sup> Journal du Cameroun, “Detention of separatist leaders in Cameroon: an expected trial”, (26 June 2018), online: <<https://www.journalducameroun.com/detention-de-leaders-separatistes-cameroun-proces-attendu/>>.
- <sup>152</sup> Finnan 2018, *supra* note 150.
- <sup>153</sup> *Ibid* “All of them are doing very well, all of them are in very good health, all of them are enjoying whatever is enshrined in our constitution.”
- <sup>154</sup> HRW *These Killings*, *supra* note 129 at 17.
- <sup>155</sup> The accused were also fined 268M CFA Francs as damages to the civil parties, as well as a total fine of 34 million CFA Francs or an additional two year imprisonment sentence.
- <sup>156</sup> Tse 2018, *supra* note 144.
- <sup>157</sup> Tse 2018, *supra* note 144.
- <sup>158</sup> Amnesty International 2017/2018 *supra* note 111.
- <sup>159</sup> Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2017 - Cameroon* (United States Department of State, 2018) at 4. See also Amnesty International 2017/2018 *supra* note 111.
- <sup>160</sup> Cameroon, *Report of the Ministry of Justice on Human Rights in Cameroon in 2017*, (October 2018), at 275-276.
- <sup>161</sup> HRW *Routine Torture*, *supra* note 23.
- <sup>162</sup> *Ibid*
- <sup>163</sup> Amnesty International 2017, *supra* note 89.
- <sup>164</sup> *Ibid*
- <sup>165</sup> CHRDA, “Cameroon Prisoners’ Rights in Flames” (9 July 2018), online: *Centre for Human Rights and Democracy in Africa Blog* <<https://chrda.org/?p=17923>>. [CHRDA. Cameroon Prisoners 2018].
- <sup>166</sup> CHRDA, “18 arrested Anglophones transferred to Kondengui”, *The National Times* (4 July 2018) Online: <https://natimesnews.com/2018/07/04/18-arrested-Anglophones-transferred-to-kondengui/>.
- <sup>167</sup> CHRDA. Cameroon Prisoners 2018, *supra* note 165.
- <sup>168</sup> Abdur Rahman Alfa Shaban, “Cameroon government to probe brutality meted out to separatist leader”, *Africa News* (16 May 2018), online: <<http://www.africanews.com/2018/05/16/cameroon-govt-to-probe-brutality-meted-to-Anglophone-separatist/>>.
- <sup>169</sup> *Ibid*.
- <sup>170</sup> HRW *These Killings*, *supra* note 129, at 36.
- <sup>171</sup> *Ibid*.
- <sup>172</sup> *Ibid* at 26.
- <sup>173</sup> HRW *These Killings*, *supra* note 129, at 37.
- <sup>174</sup> All figures in this section are drawn from CHRDA data unless otherwise indicated.
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<sup>175</sup> Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2017 - Cameroon* (United States Department of State, 2018) at 4.

<sup>176</sup> CHRDA, "Torture of University Students: 2 Years After" (28 November 2018)

<https://chrda.org/2018/11/28/torture-of-university-of-buea-students-2-years-after/>

<sup>177</sup> ICG Africa Report N° 272, *supra* note 2. See also International Crisis Group, Cameroon: Proposed Anglophone General Conference Deserves National and International Support, Statement, 17 September 2018, <https://www.crisisgroup.org/africa/central-africa/cameroon/cameroun-la-conference-generale-Anglophone-merite-un-soutien-national-et-international>

<sup>178</sup> Agence France Presse, "Kidnappings in Cameroon multiply as English-speaking separatists are emboldened", *South China Morning Post* (22 May 2018), online: <<https://www.scmp.com/news/world/africa/article/2147250/kidnappings-cameroon-multiply-english-speaking-separatists-are>>.

<sup>179</sup> HRW These Killings 2018, *supra* note 129.

<sup>180</sup> *Ibid* at 50.

<sup>181</sup> *Ibid*.

<sup>182</sup> Unpublished CHRDA Monitoring Data. September 2018. On file.

<sup>183</sup> *Amnesty International 2017*, *supra* note 89, at 10.

<sup>184</sup> The incidents were documented from sources on the ground, including the CHRDA, unless otherwise indicated.

<sup>185</sup> HRW "These Killings" 2018, *supra* note 129 at 45.

<sup>186</sup> Amnesty International 2017, *supra* note 89 at 5.

<sup>187</sup> HRW, "These Killings" 2018, *supra* note 27 at 45.

<sup>188</sup> Journal du Cameroun, "Anglophone crisis: two kidnapped police officers killed" (27 June 2018), online: <<https://www.journalducameroun.com/en/Anglophone-crisis-two-kidnapped-police-officers-killed/>>.

<sup>189</sup> Abdur Rahman Alfa Shaban, "Cameroon prison overrun by armed men, 163 inmates escape", *Africa News* (29 July 2018), online: <<http://www.africanews.com/2018/07/29/prison-in-cameroon-s-nw-region-attacked-163-inmates-escape/>>.

<sup>190</sup> Amnesty International 2017, *supra* note 89.

<sup>191</sup> *Ibid* at 13.

<sup>192</sup> ICG Briefing N° 30, *supra* note 3, at 4.

<sup>193</sup> *Ibid* at 13.

<sup>194</sup> *Ibid* at 12.

<sup>195</sup> *Ibid* at 12. See also <https://www.bbc.com/news/world-africa-44561929>.

<sup>196</sup> *Ibid* at 14.

<sup>197</sup> *Ibid* at 15.

<sup>198</sup> UNESCO, "Cameroon: Joint Statement of UNICEF and UNESCO on Abduction of Education Personnel and Attacks against Schools in the South-West Region of Cameroon" (June 1, 2018). [www.unesco.org](http://www.unesco.org)

<sup>199</sup> *Ibid*.

<sup>200</sup> *Ibid*.

<sup>201</sup> Amnesty International 2017, *supra* note 89 at 16.

<sup>202</sup> African Commission, Cameroon Resolution, *supra* note 15.

<sup>203</sup> *Ibid*.

<sup>204</sup> *Ibid*.

<sup>205</sup> Preamble, *Constitution of the Republic of Cameroon*, Law No. 96-06 18 January 1996 to amend Constitution of 2 June 1972 [Constitution]. Cameroonian law further protects the rights to equality and non-discrimination in Article 16 of the Civil Code, Article 1 of the Penal Code, and Article 84 of the Labour Code.

<sup>206</sup> *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, African Union, 11 July 2003, as adopted by the Meeting of Ministers, Addis Ababa, Ethiopia on 28 March 2003, and the Assembly of the African Union at the second summit of the African Union in Maputo, Mozambique, 21 July 2003.

<sup>207</sup> ICCPR Art. 2(1)

<sup>208</sup> United Nations, *Vienna Convention on the Law of Treaties*, (23 May 1968), United Nations, Treaty Series, vol. 1155, at 331, online: <<https://www.refworld.org/docid/3ae6b3a10.html>>

- <sup>209</sup> United Nations, adopted by the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August-7 September 1990. Online <<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>>
- <sup>210</sup> ICG Africa Report N° 272 *supra* note 2.
- <sup>211</sup> ICG Briefing N° 130, *supra*, note 3 at 2.
- <sup>212</sup> Amnesty International, *A Turn for the Worse: Violence and Human Rights Violations in Anglophone Cameroon* (London: Amnesty International Publications, 2017) at 22.
- <sup>213</sup> *Ibid*, at 23.
- <sup>214</sup> Journal du Cameroun, “Cameroonian soldiers accused of killing five students in Bambili”, (14 June 2018), online: <<https://www.journalducameroun.com/en/cameroonian-soldiers-accused-killing-five-students-bambili/>>. [Journal du Cameroun, 2018].
- <sup>215</sup> The National Times, “Agbor Balla Decries Batibo Massacre, execution of 5 students in Bambili by BIRS”, *Natl Times* (9 December 2018), online: <<https://natimesnews.com/2018/07/14/agbor-balla-decries-batibo-massacre-execution-of-5-students-in-bambilli-by-birs/>>.
- <sup>216</sup> *Ibid*.
- <sup>217</sup> The Defense Post, “32 dead after Menka Motel fire in Anglophone Cameroon, government says” (29 May 2018), online: <<https://thedefensepost.com/2018/05/29/cameroon-Anglophone-menka-32-dead/>>.
- <sup>218</sup> Human Rights Watch, Cameroon: Promised Investigation Should Be Independent Government Forces on Rampage in North-West Region City” (May 23, 2019), <https://www.hrw.org/news/2019/05/23/cameroon-promised-investigation-should-be-independent> [Print](#)
- <sup>219</sup> *Yuba Kumari Katwal v. Nepal*, Human Rights Committee, Communication No. 2000/2010, U.N. Doc. CCPR/C/113/D/2000/2010 (2015), at para 3.2.
- <sup>220</sup> *Baboeram-Adhin and Others v. Suriname*, Communication No. 146/1983 and 148 to 154/1983, U.N. Doc. Supp. No. 40 (A/40/40) at 187 (1985). *a/*, at para 14.3.
- <sup>221</sup> In *Suarez de Guerrero v. Colombia*, Communication No. R.11/45, U.N. Doc. Supp. No. 40 (A/37/40) at 137 (1982): Colombia 31/03/82, para 13.2, the police carried out a raid on a house in which it was believed that a former Ambassador had been kidnapped and held prisoner. The Ambassador was not there, but the police hid and waited for the suspected kidnappers to arrive. When seven people entered the house, the police officers shot and killed them. It was determined that they were not all killed at the same time, and that most had been shot while trying to save themselves from the police attack. Although the killings were deemed lawful in Colombia, the HRC found “no evidence that the action of the police was necessary in their own defence or that of others, or that it was necessary to effect the arrest or prevent the escape of the persons concerned.” The HRC concluded that Mrs. Suarez de Guerrero, one of the victims, had been arbitrarily deprived of her life, as protected under article 6 of the ICCPR, highlighting that “a killing may breach article 6 even though it is authorized by domestic law.”
- <sup>222</sup> *Ibid* at para 13.3
- <sup>223</sup> *Kindler v Canada* (1993), Communication No 470/1991, U.N. Doc. CCPR/C/48/D/470/1991 (1993).
- <sup>224</sup> Human Rights Committee, *General comment no. 36 on Article 6 of the International Covenant on Civil and Political Rights, on the right to life : revised draft / prepared by the Rapporteur, Yuval Shany* (Geneva: UN Human Rights Office of the High Commissioner, 2017), para 11.
- <sup>225</sup> *Makaratzis v. Greece* (2004), E.Ct.H.R., Judgment, App. No. 50385/99, para. 57
- <sup>226</sup> *Mahmut Kaya v. Turkey* (2000), Judgment App. No. 22535/93, ECHR para. 86; see also *Osman v. United Kingdom*, (1998) Judgment App. No. 87/1997/871/1083, ECHR para. 116; *Kerimova a.o. v. Russia* (2011) Judgment App. Nos. 17170/04, 22448/04, 3360/04, 5681/05 and 5684/05, ECHR para. 246.
- <sup>227</sup> *Finucane v The United Kingdom* (2003), application No 29178/95, ECHR at para 69. The Human Rights Committee has affirmed that Article 2 of the ICCPR creates binding obligations on States to exercise due diligence to prevent, punish, investigate and redress violations of protected rights—such as the right to life—committed by State and/or private actors. Failure to take such measure can constitute violations by the State of protected rights: Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, para. 8.



<sup>228</sup> Christian Tomuschat, Evelyne Langrange & Stefan Oeter, *The Right to Life*. Human Rights and Humanitarian Law E-Books Collection 2010 (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2010) at 73.

<sup>229</sup> *Finucane v The United Kingdom* (2003), application No. 29178/95, ECHR. See also: Lawyer's Rights Watch Canada (LRWC), *Duty of State to Investigate Extra-Judicial Killings* (2009).

<sup>230</sup> *Mahmut Kaya v Turkey* (2003), Application no 22535/93, ECHR (First Section), para 108.

<sup>231</sup> *Finucane v The United Kingdom* (2003) no 29178/95, ECHR at para. 69

<sup>232</sup> *Bautista de Arellana v Colombia*, Communication No 563/1993, para 82.

<sup>233</sup> Sarah Joseph, Jenny Schultz & Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials and Commentary* (New York, United States: Oxford University Press, 2000), para 8.10; *Jaoquin Herrera Rubio v Colombia*, Communication No 161/1983, 1987 Human Rights Committee.

<sup>234</sup> Tomuschat, Langrange & Oeter, supra not 228 at 78.

<sup>235</sup> *Ibid* at 75; *Bazorkina v Russia*, Application No 69481/01, Judgement of 27 July 2006, European Court of Human Rights, para 119.

<sup>236</sup> Judgment of 21 August 2011, *Case of Torres Millacura and others v. Argentina*, Series C No. 229, para. 121.

<sup>237</sup> HR Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, paras 16, 18, available at: <http://www.refworld.org/docid/478b26ae2.html>.

<sup>238</sup> Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989, welcomed by the General Assembly in Resolution A/RES/44/159, 1 December 1987, see <http://www.un.org/documents/ga/res/44/a44r159.htm>.

<sup>239</sup> Part III of the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, U.N. Doc. E/ST/CSDHA/12 (1991), <https://www1.umn.edu/humanrts/instree/executioninvestigation-91.html> or <https://www1.umn.edu/humanrts/instree/Annexes%20for%20UN%20Manual.pdf>.

<sup>240</sup> These include, among others, the fundamental rights to equal protection of the law, and freedoms of thought, opinion, expression, assembly and association.

<sup>241</sup> *CCPR General Comment No. 8*, Article 9 (Right to liberty and security of persons) 16<sup>th</sup> Sess (1982). at para. 3. See also the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August –7 September, 1990, A/Conf.144/28/Rev.1, at p.158; HR Committee: Communication No. 526/1993, *Hill v. Spain*, at para. 12.3.

<sup>242</sup> HR Committee: Communication No. 373/1989, *Stephens v. Jamaica*, at para. 9.6.

<sup>243</sup> HR Committee, Concluding Observations: Zimbabwe, CCPR/C/79/Add.89 (1998), at para. 17.

<sup>244</sup> *ACHPR, International Pen and Others v. Nigeria*, African Commission on Human and Peoples' Rights, Comm. Nos. 137/94, 139/94, 154/96 and 161/97 (1998), at paras. 83-84.

<sup>245</sup> *Huri-Laws v. Nigeria*, African Commission on Human and Peoples' Rights, Comm. No. 225/98 (2000), at para. 46.

<sup>246</sup> Article 1 of *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*, The African Commission on Human and People's Rights, 2003 further states that everyone is "entitled to a fair and public hearing by a legally constituted competent, independent and impartial judicial body."

<sup>247</sup> Working Group on Arbitrary Detention, *Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of their Liberty to Bring Proceedings Before a Court* (2015).

<sup>248</sup> <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf> 349.

<sup>249</sup> Law No 2014/028 of 23 December 2014.

<sup>250</sup> Resolution 70/161 adopted by the General Assembly on 17 December 2015 (A/RES/70/161).

<sup>251</sup> See *International Covenant on Civil and Political Rights*, arts. 19, 21, and 22; *Universal Declaration of Human Rights*, arts. 19 and 20; see also *The Declaration on Human Rights Defenders* (A/RES/53/144).

<sup>252</sup> Human Rights Watch & Observatorio de Derechos de los Pueblos Indígenas, *Undue Process: Terrorism Trials, Military Courts, and the Mapuche in Southern Chile*, Vol. 16, No. 5 (Human Rights Watch, 2004) at 61.

<sup>253</sup> Sarah Joseph, Jenny Schultz & Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials and Commentary* (New York, United States: Oxford University Press, 2000), para 14.24.

<sup>254</sup> Article G(c) *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*, The African Commission on Human and People's Rights, 200; Nkongho Felix Agbor, *Statement following the decision of the Yaoundé Military Tribunal to sentence Mancho Bibixy, Tsi Conrad, Tamngwa Malvin, Aslecha Martin, Guingah Valentine and Awah Thomas* (Center for Human Rights and Democracy in Africa, 2018) at 2.

<sup>255</sup> Erika Chan & Catherine Morris, *Right to Trial by Civilian Courts: International law on the use of military tribunals to determine the rights of civilians* (Lawyers' Rights Watch Canada, 2015) at 12.

<sup>256</sup> *Orlanda Fals Borda et al represented by Pedro Pablo Camargo v Colombia* (1982) Communication No 46/1979, Human Rights Committee.

<sup>257</sup> Agence France Presse, "Kidnappings in Cameroon multiply as English-speaking separatists are emboldened", *South China Morning Post* (22 May 2018), online: <<https://www.scmp.com/news/world/africa/article/2147250/kidnappings-cameroon-multiply-english-speaking-separatists-are>>.

<sup>258</sup> UN Human Rights Committee (HRC), Eightieth Session, *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13* (United Nations, 2004) at 13.

<sup>259</sup> Association for the Prevention of Torture (APT) & Centre for Justice and International Law (CEJIL), *Torture in International Law: A Guide to Jurisprudence* (2008) at 13.; Article 7 International Covenant on Civil and Political Rights.; *Compilation of General Comments and General Recommendations adopted by human rights treaty bodies : note / by the Secretariat*, UN Secretariat, 8 May 2006, HRI/GEN/1/Rev8, General Comment 20 at 200 : "The aim of the provisions of article 7 of the International Covenant on Civil and Political Rights is to protect both the dignity and the physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity."

<sup>260</sup> Ruth Maclean, "Cameroon's military accused of burning alive unarmed civilians", *The Guardian* (20 July 2018), online: <<https://www.theguardian.com/world/2018/jul/20/cameroon-military-accused-of-burning-alive-unarmed-civilians-villages-english-speaking>>.

<sup>261</sup> HRW Routine Torture, *supra* note 23.

<sup>262</sup> Amnesty International 2017/2018 *supra* note 111 at 113.

<sup>263</sup> *Womah Mukong v Cameroon*, Communication No 458/1991, UN Doc CCPR/C/51/D/458/1991 (1994), Human Rights Committee, Fifty-first session.

<sup>264</sup> In *Ramon B Martinez Portorreal v Dominican Republic*, Communication No 188/1984, UN Doc Supp No 40 (A/43/40) The Human Rights Committee (1988) at 207, Mr. Portorreal was arrested and taken to a cell at a secret police headquarters. He was later transferred to a cell measuring 20 by 5 metres, where 125 other inmates were detained. He was released after spending 50 hours, during which time he was never informed of the reason for his arrest and received no food or water until the day after his arrest. The Committee was of the view that these conditions of detention violated article 7 and article 10, paragraph 1 of the ICCPR. In *Hervin Edwards v Jamaica*, Communication No 529/1993 (19 January 1993), CCPR/C/60/D/529/1993 the author of the communication expressed that he had been held in deplorable conditions for 10 years alone in a cell measuring 6 feet by 14 feet. The Complainant argued that he had no access to recreational activity and was let out a few hours per day. The HRC concluded that such conditions were in violation of article 7 and article 10, paragraph 1 of the ICCPR. The Committee reached the same conclusion in *Cristopher Brown v Jamaica* Communication No 775/1997, UN Doc CCPR/65/A/775/1995 (11 May 1999), where Mr. Brown had been locked up in his cell for 23 hours a day, without a mattress or bedding, and with no access to adequate sanitation, ventilation, electric lighting, medical treatment or adequate nutrition and clean drinking water.

<sup>265</sup> Beatings, denial of medical care, *Thomas v Jamaica*, Communication No 321/1988, UN Doc CCPR/C/49/D/321/1988 (1993), 1993 Human Rights Committee, Forty-ninth session; *Linton v Jamaica*, Communication No 255/1987, 1992 Human Rights Committee, Forty-sixth session; being locked up in a cell for 23 hours a day without a mattress or bedding, sanitation, natural light, decent food or adequate health care; *Fray Deidrick v Jamaica*, Communication No 619/1995, 1998 Human Rights Committee, Sixty-second session a night spent handcuffed to a chair "without being given as much as a glass of water: *Garcia v Ecuador*, Communication No. 319/1988, U.N. Doc. CCPR/C/40/D/319/1988, Human Rights Committee, Fortieth Session; and beating a prisoner so hard that he required several stitches, *Allan Henry v Trinidad and Tobago*, Communication No 752/1997, 1999 Human Rights Committee, Sixty-fourth session.

<sup>266</sup> Finnan, 2018, *supra* note 150.

<sup>267</sup> UN Human Rights Committee: Communication No. 84/1981, *Guillermo Ignacio Dermit Barbato et al. v. Uruguay*, at para. 10. See the discussion in Lawyers Rights Watch Canada, *Pre-Trial Release and the Right to be Presumed Innocent: A Handbook on Pre-Trial Release at International Law* (March 2013). Online < <https://www.lrw.org/handbook-pre-trial-release-and-the-right-to-be-presumed-innocent/>>.

<sup>268</sup> *Laureano v Peru* Communication 540/1993, U.N. Doc. CCPR/C/56/D/540/1993 (1996), Human Right Committee, Fifty-sixth Session; *Tshishimbi v Zaire* Communication No. 542/1993, U.N. Doc. CCPR/C/53/D/542/1993 (1996), Human Rights Committee, Fifty-sixth session; *Polay Campos v Peru* Communication No. 577/94, U.N. Doc. CCPR/C/61/D/577/1994, Human Rights Committee, Sixty-first session, to name a few.

<sup>269</sup> HRW Routine Torture, *supra* note 23.

<sup>270</sup> *Compilation of General Comments and General Recommendations adopted by human rights treaty bodies : note / by the Secretariat*, UN Secretariat, 8 May 2006, HRI/GEN/1/Rev8, General Comment No. 20, para 6: Article 7 (Prohibition of torture, or other cruel, inhumane or degrading treatment or punishment) at 200.

<sup>271</sup> *Laureano v Peru*, Communication 540/1993, U.N. Doc. CCPR/C/56/D/540/1993 (1996), Human Right Committee, Fifty-sixth Session; *Tshishimbi v Zaire* Communication No. 542/1993, U.N. Doc. CCPR/C/53/D/542/1993 (1996), Human Rights Committee, Fifty-sixth session; *Polay Campos v Peru* Communication No. 577/94, U.N. Doc. CCPR/C/61/D/577/1994, Human Rights Committee, Sixty-first session, to name a few.

<sup>272</sup> *Compilation of General Comments and General Recommendations adopted by human rights treaty bodies : note / by the Secretariat*, UN Secretariat, 8 May 2006, HRI/GEN/1/Rev8, General Comment No. 20, para 14 Article 7 (Prohibition of torture, or other cruel, inhumane or degrading treatment or punishment) at 202.

<sup>273</sup> Amnesty International *Report 2017/2018* *supra* note

<sup>274</sup> See *C.K.(A CHILD) through Ripples International as her guardian and Next friend* & *11 others v Commissioner of Police/Inspector General of the National Police Service et. al.* [2013] eKLR

<sup>275</sup> *Ibid.*

<sup>276</sup> Cameroon Radio Television, “Attack on security and defense forces: The president makes a declaration”, (1 December 2017), online: <<https://www.crtv.cm/2017/12/attack-on-security-and-defense-forces-the-president-makes-a-declaration/>>.

<sup>277</sup> *Prosecutor v. Tadic*, IT-94-1-T, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Judgment, Appeals Chamber, 2 October 1995, para. 141.

<sup>278</sup> Human Rights Committee, General Comment 29, States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001).

<sup>279</sup> E.g., the Charter of the International Military Tribunal, Nuremberg, and the judgement of the Tribunal, resolutions of the Economic and Social Council of the United Nations 1074 D (XXXIX) of 28 July 1965 and 1158 (XLI) of 5 August 1966 on the punishment of war criminals and of persons who have committed crimes against humanity and the constituting statutes of international criminal tribunals in Yugoslavia and Rwanda.

<sup>280</sup> Drawing on the broad consensus evidenced in: Article 7 of the Rome Statute, the formulations in the Nuremberg and Tokyo Charters, the Nuremberg Principles, the 1954 draft Code of Offences against the Peace and Security of Mankind, the 1993 statute of the International Tribunal for the Former Yugoslavia, the 1994 statute of the International Criminal Tribunal for Rwanda, the 1994 draft statute for an international criminal court, and the Commission’s 1996 draft Code of Crimes against the Peace and Security of Mankind. See also, Draft Articles on State Responsibility, Commentary on Article 26, para. 5, in Official Records of the General Assembly, Fifty-sixth Session, U.N. Doc. A/56/10, p. 283 (2001) (maintaining that those “peremptory norms that are clearly accepted and recognized include the prohibition of ... crimes against humanity”); Martti Koskeniemi, *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law, Report of the Study Group of the International Law Commission*, U.N. Doc. A/CN.4/L.682, para. 374 (Apr. 13, 2006), as corrected by U.N. Doc. A/CN.4/L.682/Corr.1 (Aug. 11, 2006) (identifying crimes against humanity as one of the “most frequently cited candidates for the status of *jus cogens*”); Jurisdictional Immunities of the State (Germany v. Italy; Greece intervening), I.C.J. Reports 2012, p. 99, at para. 95 crimes against humanity in the Arrest Warrant case do “undoubtedly possess the character of *jus cogens*”); *Almonacid Arellano et al. v. Chile*, Inter-Am. Ct. H.R., Judgment, Preliminary Objections, Merits, Reparations and Costs, Series C No. 154, para. 96 (Sept. 26, 2006) (acknowledging the *jus cogens* status of crimes against humanity).

<sup>281</sup> *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, I.C.J. Reports 2012, 422, at para. 99; see also *Prosecutor v. Furundžija*, Trial Chamber, Judgment, ICTY Case No. IT-95-17/1, para. 153 (1998).

<sup>282</sup> *Jus cogens* norms hold the highest hierarchical position among all other international norms and principles.

<sup>283</sup> Law No 2017/012 of 12 July 2017, establishing the Code of Military Justice.

<sup>284</sup> See Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998 (entered into force on 1 July 2002), Art. 7(2)(d). ‘Deportation or forcible transfer of population’ means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

<sup>285</sup> See Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998 (entered into force on 1 July 2002), Art. 7(2)(e) (‘‘Torture’ means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.’’)

<sup>286</sup> See Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998 (entered into force on 1 July 2002), Art. 7(1).

<sup>287</sup> Rome Statute of the International Criminal Court, July 17 1998, 37 ILM, 999 (1998) [Rome Statute], Art. 7(2)(a).

<sup>288</sup> *Prosecutor v. Ruto*, Pre-Trial Chamber II, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, ICC-01/09-01/11, para. 177 (Jan. 23, 2012) [*Ruto 2012*], para. 164

<sup>289</sup> *Kevin Mgwanga Gunme et al v Cameroon 266/03*, *supra* note 48, para 179.

<sup>290</sup> *Ruto 2012*, *supra* note 261, para. 164.

<sup>291</sup> See, e.g., *Prosecutor v. Mrkšić*, Trial Chamber, Judgment, ICTY Case No. IT-95-13/1, para. 437 (Sept. 27, 2007) [*Mrkšić 2007*], para. 442; *Prosecutor v. Tadić*, Trial Chamber, Opinion & Judgment, ICTY Case No. IT-94-1-T, para. 623 (May 7, 1997) [*Tadić 1997*], para. 638; *Kunarac 2001*, para. 425 (‘‘the presence of certain non-civilians in its midst does not change the character of the population’’); *Blaškić 2000*, para. 214 (‘‘the presence of soldiers within an intentionally targeted civilian population does not alter the civilian nature of that population’’).

<sup>292</sup> *Prosecutor v. Akayesu*, Trial Chamber, Judgment, Case No. ICTR-96-4-T, paras. 578-98 (Sept. 2, 1998) [*Akayesu 1998*], para. 582.

<sup>293</sup> *Prosecutor v. Jean-Pierre Bemba Gombo*, Pre-Trial Chamber II, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges, ICC-01/05-01/08, para. 94 (June 15, 2009) [hereinafter *Bemba 2009*].

<sup>294</sup> *Ibid* paras. 95-98.

<sup>295</sup> See, e.g., *Prosecutor v. Akayesu*, Trial Chamber, Judgment, Case No. ICTR-96-4-T, paras. 579 (Sept. 2, 1998) [*Akayesu 1998*]; *Prosecutor v. Kayishema*, Trial Chamber, Judgment, Case No. ICTR-95-1, para. 123 (May 21, 1999) [*Kayishema 1999*] (‘‘The attack must contain one of the alternative conditions of being widespread or systematic.’’); *Prosecutor v. Mrkšić*, Trial Chamber, Judgment, ICTY Case No. IT-95-13/1, para. 437 (Sept. 27, 2007) [*Mrkšić 2007*] (‘‘[T]he attack must be widespread or systematic, the requirement being disjunctive rather than cumulative.’’)

<sup>296</sup> *Prosecutor v. Kunarac*, Trial Chamber, Judgment, ICTY Case No. IT-96-23, para. 428 (Feb. 22, 2001) (*Kunarac 2001*); see *Prosecutor v. Katanga*, Pre-Trial Chamber Decision on the Confirmation of Charges, ICC-01/04-01/07, para. 394 (Sept. 30, 2008) (hereinafter *Katanga 2008*); see also *Prosecutor v. Kordić and Čerkez*, Appeals Chamber, Judgment, IT-95-14/2-A, para. 94 (Dec. 17, 2004); *Prosecutor v. Blagojević and Jokić*, Trial Chamber, Judgment, ICTY Case No. IT-02-60-T, para. 545-46 (Jan. 17, 2005). 237 *Bemba 2009*, para. 83; 1996 ILC Report, at 47 (using the phrase ‘‘on a large scale’’ instead of widespread); *Akayesu 1998*, para. 580; *Kayishema 1999*, para. 123; see also *Mrkšić 2007*, para. 437 (‘‘widespread refers to the large scale nature of the attack and the number of victims’’)

<sup>297</sup> *Prosecutor v. Jean-Pierre Bemba Gombo*, Pre-Trial Chamber II, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges, ICC-01/05-01/08, para. 83 (June 15, 2009) (hereinafter *Bemba 2009*)

<sup>298</sup> *Prosecutor v. Katanga*, Trial Chamber II, Judgment, ICC-01/04-01/07 (Mar. 7, 2014), [Katanga 2014] para. 1123.

<sup>299</sup> *Ibid*.

<sup>300</sup> *Prosecutor v. Akayesu*, Trial Chamber, Judgment, Case No. ICTR-96-4-T, para. 580 (Sept. 2, 1998) (‘‘systematic may be defined as thoroughly organized and following a regular pattern on the basis of a common policy’’).

<sup>301</sup> See “Razing Homes and Villages: an Established Military Tactic” in Section 2 of this report for a pattern of systematic destruction of Anglophone villages by State security forces.

<sup>302</sup> *Prosecutor v. Katanga*, Trial Chamber II, Judgment, ICC-01/04-01/07 (Mar. 7, 2014), [Katanga 2014] para. 1109; *Prosecutor v. Gbagbo*, Pre-Trial Chamber I, Decision on the Confirmation of Charges against Laurent Gbagbo, ICC-02/11-01/11, paras. 211-12, 215 (June 12, 2014) [Gbagbo 2014].

<sup>303</sup> *Prosecutor v. Dusko Tadic*, IT-94-1-T, Opinion and Judgment, Trial Chamber, 7 May 1997, para. 649. See also IACtHR, *Almonacid-Arellano et al. v. Chile*, Ser. C No. 154, Preliminary Objections, Merits, Reparations and Costs, Judgment, 26 September 2006, para. 96.

<sup>304</sup> International Criminal Court, Elements of Crimes, U.N. Doc. PCNICC/2000/1/Add.2 (2000) art. 7(1)(a) [ICC, Elements of Crimes].

<sup>305</sup> *Ibid.*, Art. 7(1)(d).

<sup>306</sup> ICC, Pre-Trial Chamber III, Situation in the Republic of Burundi, Public Redacted Version of “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi”, ICC-01/17-X, para. 68 (October 25, 2017).

<sup>307</sup> ICC, Pre-Trial Chamber III, Situation in the Republic of Burundi, Public Redacted Version of “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi”, ICC-01/17-X, para. 68 (October 25, 2017).

<sup>308</sup> OAS, “Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes against Humanity in Venezuela” at p. 350. <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>.

<sup>309</sup> Opinion No. 4/12, at para. 26 (A/HRC/WGAD/2012/4); see Opinion No. 47/12, at para. 22 (A/HRC/WGAD/2012/47); Opinion No. 50/2012, at para. 27 (A/HRC/WGAD/2012/50); Opinion No. 60/2012, at para. 21 (A/HRC/WGAD/2012/60); Opinion No. 9/2013, at para. 40 (A/HRC/WGAD/2013/9); Opinion No. 34/2013, at para. 31 (A/HRC/WGAD/2013/34); Opinion No. 35/2013, at para. 35 (A/HRC/WGAD/2013/35); Opinion No. 36/2013, at para. 34 (A/HRC/WGAD/2013/36); Opinion No. 48/2013, at para. 14 (A/HRC/WGAD/2013/48); Opinion No. 22/2014, at para. 25 (A/HRC/WGAD/2014/22); Opinion No. 37/2014, at para. 42 (A/HRC/WGAD/2014/37); Opinion No. 1/2016, at para. 43 (A/HRC/WGAD/2016/1); Opinion No. 25/2016, at para. 33 (A/HRC/WGAD/2016/25); Opinion No. 28/2016, at para. 54 (A/HRC/WGAD/2016/28); Opinion No. 44/2016, at para. 37 (A/HRC/WGAD/2016/44); Opinion No. 60/2016, at para. 27 (A/HRC/WGAD/2016/60); Opinion No. 26/2017, at para. 67 (A/HRC/WGAD/2017/26) [Dai].

<sup>310</sup> In relation to deprivation of physical liberty, crimes against humanity of persecution under art. 7(1)(h) of the *Rome Statute* may also be applicable: see *Decision on the “Prosecutor’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute”*, Case No. ICC-RoC46(3)-01/18 (ICC Pre-Trial Chamber) (6 September 2018), at para. 75.

<sup>311</sup> ICC Elements of Crimes, Art. 7(1)(f).

<sup>312</sup> See, for example, similar findings in the case of Venezuela. OAS, “Report of the General Secretariat of the Organization of American States and The Panel of Independent International Experts On The Possible Commission Of Crimes Against Humanity In Venezuela” at p. 94.

<http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>.

<sup>313</sup> See ICC Elements of Crimes, art. 7(1)(g)-6.

<sup>314</sup> ICC, Elements of Crimes Annex; Rome Statute.

<sup>315</sup> See ICC Elements of Crimes, art. 7(1)(h).

<sup>316</sup> *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-A, Judgement, 29 July 2004, para. 139 (“Blaškić Appeal Judgement”).

<sup>317</sup> *Kevin Mgwanga Gunme*, *supra* note 7.

<sup>318</sup> Refer, for example, to its policies on human rights promotion ([https://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/human\\_rights-droits\\_homme/rights-droits.aspx?lang=eng](https://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights-droits.aspx?lang=eng)); its policies on feminist international assistance ([https://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/priorities-priorites/policy-politique.aspx?lang=eng](https://international.gc.ca/world-monde/issues_development-enjeux_developpement/priorities-priorites/policy-politique.aspx?lang=eng)); the National Action Plan For Women, Peace, and Security ([https://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/gender\\_equality-egalite\\_des\\_genres/women\\_peace\\_security-femmes\\_paix\\_securite.aspx?lang=eng](https://international.gc.ca/world-monde/issues_development-enjeux_developpement/gender_equality-egalite_des_genres/women_peace_security-femmes_paix_securite.aspx?lang=eng)); the PSOPS/Peace and

Stabilization Operations Program ([https://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/response\\_conflict-reponse\\_conflits/psop.aspx?lang=eng](https://international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflits/psop.aspx?lang=eng)) and ([https://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/response\\_conflict-reponse\\_conflits/peacebuilding\\_stability-paix\\_stabilite.aspx?lang=eng](https://international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflits/peacebuilding_stability-paix_stabilite.aspx?lang=eng)).

<sup>319</sup> See, for example, C.W.J. Roberts, “Ambazonia: Justin Trudeau’s Biafra?” (Canadian Global Affairs Institute (September 2018) Online <[https://www.cgai.ca/ambazonia\\_justin\\_trudeaus\\_biafra](https://www.cgai.ca/ambazonia_justin_trudeaus_biafra)>.

<sup>320</sup> HRW, *These Killings 2018*, *supra* note 129, at 35.

<sup>321</sup> *Ibid*, at 36.

<sup>322</sup> Amnesty International 2017, *supra* note 89, at 22.

<sup>323</sup> *Ibid*, at 23.

<sup>324</sup> *Ibid*, at 22.

<sup>325</sup> *Ibid*, at 22.

<sup>326</sup> *Ibid*

<sup>327</sup> HRW, *These Killings 2018*, *supra* note 129, at 46

<sup>328</sup> *Ibid*, at 46-47.

<sup>329</sup> Amnesty International 2017, *supra* note 89, at 25.

<sup>330</sup> *Ibid*

<sup>331</sup> Journal du Cameroun, “Cameroonian soldiers accused of killing five students in Bambili”, (14 June 2018), online: <<https://www.journalducameroun.com/en/cameroonian-soldiers-accused-killing-five-students-bambili/>>. [Journal du Cameroun, 2018]

<sup>332</sup> The National Times, “Agbor Balla Decries Batibo Massacre, execution of 5 students in Bambili by BIRS”, (9 December 2018), online: <<https://natimesnews.com/2018/07/14/agbor-balla-decries-batibo-massacre-execution-of-5-students-in-bambilli-by-birs/>>.

<sup>333</sup> Daily Nation, “Kenyan priest shot dead in Cameroon’s Anglophone region”, (22 November 2018), online: <<https://www.nation.co.ke/news/Kenyan-priest-killed-in-Cameroon/1056-4863642-g18x0f/index.html>>

<sup>334</sup> Jeune Afrique, “Patrice Nganang: ‘For the moment, I’m just in exile’”, (3 January 2018), online: <<https://www.jeuneafrique.com/505869/politique/patrice-nganang-pour-le-moment-je-suis-juste-en-exil/>>.

<sup>335</sup> Amnesty International 2017, *supra* note 89, at 25.

<sup>336</sup> *Ibid*

<sup>337</sup> CHRDA and Human Rights Implementation Centre of the University of Bristol, Letter to Mrs. Soyata Maiga, Chairperson of the African Commission on Human and Peoples’ Rights requesting the African Commission to intervene urgently in respect of 18 individuals who have been arbitrarily arrested and detained in Cameroon in the recent crackdown by the Government in the Anglophone regions, and in respect of whom we have received reports of their torture and ill-treatment whilst in detention. Online <<https://www.facebook.com/chrda.org/posts/urgent-appeal-arbitrary-detention-of-Anglophones-in-camerooncentre-for-human-rig/1897104810352571/>>

<sup>338</sup> “Cameroon: Arbitrary Detention of Anglophones in Cameroon | Letter”, *Lawyers Rights Watch Can* (14 July 2018), online: <https://www.lrwc.org/cameroon-arbitrary-detention-of-Anglophones-in-cameroon-letter/>.

<sup>339</sup> Eus Depo, *Cameroon military brutalize young English speaking girls* (13 June 2018) posted on YouTube, online: <https://www.youtube.com/watch?v=1qZNHuyWATc>.

<sup>340</sup> AFP, “Cameroon: 18 Anglophones ‘tortured’ in prison, says lawyer”, *La Libre Africa* (5 July 2018), online: <<https://afrique.lalibre.be/21237/cameroun-18-Anglophones-tortures-en-prison-selon-un-avocat/>>.

<sup>341</sup> *Ibid*.

<sup>342</sup> *Ibid* at 28.

<sup>343</sup> *Ibid*.

<sup>344</sup> ICG Briefing N° 130, *supra* note 3, at 5.

<sup>345</sup> ICG, *Africa Report 250*, *supra* note 45, at 15.

<sup>346</sup> ICG Briefing N° 130, *supra* note 3, at 5.

<sup>347</sup> Jon Lunn & Louisa Brooke-Holland, *The Anglophone Cameroon Crisis: April 2019 update*, Briefing paper Number 8331 (House of Commons Library: April 2019), at 8.

<sup>348</sup> *Ibid* at 20-21.