
CAMEROON

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, human rights defenders fighting against corruption and in favour of economic and social rights were subjected to harassment while defenders of the rights of the LGBTI community continued to suffer various forms of prejudice and acts of intimidation from the religious authorities, as well as from the hostility of the authorities. Moreover, a human rights defender was placed under close surveillance following her participation in a meeting on the protection of defenders and because of her activities.

Political context

When in 2008, President Biya amended Article 6.2 of the Constitution allowing him to seek a third term in presidential elections set for October 2011, he also appointed by decree the twelve members of the electoral commission (Elecam) which mandate is to organise and supervise the elections in an independent manner. All twelve Elecam appointees were either members or close allies of the ruling Cameroon People's Democratic Movement (*Rassemblement démocratique du peuple camerounais* - RDPC). This total control of Elecam by the Executive was reinforced even further on March 26, 2010, when an amendment to Law No. 2006/11 on the establishment, organisation and functioning of Elecam formally authorised the return of the Ministry of Administration and Decentralisation within the organisation of the electoral process and eliminated the requirement for consultation with civil society in this regard¹. Moreover, despite calls by the opposition parties and civil society, the country still lacks a single electoral code allowing for the harmonisation of the different and sometimes contradictory texts which regulate the normative election framework.

The fight against corruption in Cameroon was also a dominant topic throughout 2010. "Operation Sparrow Hawk", launched in 2004 to investigate a large number of allegations of embezzlement involving public officials and former ministers of State, led to further arrests of former members of Government and heads of public enterprises, and to the holding of several trials of persons remanded in custody since 2008. Described by some as a means to settle scores through the courts, the anti-corruption

1/ The new text stipulates that Elecam "organises its consultations with the administration, the judiciary, political parties and possibly with civil society in the framework of management of the electoral process", while the former text simply stated that Elecam "organises its consultations with the administration, the judiciary, political parties and civil society".

operation was also seen as an opportunity for the Head of State to eliminate potential political rivals². In addition, the UN Committee Against Torture and the UN Commission on Human Rights expressed deep concern about the various allegations of human rights violations and the prevailing climate of impunity in the country. In their respective reports of May 19 and August 4, 2010, they regretted in particular the fact that two years after the events of February 2008³, the State is still not able to provide an exhaustive report on the allegations of serious human rights violations committed by its security forces. These two bodies have therefore recommended the initiation of “prompt, impartial and exhaustive forensic” investigations following allegations of extrajudicial killings and other acts of torture and cruel, inhuman or degrading treatments in order to ensure that those responsible are brought to justice. The UN Committee Against Torture also expressed concerns about allegations of harassment, arbitrary detention, torture or cruel, inhuman or degrading treatments and death threats against journalists and human rights defenders and about the fact that such acts remain unpunished⁴. The Human Rights Committee also expressed its deep concern about Article 347 bis of the Cameroon Criminal Code, which punishes “any individual having sexual relations with a person of the same sex” with a fine ranging from 20,000 to 200,000 CFA francs (about 30 to 305 euros) and six months to five years imprisonment. The Commission noted that this discriminates and violates the right to privacy of individuals, and called on the State to take steps to make it clear that it does not tolerate any form of harassment, discrimination and violence against the sexual orientation of individuals⁵, in conformity with the International Covenant on Civil and Political Rights.

Intimidation and judicial harassment of journalists who denounce corruption

In 2010, investigative journalists covering stories related to the management of public finances and the conduct of criminal investigations as part of “Operation Sparrow Hawk” were subjected to judicial prosecution. Thus, on February 5, 2010, the correspondent of the weekly *Bebela*, Mr. **Simon Hervé Nko’o**, and Messrs. **Serge Yen Sabouang**, **Harrys Robert Mintya Meka** and **Germain Cyrille Ngota**, alias **Bibi Ngota**, respectively Editors

2/ See Home for Human Rights (*Maison des droits de l’Homme* - MDH).

3/ See Annual Report 2009.

4/ See UN Committee against Torture, *Concluding Observations of the Committee against Torture - Cameroon*, UN Document CAT/C/CMR/CO/4, May 19, 2010, and UN Human Rights Committee, *Concluding Observations of the Human Rights Committee - Cameroon*, UN Document CCPR/C/CMR/CO/4, August 4, 2010.

5/ See UN Human Rights Committee, *Concluding Observations of the Human Rights Committee - Cameroon*, UN Document CCPR/C/CMR/CO/4, August 4, 2010.

of the bimonthly *La Nation*, the weekly *Le Devoir* and the *Cameroun Express*, were arrested by the Directorate General of External Research (*Direction Générale de la Recherche Extérieure* - DGRE) for “possession of documents compromising” State dignitaries. The journalists were investigating allegations of embezzlement in connection with the acquisition of a boat-hotel by the National Hydrocarbons Corporation (*Société nationale des hydrocarbures* - SNH) in 2008, and were in possession of a note dated June 20, 2008 signed by Mr. Laurent Eso, Minister of State, Secretary General at the Presidency of the Republic and Chairman of the Board of SNH, ordering the payment of substantial commissions to intermediaries in connection with this acquisition. Mr. Ngota was released on February 8, 2010, while Messrs. Nko’o, Yen Sabouang and Mintya Meka were freed on February 12. During their detention, they were allegedly subjected to interrogation and ill-treatment aiming at forcing them to reveal the source of the confidential note⁶. On February 26, 2010, Messrs. Serge Yen Sabouang Yen, Bibi Ngota and Harrys Robert Mintya Meka were again arrested and brought before the Prosecutor of the High Court of Mfoundi. All three were held in custody under order of an Investigating Judge on March 10, 2010, and then incarcerated at Kondengui central prison in Yaounde for “co-action of forgery” and “imitation of the seals of the Republic”. They were accused of being the authors of the note dated June 20, 2008, which the investigation purportedly revealed was in fact a fake. On November 24, 2010, Mr. Mintya Meka and Mr. Yen Sabouang were released and the charges against them were dropped, with no official reasons given for their release. As for Mr. Bidi Ngota, he died in prison on April 22, 2010 from “abandonment”, “bad treatment” and “non-assistance” of the authorities, according to the initial death certificate of the prison doctor, even though the authorities had been informed that he suffered from asthma and hypertension. On April 27, 2010, President Biya ordered a police investigation but two days later the Minister of Communication, Mr. Issa Bakary Tchiroma, stated that according to an official medical report provided by the prison authorities on April 29, 2010, the journalist was believed to have “succumbed to HIV/AIDS”⁷. In addition, on February 3, 2011, Mr. Jean-

6/ Thus, Mr. Nko’o, who had been held in solitary confinement, said security agents subjected him to waterboarding, sleep deprivation, nudity and prolonged exposure to cold. Upon his release, the Director of his newspaper denounced a series of acts of torture and cruel, inhuman and degrading treatments, including the use of iron bars to beat the soles of the feet. A medical certificate dated February 22, 2010 noted there were lacerations on the soles of his feet.

7/ See MDH. The Minister said the report’s conclusions were based on the results of an autopsy performed by a physician at the University Hospital in the presence of the family, which was denied by the victim’s brother. On September 14, 2010, the Deputy Minister of Justice, Mr Amadou Ali, presented the results of the criminal investigation, dismissing the hypothesis that Mr. Ngota reportedly died as a result of mistreatment during his successive periods of detention.

Marie Tchatchouang, Editor of the weekly journal *Paroles*, was arrested by the police and held in detention until the following day. On February 4, he was accused of “defamation” by the Douala Public Prosecutor on the basis of a complaint lodged by Mr. Jean Ernest Ngallé Bibébé, Director General of the Cameroon urban transport company (*Société camerounaise de transport urbain - SOCATUR*), following a series of articles published between September and December 2010 related to the alleged embezzlement of public funds by Mr. Bibébé and his wife. On March 28, 2011, the Court of First Instance of Douala-Ndokoti found him guilty of the charge and condemned him to a six-month suspended prison sentence and to a fine of 185,200 CFA francs (about 282 euros) and one million CFA francs (about 1,524 euros) in damages. The court also decided to suspend the newspaper for an indefinite period. Mr. Tchatchouang was then held in custody and taken to Douala prison. He appealed the court decision⁸. On January 12, 2011, Mr. **Thierry Ngogang**, Editor-in-chief of the private television channel *STV2*, Mr. **Alex Gustave Azebaze**, an independent journalist and the Second Secretary of the National Union of Journalists of Cameroon (*Syndicat national des journalistes du Cameroun - SNJC*), Mr. **Anani Rabier Bindzi**, a journalist working for the private TV channel *Canal2 International*, and Mr. **Manassé Aboya Endong** a political scientist and professor at the University of Douala, were cited to appear before the Criminal Court of Douala to face criminal proceedings based on Articles 74, 96, 169 and 310 of the Criminal Procedural Code⁹. On June 1, 2009, they had disclosed and discussed a report during an *STV2* televised debate on police investigations in connection with “Operation Sparrow Hawk” involving former managers of public funds suspected of corruption. The trial was adjourned several times in 2010 and no substantive discussions to move the process forward had been initiated by the end of April 2011¹⁰.

Obstacles to the organisation of demonstration in support of economic and social rights

Although freedom of peaceful assembly is enshrined in Law No. 990/055 of December 19, 1990 on meetings and demonstrations, a rally held in Yaoundé on November 11, 2010 advocating for economic and social

8/ See Network of Human Rights Defenders in Central Africa (*Réseau des défenseurs des droits humains en Afrique centrale - REDHAC*).

9/ They are being prosecuted for having “related publicly a judicial procedure that was not finalised in conditions that even intentionally sought to influence the opinion of others for or against the parties” and for having “revealed without authorisation” confidential information that was entrusted to them in view of their profession or function. They are facing up to three years in prison and a five million CFA francs (about 7,622 euros) fine.

10/ See REDHAC.

rights was ordered to be dispersed by the Deputy Prefect of Yaoundé III district, despite being officially notified to the authorities, in accordance with Article 6 of that law. The rally was called by the Public Sector Central Trade Union (*Centrale syndicale du secteur public* - CSP) outside the Prime Minister's office, in order to present him with a memorandum from public service workers addressed to the Head of State calling in particular for improved working conditions in the country. It was banned by the Deputy Prefect on the grounds that "public demonstrations of a vindictive and/or protest nature are and shall remain prohibited throughout the entire department of Mfoundi" (Yaoundé). However, only the Prefect – not the Deputy Prefect – has the authority to impose such a ban¹¹. Officers from the central police station in Yaounde were subsequently dispatched to the scene and arrested Mr. **Jean-Marc Bikoko**, President of the CSP, Mr. **Eric Nla'a**, the CSP accountant, Mr. **Maurice Angelo Phouet Foe**, Secretary General of the Autonomous National Education and Training Trade Union (*Syndicat national autonome de l'éducation et la formation* - SNAEF), Mr. **Joseph Ze**, Secretary General of the Unitary National Union of Teachers and Professors (*Syndicat national unitaire des instituteurs et professeurs des écoles normales* - SNUIPEN), Mr. **Theodore Mbassi Ondo**, Executive Secretary of the Federation of Education Trade Unions of Cameroon (*Fédération camerounaise des syndicats de l'éducation* - FECASE), and Messrs. **Nkili Efoa** and **Claude Charles Felein**, SNUIPEN members. Accused of holding an "illegal demonstration" and "disturbing public order", they were brought before the Public Prosecutor the next morning without having an opportunity to consult a lawyer. That evening, the Public Prosecutor ordered their provisional release, informing them that they were to appear before the Court of First Instance of Yaounde on November 15, 2010. The trial was subsequently postponed several times, and had not resumed by late April 2011.

Harassment against defenders of the rights of sexual minorities

In 2010-2011, the lesbian, gay, bisexual, transgender and intergender (LGBTI) community and the defenders of their rights, remained subject to various prejudices and acts of intimidation by the religious authorities, and to the hostility of the authorities. On January 13, 2011, for example, following the decision of the European Union (EU) to finance the Project to Provide Assistance and Guidance to Sexual Minorities (*Projet*

11/ In addition, the trade unionists only became aware of the existence of a letter banning their demonstration during the interrogation at the police station on the day of their arrest.

d'assistance et d'encadrement des minorités homosexuelles - PAEMH)¹², proposed jointly by the Association for the Defence of Homosexuality (*Association de défense de l'homosexualité - ADEFHO*), the Collective of Families with Homosexual Children (*Collectif des familles d'enfants homosexuels - COFENHO*) and Youth Against AIDS (*Adolescents contre le sida - Sid'ado*), the Minister of External Relations, Mr. Henri Eyebe Ayissi, summoned Mr. Raoul Mateus Paula, Head of the EU Delegation in Cameroon, to convey the Government's opposition to this decision on the grounds that the Cameroon Criminal Code criminalises homosexuality. Moreover, following the project launch on December 22, 2010, Ms. **Alice Nkom**, ADEFHO President, as well as a human rights lawyer and one of the chief officials of PAEMH, received death or rape threats on several occasions.

Harassment and intimidation of a defender who participated in a meeting on the protection of defenders

Since February 2010, a human rights activist has been subjected to close surveillance and repeated acts of intimidation after she attended a meeting on the protection of human rights defenders. Thus, having participated in the fifth Dublin (Ireland) platform for human rights defenders organised by the international NGO Frontline on February 10 to 12, 2010 and during which she presented a report on the human rights situation in Cameroon, Ms. **Maximilienne Ngo Mbe**, Secretary General of the organisation Solidarity for the Promotion of Human Rights and Peoples (*Solidarité pour la promotion des droits de l'Homme et des peuples - PRODHOP*) and Executive Director of the Network of Human Rights Defenders of Central Africa (*Réseau des défenseurs des droits humains en Afrique Centrale - REDHAC*), received an anonymous threat by letter at her workplace, accusing her of "tarnishing the image of the President of the Republic". No complaint was made to the authorities¹³. Following her return from Dublin, Ms. Ngo Mbe was also the victim of repeated thefts. On July 6, 2010, on the eve of the REDHAC General Assembly in Douala bringing together representatives of all REDHAC human rights NGO members, her computer and mobile phone as well as various computer accessories and documents related to the meeting were stolen. The victim complained to the police, but the perpetrators remained unidentified as of mid-April

12/ The PAEMH was responding to a call for proposals from the EU that includes a section on legal and medical assistance to persons arrested and detained because of their sexual orientation, some of whom have HIV/AIDS, and a component for advocacy with the Cameroon authorities, notably to persuade the Cameroon Supreme Court to take a stand on the legality of Article 347 bis, which criminalises homosexuality. Universal access to health care for homosexuals is also part of the advocacy component.

13/ See MDH and REDHAC.

2011. In addition, since March 7, 2011, her telephone has been wiretapped and she has been followed by a car with no registration plates. At a press conference at REDHAC headquarters on March 10, 2011, Ms. Ngo Mbe, accompanied by Ms. Alice Nkom, publicly denounced the conditions of arrest and incommunicado detention of eight association and political leaders, and notably deplored the violation of their right to defence. On March 22, 2011, on the eve of a seminar on the protection of human rights defenders organised by REDHAC at its headquarters in Douala, Ms. Ngo Mbe's wallet, containing her identity papers, driver's license and other documents, were stolen. On April 3, 2011, on her return from the Douala first district police station, where she had gone to obtain a new identity card, she noticed that her new wallet containing only the provisional receipt for the latter had disappeared along with other working papers, while the money in her handbag was intact.

Urgent interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. Jean-Marc Bikoko, Maurice Angelo Phouet Foe, Eric Nla'a, Joseph Ze, Théodore Mbassi Ondo, Nkili Effoa and Claude Charles Felein	Arrests / Obstacle to the right to peaceful assembly	Urgent Appeal CAM 001/1110/OBS 135	November 12, 2010
	Judicial harassment	Urgent Appeal CAM 001/1110/OBS 135.1	December 17, 2010
		Urgent Appeal CAM 001/1110/OBS 135.2	February 11, 2011
Association for the Defence of Homosexuality (ADEFHO), Collective of Families with Homosexual Children (COFENHO) and Youth Against AIDS (Sid'ado) / Ms. Alice Nkom	Obstacles to freedom of association / Death threats	Joint Press Release	February 10, 2011
Ms. Maximilienne Ngo Mbe	Theft / Harassment	Urgent Appeal CAM 001/0411/OBS/063	April 15, 2011