***NGO in Special Consultative Status with the Economic and Social Council of the United Nations***

**Promoting human rights by protecting those who defend them**

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Thursday, July 10, 2018

His Excellency Paul Biya

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His Excellency Mr. Philemon Yang

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Dear President Biya and Honourable Ministers,

**Re: Arbitrary Detention of Anglophones in Cameroon**

Lawyers’ Rights Watch Canada (LRWC) is concerned by reports that 15 individuals have been arbitrarily arrested and detained as part of the recent crackdown by the Government of Cameroon in Anglophone regions. It appears the 15 individuals are being held without charge, and have been reportedly been subjected to torture and ill-treatment whilst in detention. We are also concerned with the treatment in prison of Ordema Francis, Agbor Taku Joseph, and Kum Nestor, who are facing new allegations in connection with the protests. LRWC urges the Government of Cameroon to immediately and unconditionally release the 15 detained individuals, and ensure the rights of Ordema Francis, Agbor Taku Joseph, and Kum Nestor while they remain in jail.

LRWC is a committee of lawyers and others who promote human rights and the rule of law through advocacy, education and research. LRWC is a non-governmental organization in Special Consultative Status with the Economic and Social Council of the United Nations.

***Background***

Between December 2017 and June 2018, 15 individuals were arrested during the Government’s recent brutal crackdown in the South West region of Cameroon, which included the deployment of the military in the Anglophone regions and the disproportionate use of force in relation to protests against the marginalization of Anglophones in the country. The individuals are Tati Eric Ngu, Harris Boseme, Nkwetato Robert, Ikoe Clinton, Acha Ivo Aben, John Marinus Ndenge, Oben Frankline Tabot, Eyond Charles, Effia Gideon, Awu Gregory Ashu, Tanyi Robert Tatw, Jong Orlandus, Njeya Jukius Bawe, Ayukem Franklin and Fonjong Armstrong. They are currently being held without charge.

Three others, Ordema Francis, Agbor Taku Joseph, and Kum Nestor, were already serving sentences unrelated to the Anglophone Crisis. They are being accused of communicating with groups in connection to the protests.

Our sources indicate that fourteen of these individuals were being held in Buea Central Prison in South West Region Cameroon and a further four were being held in Secretariat d’Etat a la defense (SED), the gendarmie headquarters in Yaoundé. Around 2 July 2018 they were all transferred to ‘Kosovo,’ which is a section of the Kondengui maximum security prison in Yaoundé. The detained individuals have been kept in tight chains, and have been allegedly subjected to torture by guards.

***International Law Obligations of Cameroon***

As a party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People’s Rights (ACHPR), Cameroon has legal obligations to adopt measures that effectively ensure rights to liberty, pre-trial release, presumption of innocence, legal representation, fair trial before an independent, impartial and competent tribunal and freedoms from illegitimate prosecutions, arbitrary detention and torture. In accordance with the Constitution of the Republic of Cameroon (Constitution) these legal obligations override national law. The Preamble to the Constitution affirms “attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and The African Charter on Human and Peoples' Rights, and all duly ratified international conventions.” Article 45 of the Constitution stipulates that “duly approved or ratified treaties and international agreements shall, following their publication, override national laws.” That traditional values must conform to and not displace internationally protected rights is made clear by Article 1(2), which requires Cameroon to “…recognize and protect traditional values that conform to democratic principles, human rights and the law.”

Given Cameroon’s international human rights obligation, as set out above, the arrests, detentions and treatment of these defendants constitute an illegitimate use of criminal law powers and contravene provisions of the ICCPR, ACHPR, and the Constitution. Protected rights violated by the arrests, detentions and allegations include, in addition to those noted above, rights to expression, assembly, association and to participate in public affairs.

***Right to Liberty Pending Trial***

Under the ICCPR and the ACHPR, states must ensure that persons accused of criminal offenses are at liberty pending trials except when a court, after hearing evidence from the defendant and the prosecutor, has determined one of the following risks, flight, interference with evidence, or recurrence, *and* that pre-trial detention is the only means of addressing he established risk(s).

***Prison Transfers***

The transfer of the fourteen individuals from Buea Prison to Kondengui Prison in Yaoundé is, inter alia, contrary to the decision of the African Commission of Human Rights decision in Communication no. 266/03 *Kevin Mgwanga Gunme et al*., adopted in May 2009[[1]](#footnote-1) , wherein the Commission called on the Government of Cameroon to “stop the transfer of accused persons from the Anglophone provinces for trial in the Francophone provinces.”

***Conclusion***

LRWC calls on the Government of Cameroon to comply with its international law obligations and to:

1. Immediately and unconditionally release the above named 15 detained individuals;
2. Ensure that Ordema Francis, Agbor Taku Joseph, and Kum Nestor are treated strictly in accordance with their rights under the ICCPR and ACHPR;
3. Cease all acts of harassment, including harassment at the judicial level, and particularly through the use of arbitrary arrests and detentions, illegitimate prosecutions and unfair trials of the above named individuals;
4. Ensure that people engaged in peacefully advocating for the rights of Anglophone minority populations in Cameroon are subjected to loss of liberty or criminal processes for exercising internationally protected rights to freedoms of expression, association, and assembly and the essential democratic right to participate in public affairs by engaging in protests.

LRWC looks forward to your response.

Sincerely,

Gail Davidson, Executive Director, LRWC

Copied to:

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1. See http://www.achpr.org/files/sessions/45th/comunications/266.03/achpr45\_266\_03\_eng.pdf [↑](#footnote-ref-1)