

Lawyers' Rights Watch Canada

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

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Jointly with the following organizations:



Centre
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de la personne



Human Rights
Research
and
Education
Centre

9 June 2020

His Excellency Mr. Paul Biya
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Presidency of the Republic, Palais de l'Unité
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His Excellency Mr. Joseph Dion Nguté
Prime Minister and Head of Government
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Your Excellencies,

Re: Dismissal of human rights defender Mr. Felix Agbor Nkongho from University of Buea

We are a group of lawyers, academics, and non-governmental organizations from Canada writing to share our dismay and concern over the dismissal of human rights lawyer Mr. Felix Agbor Nkongho (also known as Agbor-Balla) on or about 6 May 2020 from his position as a lecturer at the University of Buea. We are writing to respectfully request the immediate reinstatement of Mr. Agbor Nkongho to his position as lecturer at the Faculty of Law and Political Science of the University of Buea, with all attendant rights and privileges.

This dismissal and its implications for Mr. Agbor Nkongho's safety and academic freedom raise concerns for freedom of expression in Cameroon, given the history of harassment and retaliation to which Mr. Agbor Nkongho has been subjected in the context of widely reported human rights violations in the Northwest and Southwest regions of the country. These concerns are rendered more serious in light of Mr. Agbor Nkongho's role as a human rights defender and prominent civil society leader, including his advocacy for international human rights in Cameroon at the UN Human Rights Council in Geneva in 2018 and 2019.

Mr. Agbor Nkongho was arbitrarily relieved of his teaching duties following a letter sent by Mr. Jacques Fame Ndongo, Minister of State, Minister of Higher Education, to Mr. Horace Manga, Vice-Chancellor of the University of Buea on 20 April 2020, ordering the University of Buea to take

measures against Mr. Agbor Nkongho for infringing on the “apolitical character of the university.” It is our understanding that these developments were the result of a written examination in which Mr. Agbor Nkongho and his two co-lecturers asked their students to engage in scholarly discussion of the Anglophone crisis. The university launched disciplinary procedures against Mr. Agbor Nkongho and summoned him before a disciplinary panel for “non-compliance of professional obligations” without adequate notice, which led to his immediate dismissal without opportunity for a full and fair hearing. The disciplinary panel reportedly proceeded in absentia, and it appeared that a decision to dismiss Mr. Agbor Nkongho had already been taken prior to the hearing date. The university launched no such procedures against his co-lecturers.

It is our respectful view that Mr. Agbor Nkongho’s dismissal is contrary to Cameroon’s commitment to human rights and fundamental freedoms as enshrined in regional and international human rights treaties to which it is a party.

We are concerned about the systematic harassment of Mr. Agbor Nkongho and the restriction of his freedom of expression and civil liberties. His dismissal appears to be a form of retaliation against him for his peaceful exercise of academic freedom. We respectfully remind your government of the provisions of the 1998 United Nations (UN) *Declaration on Human Rights Defenders* which requires Cameroon to ensure that everyone “has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms” and to ensure the protection of human rights defenders against any “retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action” as a consequence of their legitimate exercise of their internationally-protected rights.¹

It is our respectful view that Mr. Agbor Nkongho’s dismissal is part of a pattern of intimidation and aggression towards him for his human rights advocacy. On January 17 2017, after participating in a peaceful protest for the protection of the rights of the Anglophone minority, Mr. Agbor Nkongho was arbitrarily arrested and detained on charges of “terrorism,” “civil unrest,” “treason,” and “jeopardising the peace and unity of the Republic of Cameroon” by the Military Tribunal of Yaoundé. While all charges were ultimately dropped and Mr. Agbor Nkongho was released through Presidential Decree, he spent eight months in prison. In the most recent incident, the disciplinary procedures launched against Mr. Agbor Nkongho were based on academic work that engaged in discussion of Anglophone rights. As such, this dismissal raises serious concerns for similar retaliation and the escalation of unlawful reprisals in the future.

We join other human rights advocates and experts in our condemnation of Mr. Agbor Nkongho’s dismissal as a form of unlawful reprisal against him. Mr. Agbor Nkongho’s dismissal has been characterized as “censorship” by Human Rights Watch² and has been condemned by the Human Rights Foundation,³ the Observatory for the International Federation for Human Rights⁴ and the

¹ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution*, 8 March 1999, A/RES/53/144, see, particularly Article 12, available at: <http://www.refworld.org/docid/3b00f54c14.html>. The Declaration, while not in itself a binding instrument, is based on human rights standards enshrined in other international instruments that are legally binding, including the ICCPR. The Declaration was adopted by consensus of the General Assembly and thus represents a unanimous commitment by States to its implementation.

² Lewis Mudge, No Room for Debate in Cameroon Classrooms: Education Minister Censors Discussion of Anglophone Crisis, Human Rights Watch, 1 May 2020, available at: <https://www.hrw.org/news/2020/05/01/no-room-debate-cameroon-classrooms>.

³ Cameroon Pressures University To Fire Anglophone-Rights Advocate and Lecturer, Human Rights Foundation, 13 May 2020, available at: https://hrf.org/press_posts/cameroon-pressures-university-to-fire-anglophone-rights-advocate-and-lecturer/

Scholars at Risk Network.⁵ We also remind you of the appeal made to the Cameroonian government on 28 April 2020 by several UN Special Rapporteurs and Working Groups to strongly condemn all retaliation against human rights defenders such as Mr. Agbor Nkongho.⁶

We urge you to make a public statement to the Government of the Republic of Cameroon, the University of Buea and to the international community declaring that all human rights defenders, including Mr. Agbor Nkongho, have the right to academic freedom and freedom of expression. We also urge you to call on Mr. Jacques Fame Ndongo, Minister of Higher Education, and Mr. Horace Manga, Vice-Chancellor of the University of Buea, to:

- Order the immediate reinstatement of Mr. Felix Agbor Nkongho (also known as Agbor-Balla) in his full capacities as lecturer at the University of Buea, Faculty of Law and Political Science.

We further urge you to:

- Ensure that the rights of peaceful human rights defenders are respected, protected, and fulfilled in all circumstances, without any hindrance or fear of reprisals;
- Guarantee in all circumstances the freedom of expression of all human rights defenders and human rights organisations in Cameroon and take action to ensure that no individual or organisation faces reprisals for their legitimate human rights activities;
- Uphold and implement in all circumstances the provisions of the UN *Declaration on Human Rights Defenders*, in particular its Articles 1, 6 and 12.2;
- Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with all international human rights treaties ratified by Cameroon.

We stand ready to provide any additional information or support that you may require. We would appreciate your early reply to this letter.

Yours sincerely,

[signed]

David Robinson
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[signed]

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⁴ Cameroon: Harassment against human rights lawyer Felix Agbor Nkongho, FIDH, 14 May 2020, <https://www.fidh.org/en/issues/human-rights-defenders/cameroon-harassment-against-human-rights-lawyer-felix-agbor-nkongho>.

⁵ Scholars at Risk Network, 20 April 2020, <https://www.scholarsatrisk.org/report/2020-04-20-university-of-buea/>.

⁶ UN OHCHR, Cameroon must protect human rights defenders – UN experts, 28 April 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25835&LangID=E>.

[signed]

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[signed]

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[signed]

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This letter is also endorsed by the following individuals:

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