

## ANNEX

### Office of the United Nations High Commissioner for Human Rights

#### **Summary of the Report of the OHCHR Technical Mission to Cameroon (5-26 September 2019)**

##### **1. Introduction and methodology**

From 5 to 26 September 2019, OHCHR deployed a human rights assessment team to Cameroon with two objectives: to assess the human rights situation in the North-West and South-West regions of Cameroon and propose recommendations for follow-up actions and options for further cooperation with the Government of Cameroon. The deployment of the team followed the visit to Cameroon of the United Nations High Commissioner for Human Rights, Michelle Bachelet, in May 2019.

The deployment of this mission was prompted by reports of persisting human rights violations and abuses in the two regions in the context of the crisis and violence, which has been ongoing since October 2016.

The OHCHR assessment team visited four locations in Cameroon; the capital Yaoundé in the Central region, Douala in the Littoral, Buea in the South-West region and Bamenda in the North-West region. The team held discussions with State officials, United Nations agencies, civil society organizations, the Cameroon Human Rights Commission, community and religious leaders, victims and witnesses. At the end of the mission, the team debriefed the Government on its work and discussed possible recommendations. Throughout the duration of the mission, OHCHR received good cooperation and support from various Government counterparts and was able to move freely within the country without restrictions, apart from those imposed by the security situation and United Nations rules and regulations.

The mission aimed to identify trends in violations and abuses committed based on analysis of information available from October 2016 to September 2019, in order to suggest options for follow-up action and to reinforce cooperation for the promotion and protection of human rights. The mission was not intended to be a comprehensive fact-finding mission concerning the human rights situation since the beginning of the crisis in October 2016.

The full version of the report of the mission was shared with the Government of Cameroon in December 2019. It contained the findings of the mission, as well as a set of proposed actions for discussion. In January 2020, the Government sent its comments and observations, including on OHCHR methodology, as well as proposing a reformulation of some OHCHR recommendations and making new recommendations on the report. Subsequently, during the course of 2020, a series of consultations took place in Geneva and in Yaoundé regarding the way forward.

In a meeting with the Cameroon Minister of External Relations in March 2020, in Geneva, High Commissioner Bachelet informed that it was her intention to publicize a summary of the report with the recommendations and a proposed roadmap for action, once consultations with the Government and United Nations partners had taken place. These consultations were delayed by the outbreak of the COVID-19 pandemic and other developments. OHCHR requested the

Government to provide information on its actions taken and planned in relation to the crisis in the North-West and South-West regions of Cameroon, including in response to the report. Whilst a common roadmap between the United Nations and the Government has yet to be concluded, the Government has indicated a desire for support from OHCHR, other parts of the United Nations and its partners. Following a meeting between the High Commissioner and the Permanent Representative of Cameroon to the United Nations in Geneva on 11 May 2021, OHCHR received a letter on 26 May 2021, outlining some steps the Government had taken and ongoing actions in relation to the human rights situation in the North-West and South-West regions.

Two years after OHCHR technical mission, according to the information the Office received, the situation in the North-West and South-West regions continues to be of serious concern. Human rights violations and abuses by State defence and security forces and armed separatist groups highlighted in this report continue to be reported.

Various recommendations are proposed to the Government in this summary in order to address this situation, including to ensure prompt, thorough, effective, impartial and independent investigations into all alleged human rights violations and abuses committed in the North-West and South-West regions, holding perpetrators accountable, and providing victims with effective remedy. OHCHR also urged defence and security forces and armed separatist groups to adhere to international law.

OHCHR takes note of actions and initiatives by the Government to address the human rights situation and encourages to pursue its efforts to implement the recommendations contained in this summary report. In its comments on this summary the Government of Cameroon has made its willingness clear to follow up on allegations and reaffirmed its commitment to accountability and the fight against impunity.

## **2. Context**

One of the triggers of the crisis in the North-West and South-West regions of Cameroon was the appointment in 2016 of French-speaking judges (trained in civil law) to courts in these regions where common law applies. Protests started on 6 October 2016 as a sit-down strike was organised by the Cameroon Anglophone Civil Society Consortium, an organization composed of lawyer and teacher trade unions from the two regions. Other peaceful protests were organized in the cities of Bamenda, Buea, and Limbe calling for the protection of the common law system in the North-West and South-West regions. Other grievances were related to the lack of translation into English of laws such as the Uniform Acts of the *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* (OHADA) and others.

Peaceful demonstrations were soon followed by violent confrontations between the State security forces and the demonstrators, some of whom were detained. These events were a major turning point in the crisis. Since then, numerous armed separatist groups have emerged and engaged in a violent campaign for independence of the North-West and South-West regions of the country.<sup>1</sup> Violence increased significantly and became widespread across the two regions with the presence of new and fragmented armed separatist groups, which was met with a robust deployment of defence and security forces in many towns. In addition to schools and hospitals, other Government institutions ceased to function or their functioning has been severely affected.

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<sup>1</sup> Referred to by some as the “Anglophone regions”

In order to address some of the grievances expressed, the Government took a series of measures since December 2016, including: the reorganization of the national school of administration, increasing of the number of English speaking public servants, the publication of the official English version of the Uniform Acts of OHADA, the opening of the Common Law Division at the Supreme Court, the establishment of the National Commission for the Promotion of Bilingualism and Multiculturalism, the establishment of the National Disarmament, Demobilisation and Reintegration Committee, the creation of the Ministry of Decentralization and Local Development, the release of 289 persons arrested in the context of the crisis in the North-West and South-West regions and the deployment of more troops in October 2017. The national dialogue initiated by the President of the Republic in September 2019 has resulted, among other measures, in the enactment of the law on the decentralization, granting more authority to elected mayors, the suppression of Government delegates, and more particularly, the creation of a special statute for the North-West and South-West regions. The dialogue further led to the release of Maurice Kamto, a leading opposition politician, and more than a hundred others detained in the context of the October 2018 presidential elections, and the subsequent release of 333 persons arrested in the context of the crisis in the North-West and South-West regions.

### **3. Summary of findings**

During the mission to Cameroon, OHCHR received information from various sources including United Nations agencies and international organizations suggesting that at least 1,800 persons were killed in the North-West and South-West regions since the beginning of the crisis in the second half 2016 to September 2019 when the mission was on the ground.<sup>2</sup> OHCHR did not receive information allowing for an attribution by perpetrators of the exact number of people killed due to the lack of systematic monitoring and casualty tracking. Whilst the mission was on the ground, OHCHR documented 29 cases of unlawful killing by State defence and security forces including five children and four women, between October 2017 and September 2019. The team also received information on the killing of 10 civilian men by armed separatist groups, three of whom were beheaded. Members of the armed separatist groups often accused their victims of being “black legs” or traitors working for the Government. In addition, OHCHR documented seven cases of individuals killed during clashes between Government soldiers and armed separatist groups, including a catholic priest and an elderly woman.

Women and girls were reportedly victims of rape and gang rape and other forms of sexual violence committed by elements of the State defence and security forces, often after attacks on villages in the context of counter-insurgency operations. Information received by OHCHR suggested that armed separatist groups were also involved in raping women and girls especially while abducting and depriving them of their liberty. In September 2019, OHCHR received information suggesting an increase in cases of rape and other forms of sexual violence against women as well as girls as young as nine. Altogether, OHCHR received first-hand information relating to at least 15 cases of sexual violence by defence and security forces and conducted interviews with three victims of rape and other forms of sexual violence, some of them in need of urgent medical and psychological support. OHCHR referred them to specialised institutions where they could get such support.

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<sup>2</sup> See among others, International Crisis Group, Report 272/ Africa, *Crise Anglophone au Cameroun: Comment arriver aux pourparlers*, 2 May 2019.

Members of armed separatist groups were reported to have abducted hundreds of individuals, including students, teachers, journalists, Government officials and released them after the payment of ransoms. Some of those who could not pay were reportedly executed.

Moreover, OHCHR found that attacks on healthcare facilities were of great concern since the beginning of the violence in the North-West and South-West regions. According to the World Health Organization (WHO),<sup>3</sup> 33 attacks against health facilities were documented between January and June 2019 alone, with seven people killed - five patients and two health personnel - and two others injured. It was reported that armed separatist groups, as well as the State defence and security forces, attacked health institutions. Armed separatist groups also attacked schools, medical personnel and facilities, including ambulances.

In various villages, hundreds of houses, shops and markets were set ablaze by armed separatist groups and State defence and security forces, leading people to flee on a large scale. For instance, OHCHR received information from a reliable source suggesting that 900 houses were destroyed by fire in Bui and Donga Mantung, two of the seven divisions of the North-West region, between October 2017 and September 2019.<sup>4</sup> According to the United Nations,<sup>5</sup> as of August 2019 more than 530,000 people were forced out of their homes because of clashes between State defence and security forces and armed separatist groups in their area since the start of the crisis. According to Government information, in September 2019, 152,000 persons were displaced in the two regions<sup>6</sup>.

Children are among the most affected by this crisis. At the end of August 2019, more than 700,000 children of school age (representing 90 percent of those up to 18 years of age in the two regions) were out of school for three years because 80 per cent of the schools in the North-West and South-West regions remained closed.<sup>7</sup> Denial of access to education by destroying schools, killing and kidnapping students and teachers was used by armed separatist groups as a bargaining chip in the discussion on the political solution of the crisis. Those who managed to reach other regions faced barriers to education due to the lack of birth certificates and means to pay the school fees. In addition, OCHA<sup>8</sup> estimated that up to 7,000 children between six and 59 months were suffering from severe acute malnutrition.

The roadblocks erected by armed separatist groups on major roads and their proclamation of so called “ghost towns” every Monday and “lockdowns” – were also a major concern. These acts and the checkpoints set up by State defence and security forces resulted in serious impediments on the freedom of movement of the population and access to humanitarian assistance to those forced to flee the violence. In addition, the lack of national identity cards, often destroyed by armed separatist groups or lost during attacks prevented the population from moving from one place to another, increased their vulnerability.

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<sup>3</sup> WHO and Health Cluster, Attacks on healthcare in the North West and South West regions of Cameroon January 2019-June 2019.

<sup>4</sup> Confidential report from a religious organization (on file with OHCHR)

<sup>5</sup> The United Nations estimated at 530,000 the number of people displaced in these two regions because of the ongoing crisis. See OCHA, Cameroon: North-West and South-West Crisis Situation Report No. 9, as of 31 July 2019. At the end of August 2019, the number of displaced was 536,107 (see [https://data2.unhcr.org/en/country/cmr\\_consulted\\_in\\_September\\_2019](https://data2.unhcr.org/en/country/cmr_consulted_in_September_2019))

<sup>6</sup> Cameroonian authorities referred to these figures during the various meetings with the OHCHR team, including the debriefing meeting with representatives of several Ministries, organised on 25 September 2019 in Yaoundé.

<sup>7</sup> OCHA, Cameroon: North-West and South-West Crisis Situation report No. 9, as of 31 July 2019.

<sup>8</sup> *Ibid.*

One of the features of the ongoing crisis has been the use of social media by armed separatist groups to convey their orders to the fighters and disseminate information within the population about their political positions and decisions. Messages related to “lockdowns” and “ghost towns” were thus often transmitted to the public using social media.

The crisis has affected businesses operating in the two regions. Armed separatist groups have directly targeted major companies such as the Cameroon Development Corporation (CDC), asking CDC employees to stay at home and allegedly attacked those who continued to go to work. Some were consequently killed or maimed. In addition, the price of basic goods in villages in the North-West and South-West increased due to the overall insecurity and restrictions of movement. In many parts of these regions, the population remained in dire need of humanitarian assistance. In response, the Government announced the launch of a “large scale assistance plan” and created a Centre for Coordination of Humanitarian Action. However, information received from the affected areas suggest that the assistance did not necessarily reach all those in need for various reasons including lack of access due to security reasons.

#### **4. Overview of the findings of the technical mission**

##### *1.1. Unlawful killings*

Individuals in the North-West and South-West regions were killed during clashes between defence and security forces, and armed separatist groups. Others were victims of targeted killings or executions.

OHCHR documented the unlawful killing of 29 individuals, including five children and four women, by State defence and security forces during the period covered by the mission. During operations, defence and security forces appeared to have mainly targeted young people. Older people and those with disabilities were reportedly burnt alive in the houses when soldiers torched homes of suspected members of armed separatist groups.

The mission documented 10 deliberate killings, which were attributed to armed separatist groups. Individuals suspected of supporting or informing soldiers, also called “black legs” were targeted. Armed separatist groups killed individuals either because they did not pay a financial contribution or because they did not comply with “ghost town” or “lockdown” measures. Three were beheaded, and their heads exposed in public places.

##### *1.2. Rape and other forms of sexual violence*

During the period covered by the mission, OHCHR documented 15 cases of sexual violence against women and girls including rape, gang rape and sexual harassment. The State defence and security forces and armed separatist groups committed such violations and abuses with almost total impunity. According to individuals and organisations with whom the OHCHR team met, sexual violence was prevalent throughout the crisis though often not documented in detail due to the reluctance of victims to come forward. During the mission, the OHCHR team referred three women victims of rape to specialised institutions for urgent medical and psychological support.

##### *1.3. Torture and other cruel, inhuman or degrading treatment and punishment*

OHCHR received dozens of accounts of acts of torture and ill-treatment by both the State defence and security forces and armed separatist groups. Acts of torture and ill-treatment by

defence and security forces mainly aimed at extracting information regarding armed separatist groups. Ill-treatment by armed separatist groups of abducted people was related to non-payment of ransoms to fund their activities, including purchasing weapons. Beating of those deprived of liberty with the flat side of a machete emerged as the common method of torture and ill-treatment by all sides.

#### *1.4. Abductions*

During its mission, OHCHR verified 20 cases of abductions, including women, by armed separatist groups. Victims included religious leaders, journalists, traders, politicians, and medical staff often considered as traitors. Victims were usually released, often after large sums of money were paid as ransom. In some cases, victims' relatives were forced to raise up to 7 million CFA francs (approximately US\$11,686) to secure the release of their family members. According to information received by OHCHR, the ransom was paid in cash, dropped at specifically designated places or via mobile money transfer. Among the victims of abductions was John Fru Ndi, the Chairman of the Social Democratic Front opposition party, abducted on 28 June 2019. His abductors asked him to order all his party's elected members to quit the National Assembly. He was eventually released two days later.

#### *1.5. Destruction of property*

The State defence and security forces as well as armed separatist groups deliberately destroyed private and public property, including villages, entirely or partially, homes, shops, schools or health facilities. OHCHR was not able to establish the exact number of villages destroyed but dozens of sources referred to hundreds of houses and parts of villages destroyed before, during or following clashes between defence and security forces and armed separatist groups since October 2017. Destructions occurred also during clashes between these actors, which made it difficult to attribute responsibility.

OHCHR documented cases where State defence and security forces shot at individuals while setting fire to their properties, accusing them of supporting, spying or providing shelter and food to armed separatist groups. Separatist armed groups also destroyed properties of victims they accused of belonging to the ruling party or of keeping electoral ballots in their houses. They also attacked and destroyed public buildings. OHCHR received information from reliable sources suggesting that 900 houses were destroyed in Bui and Donga Mantung,<sup>9</sup> two of the seven divisions of the South-West region.<sup>10</sup>

#### *1.6. Forced displacement*

Regular clashes between defence and security forces and armed separatist groups, combined with targeted attacks against individuals, burning of homes, shops and villages, denial of access to schools and health facilities, led to the displacement of hundreds of thousands of individuals from various parts of the North-West and South-West regions.

According to OCHA, there were more than 530,000 internally displaced persons (IDPs) as of end of August 2019, including many unaccompanied and separated children. OHCHR received information from the Government suggesting that 152,000 persons had been displaced in the

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<sup>9</sup> Between October 2017 and September 2019.

<sup>10</sup> Confidential report from a religious organization (on file with OHCHR)

two regions since the start of the crisis and up to 70,000 persons sought refuge in Nigeria since October 2017.

### *1.7. The right to education*

At the end of August 2019, more than 700,000 children were out of school for three years as 80 per cent of the schools in the North-West and South-West regions remained closed.<sup>11</sup> Denial of access to education by destroying schools, killing and kidnapping students, teachers and parents was used by the armed separatist groups as a bargaining chip in the discussion on the political solution of the crisis. Lack of administrative documents, including birth certificates, affected the ability of internally displaced children to attend classes, as did the high cost of education in terms of indirect expenses and informal fees required by some schools' heads.

### *1.8. The right to health*

According to WHO, out of 742 health facilities, including hospitals, it monitored in June 2019, 27 per cent were partially functional or non-functional at all in the two regions (34 per cent in the South-West and 21 per cent in the North-West). According to other sources, 48 per cent of health facilities would be partially functional or non-functional.<sup>12</sup> Thirty-three health facilities were attacked in the period between January to June 2019, causing the death of seven people, including five patients, and injuring two others.<sup>13</sup> OHCHR received information of patients who were intimidated or even extracted from health facilities by defence and security forces, while armed separatist groups burned hospitals whilst patients under treatment were unable to flee. IDPs were unable to access health facilities due to the long distance from their hiding places in the bush and lack of identity cards, road-blocks and check points set up by defence and security forces, leading also to deaths due to lack of medical assistance.

### *1.9. The rights to freedom of opinion and expression, association and peaceful assembly*

OHCHR received information from numerous sources, including human rights defenders, lawyers and journalists, about cases of banning of non-governmental organizations from operating; threats, intimidation and attacks against journalists; and excessive use of force in the dispersal of peaceful demonstrations by both Government security forces and separatist armed groups in the North-West and South-West regions. This situation resulted, in some instances, in unlawful killings, arbitrary arrests and detention. During its mission, OHCHR documented and verified nine incidents, including arbitrary arrest and detention, affecting journalists or media houses broadcasting information related to the crisis in the North-West and South-West regions.

### *1.10. Hate speech and incitement to violence*

During discussions with various interlocutors in September 2019, including in Buea and Bamenda, there were consistent beliefs expressed that hate speech and incitement to violence propagated mainly through social media, were one of the driving forces of the ongoing crisis. While OHCHR was unable, during its mission, to identify sources of hate speech or incitement to hatred or violence that fulfilled the Rabat Plan of Action's six-part threshold test for forms

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<sup>11</sup> OCHA, Cameroon: North-West and South-West Crisis Situation Report No. 9, as of 31 July 2019.

<sup>12</sup> This percentage concerns the North-West region (meeting in Bamenda, September 2019).

<sup>13</sup> WHO and Health Cluster, Attacks on healthcare in North-West and South-West regions of Cameroon, January 2019-June 2019.

of prohibited speech, it did note offensive social media excerpts from Cameroonians within the country and abroad. Social media, specifically Facebook, Twitter and WhatsApp, have been the major media outlets often used to share messages, videos and audio documents related to the situation in the North-West and South-West regions. OHCHR noted a number of inaccurate social media posts and possibly manipulated videos that were widely disseminated in relation to the situation in the two regions, fuelling tensions.

#### *1.11. Threats against human rights defenders*

OHCHR received allegations of threats against human rights defenders. In Yaoundé, Douala, Buea and Bamenda, nine human rights defenders from the North-West and South-West regions, including six women, informed OHCHR that they were forced to flee their homes following threats by State defence and security forces, as well as from armed separatist groups.

Most of the human rights defenders explained they received death threats on their mobile phones, through anonymous messages, or intimidating calls. Some received visits at night by unknown armed individuals asking for money and ordering them to cease their activities, threatening them to abduct their family members.

## **6. Conclusion and recommendations**

Human rights violations and abuses have been taking place in the North-West and the South-West regions especially following intensification of the violence since October 2017. OHCHR was able to document and verify serious human rights violations committed by the State defence and security forces deployed in the North-West and South-West regions, as well as human rights abuses by armed separatist groups present in the two regions. These included killings of individuals and injuring of others, rape and other forms of sexual violence, abduction of individuals by armed separatist groups for ransom and regular attacks on villages during which homes, schools and health facilities were set ablaze.

Both the defence and security forces and armed separatist groups have an obligation to adhere to applicable international law and to refrain from targeting the population.

The defence and security forces are required to take adequate measures to respect applicable international law, especially during operations, in particular the Basic Principles on the use of force and firearms by law enforcement officials.

The Government of Cameroon should ensure that victims of violence, human rights violations and abuses, including victims of sexual violence have access to assistance wherever they are in the country.

Necessary measures should be taken to create an enabling environment for the reopening of all schools in the crisis affected regions while ensuring security for schoolchildren and educators.

The Government also should ensure that healthcare is accessible in the North-West and South-West regions to all without discrimination.

The Government should ensure that prompt, impartial, independent and efficient investigations are conducted into all reports of human rights violations and abuses and violations of applicable international law, including sexual violence cases. It is also critical to ensure that alleged perpetrators, whether they belong to the security forces or to non-State armed groups, are prosecuted and punished through fair trial with no recourse to the death penalty. Victims should be provided with adequate remedies.

The Government should also create safe conditions for the return of IDPs. Moreover, defence and security forces and armed separatist groups should respect freedom of movement and allow all humanitarian assistance to reach all populations in need.

The full list of OHCHR recommendations to Cameroon State is reflected in the consolidated table of OHCHR recommendations. The Government responses have also been inserted in the table, which helps appreciate progress made and areas that still need to be addressed.