7 January 2019

The Human Rights Council Advisory Committee

C/O The Secretariat of the Human Rights Council Advisory Committee

OHCHR- United Nations Office at Geneva

CH – 1211 Geneva 10, Switzerland

Dear Honourable Committee Members:

**Re: The negative effects of terrorism on the enjoyment of human rights in Cameroon**

We are writing on behalf of Contra Nocendi Cameroon and Contra Nocendi International in response to the call for contributions on the negative effects of terrorism on human rights. We wish to extend our gratitude on behalf of both organisations for being afforded this opportunity. While we do have some critique on efforts to combat terrorism, we wish to make it clear that both Contra Nocendi Cameroon and Contra Nocendi International recognise terrorism and terrorists group as a threat to the safety of people around the global. Our critique is aimed to raise concerns about the way efforts to combat terrorism can be engaged to broadly and how such efforts can negatively impact the practical exercise of human rights.

While we have chosen to focus on Cameroon for brevity sake, we wish to make it clear that we recognize and have seen evidence of serious concerns about efforts to combat terrorism in Africa. Peaceful protesters have been arrested under terrorism laws and have been labelled terrorists while only exercising their unalienable human rights. Anti-terrorism efforts have been too broad in scope at times, and as a consequence, the negative effects of terrorism efforts have been felt far too often by civilians. One common theme is clear. Terrorism offenses should be narrowly defined and clearly limited to actual behaviour that is related to terrorism. Peaceful protests should be seen as a positive reflection of the democratic values of a country and not wrongly condemned as terrorist acts. At the same token, we are also clear that there are numerous situations where terrorism has threatened the peace and sovereignty of many nations. There have also been brave and nobles efforts to combat terrorism.

Cameroon is currently battling terrorism in its northern regions where Boko Haram has a stronghold. Recent events in the Northwest and Southwest regions have equally raised concerns. The government has described the acts of armed secessionist groups as acts of terrorism and launched a military crackdown. Caught in the middle has been many innocent civilians who wish to merely live a peaceful existence. Some of the local population has been displaced as a result of the violence from both sides.

The crisis has severely impacted commercial activities in the two regions as a result of continuous disruptions in normal flow of activities. Pro-independence groups have for more than two years continued to impose Monday shutdown or ‘ghost town’ as it is more commonly referred to locally. On such days, businesses, schools and some government offices are forced to shut down. Extortion of business owners and destruction of their property has been rampant and linked to pro-independence militia groups.

Government forces have equally been accused of destruction of civilian property including private houses, businesses and farms. As a result, the enjoyment of some economic and social rights including the right to food, housing, access to education, health and sanitation have been severely affected. Schools, especially in the rural areas of the two regions, have been subjected to attack by the armed rebel groups. Meanwhile the government has been unable to provide adequate security measures to protect schools, hospitals and businesses from attacks. According to Amnesty International, 42 schools have been burned down and thousands of students out of school for reasons of fear of security, attacks and abductions[[1]](#endnote-1). Several schools shut their doors for two successive school years (2016-2017 and 2017-2018). Those that are functioning lack the required supplies and materials and have also experienced looting and destruction of the few items that are available.

Since the beginning of government crackdown, hundreds have been arrested and detained in various locations around the country.. The President of the Republic recently ordered for the discontinuance of proceedings pending before military tribunals against 289 detainees, though all available information suggests that this is limited to misdemeanour offences. Amongst persons detained relating to the crisis are persons arrested on suspicion of terrorism and detained indefinitely without being formally charged. The massive arrest and lengthy pre-trial detention without formal charges has raised questions on the arbitrary prosecution of terrorism. Some of the critique relate to the broad definition of terrorism in the Cameroon 2014 anti-terrorism law and is susceptibility for abuse.

Contra Nocendi International and Contra Nocendi Cameroon understand the concerns of governments and the challenges especially in developing countries in combating terrorism. The complex nature of combating terrorism puts a stress on government resources and could possibly lead to panic responses. However, we are equally wary of the effects of such responses on the enjoyment of basic human rights. There must always be an appreciation for such rights. The US government through its representatives have repeated stated that Cameroon remains an important partner in the fight against terrorism in the Gulf of Guinea. The US representative to the UNSC recently stated during a briefing of the UN SRSG on Central Africa to the UNSC, that Cameroon is a vital partner in the fight against terrorism, however that recent events might affect this relationship. Indeed, Cameroon has a vital role to play in combating terrorism in West Africa, but it must take on this role responsibility and with a respectful embrace of its human rights obligations. Furthermore, when the government disregards the basic rights of all persons, especially innocent civilians, it undermines its own efforts to protect the country from terrorism.

Anti-terrorism laws which are ambiguous and lack clarity can negatively impact the enjoyment of human rights. The government of Cameroon’s Law No. 2014/028 of 23rd December 2014 on the suppression of acts of terrorism in Cameroon[[2]](#endnote-2) has raised concerns from policy makers, activists and governments alike. Its potential infringement on important human rights and freedoms protected under the Cameroon Constitution and international human rights law was immediately signalled by the barrage of criticisms that followed its promulgation.[[3]](#endnote-3) Contra Nocendi International and Contra Nocendi Cameroon have raised such concerns in the past, especially with respect to the freedom of expression and of assembly. We have equally raised concerns about the possibility of abuse of the law to silence political opponents leading to disproportionate punishment for the exercise of civil rights and liberties. Persons could incur the death penalty for the sole reason of exercising their freedoms of speech, opinion and association. The overly disproportionate nature of this punishment should give us all cause for concern.

The government has repeatedly dismissed such criticisms, arguing that the death penalty was meant to target groups such as boko haram. The law equally punishes with up to twenty-five years or fine of up to 50,000,000 CFA for acclamation of acts of terrorism. The term ‘acclamation of act of terrorism’ lacks clarity and can limit the freedoms of opinion and expression. In November 2016 three young students were sentenced by the military court to 10 years in prison for ‘non-denunciation of terrorist acts’ when a sarcastic message of them joking about boko haram was shown to authorities. Their sentence has been widely condemned as being disproportion and infringing into their right to freedom of expression.[[4]](#endnote-4)

While it is certainly clear and evident that acts of terrorism negatively impact the practical exercise of human rights, the methods which are employed to combat terrorism can also be a source of detrimental impact for the exercise of human rights. We appreciate that combating terrorism and protecting human rights is a difficult balancing act, though we must also point out that the difficult of the task must not permit the misuse of anti-terrorism measure and activities. Enacting overly broad terrorism legislation that gives scope to round up peaceful protesters under terrorism related charges does nothing to combat terrorism and undermines human rights.

We wish to once again extend our gratitude for the opportunity to participate and express our views and share our observations. We welcome the opportunity to engage on this matter in the future.

Warmest Regards,

Gilbert AJEBE AKAME

Executive Director

Contra Nocendi Cameroon

Matthew DAVIS

Head of Legal

Contra Nocendi International

1. Cameroon: Anglophone regions gripped by deadly violence, Amnesty International, 11 June 2018, available at: https://www.amnesty.org/en/latest/news/2018/06/cameroon-anglophone-regions-gripped-by-deadly-violence/ [↑](#endnote-ref-1)
2. Law No. 2014/028 of 23 December 2014 on the Suppression of Acts of Terrorism in Cameroon, available at: http://www.assnat.cm/gestionLoisLegislatures/libraries/files\_upload/uploads/Lois/2014-028fr.pdf [↑](#endnote-ref-2)
3. Human rights under fire: Attacks and violations in Cameroon’s struggle with boko haram, Amnesty International Report 2015. Amnesty International, 16 September 2015, available at: https://www.amnesty.org/en/documents/afr17/1991/2015/en/, p. 17 [↑](#endnote-ref-3)
4. Cameroon: Military court imposes 10-year sentence on young men who joked about Boko Haram, Amnesty USA, 2 November 2016,

http://www.amnestyusa.org/news/press-releases/cameroon-military-court-imposes-10-year-sentence-on-young-men-who-joked-about-boko-haram [↑](#endnote-ref-4)