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## Cameroon – Anglophone Crisis:

### ***‘Respect human rights in public events, statements, and inter-community relations’***

**Background:** The year-long movement of protest and contestation in Cameroon’s Anglophone community may be reaching a stalemate. On 22 September 2017, simultaneous marches advocating for separatism occurred in multiple locations across the country’s predominantly Anglophone Northwest and Southwest regions. While generally marked by restraint from law enforcement, the marches on occasion degenerated into acts of violence resulting in the loss of lives. On 21 and 22 September 2017, artisanal improvised explosive devices (IEDs) detonated in two towns of the country, with one incident claimed by separatist pressure groups. Further activities by pro-separatist groups – including those planned around 1 October 2017 – could degenerate if marked by violent acts, or confrontations with State authorities and law enforcement already mobilised in those regions.

This brief reminds all stakeholders – State authorities responsible for ensuring law and order and protecting persons and property, political pressure groups, the media, and the citizenry – of the **fundamental principles of human rights protection** that apply during such periods of contestation. Protected under both Cameroon’s and international laws, their violation exposes perpetrators to sanctions. It also draws attention to the increased use of *speech that incites to violence*, cautions on the need to monitor and prevent *stigmatisation and inter-communal tensions* that may increase if the crisis escalates, and identifies a *facilitated dialogue* as a key step to prevent further radicalisation of the crisis.

#### **1. Law enforcement officials should respect international principles on the use of force.**

Governments around the world are called upon to deploy law enforcement and security forces to ensure public order, and protect life and property. To balance this sovereign obligation with the need for restraint in the use of public force, the *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, adopted in 1990, offer clear guidance for States to implement in their national texts and operational directives to law enforcement agencies. These Principles call for equipping law enforcement bodies with *non-lethal* weapons to permit a *‘differentiated use of force’*. They require law enforcement officials to *‘apply non-violent means before resorting to the use of force’*, and when the use of force is unavoidable, *to exercise restraint, act proportionately, minimize damage and injury, and preserve human life*.

On the use of firearms, the rule is that: ‘Law enforcement officials shall *not* use firearms against persons except: (1) in self-defence or defence of others against the imminent threat of

death or serious injury, (2) to prevent the perpetration of a particularly serious crime involving grave threat to life, (3) to arrest a person presenting such a danger and resisting their authority, or (4) to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.’ (Principle 9).

**2. Pressure groups should refrain from violent and forcible actions which in turn, justify law enforcement bodies’ resort to the use of force.**

International laws (and the Constitution of Cameroon) recognize the right to *peaceful* assembly as a fundamental human right. In line with the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement officials, the most protected form of gatherings, is assemblies that are both lawful and peaceful. (Principle 12). Where an assembly is – by the State’s laws – unlawful, but is *non-violent*, law enforcement officials are required, if they seek to disperse it, to ‘avoid the use of force or, where that is not practicable, to restrict such force to the minimum extent necessary’ (Principle 13). However, when an assembly is *violent*, law enforcement officials should seek to use less dangerous means first, but if not practicable, *may use force, including firearms when ‘strictly unavoidable in order to protect life’*. (Principles 9 and 14). *Violent or forcible activities by pressure groups therefore give justification for progressively increased use of force by State authorities, and must be refrained from.*

**3. Persons in positions of influence, the media, and communicators, should refrain from statements that threaten, or may incite violence against persons on discriminatory grounds (ethnicity, tribe, linguistic or geographic origin), on pain of being held to account for their statements.**

The emergence of radical segments within Anglophone pressure groups that have claimed responsibility for violent acts, notably deliberate arsons committed against dozens of schools in the Northwest and Southwest regions – in a bid to enforce a school boycott decreed by protest groups – and detonation of artisanal improvised explosive devices (IEDs), have generated concerns about the emergence of an insurrection. Combined with increased pro-separatist statements and activity, they have attracted multiple statements by political actors and saturation news and opinion media coverage. Meanwhile, the print media, and social media platforms in Cameroon have, in recent months, witnessed an upsurge of verbal attacks, often framing current socio-political issues in *ethnic terms, and denigrating ethnic and/or linguistic groups.*

A disturbing trend is the use of de-humanising epithets in references to the respective language/cultural communities in contention in the crisis. While the use of such epithets and taunts has existed in the past, their current occurrence, especially *in the media, by communicators, or persons in positions of influence*, warrants attention. Earlier in 2017, a private broadcast journalist apologised for using the metaphor of *pest or rodent fumigation (la dératisation)* to refer to tracking down of suspect persons in the predominantly Anglophone regions. In September 2017, a senior public official used an animal epithet in referring to protesters contemplating future violent street protests. Some epithets, previously used in a context of non-cordial or tense relations between the country’s language communities (such as the term ‘*frog*’, used derogatorily to refer to Francophones) take on new, charged dimensions in the current context. De-humanising language or epithets – in conflicts in the Great Lakes, the Balkans and elsewhere – have often preceded, and proven intent to condone or commit violence against communities so described.

An immediate effort is required to caution all actors involved – across the board – to refrain and desist from language that is derogatory, or which threatens or tends to incite violence against one community or another. *Media institutions in particular – lest they find themselves culpable in the future – must issue clear internal guidance, to refrain from incitement or derogatory language.* Even before the media regulator (the **National Communications Council**) intervenes, media houses should adhere to a code of conduct in the treatment of the crisis. Of particular concern are *opinion or talk programs*, in which an array of communicators (journalists or not) engage in heated debate and analysis.

**4. Public authorities should monitor and initiate criminal action against threats, incitement, or violent acts based on discriminatory grounds (hate speech or inter-communal invectives), paying attention to the commission of such acts through the use of new communication technologies.**

Under Cameroonian and especially *international* law, persons may be punished for inciting, threatening, or committing acts of violence against others, particularly when based on a **discriminatory reason**, such as on account of the person's **race, ethnicity, religion, geographic or linguistic origin, or their gender**. While incitement or actual violence against any person for any reason is a crime, the law is very stern when the *reason* for inciting or committing the crime is an identity trait of the victim, which is by definition innate. *Collectivisation of responsibility* is often what leads persons to commit offences based on a discriminatory reason. The offender attributes a prior injustice or violent act committed by *a person or a fragment* within a group, to all members of the group at large. The first rule of criminal law in organized societies is that of '*individual criminal responsibility*'. Every person is accountable for their own actions: their family, their community, or their ethnic group are not.

Cameroon law is not silent on this issue, and is capable of punishing incitement. The 2016 Penal Code punishes as criminal offences: **(i) threats** to another person of force or interference, proffered orally or by any writing or picture (Section 301), **(ii) contempt**, through any defamation, abuse, or threat conveyed by gesture, word or cry uttered in any place open to the public, or by any procedure intended to reach the public (Section 152), and more specifically, **(iii) contempt of race and religion**, meaning where a defamation, abuse or threat is committed against 'the race or religion of a number of citizens or residents' (Section 241). The Penal Code punishes as an **accessory to an offence (iv) whoever 'orders or in any manner causes the commission of an act'** (Section 97.1.a), with the same penalty as the person who physically executed the act (Section 98.1).

Considering the rise of incidents of derogatory words or incitement committed through *electronic media such as the internet and social media platforms*, the 2010 Law on Cyber-security and Cyber-criminality in Cameroon (Law No. 2010/012 of 21/12/2010), provides that **(v) 'whoever uses an electronic communication or an information system to act in contempt of race or religion** shall be punished with a term of imprisonment or a fine, or both, and that such sentence shall be doubled (aggravated) when '*the offence is committed with the aim of stirring up hatred and contempt between citizens*' of the country (Section 77). Cameroon may however need to *strengthen its laws to sanction appropriately acts of incitement or violence based on discrimination*, by going beyond 'race' to include ethnicity, geographic or linguistic origin, and gender, as incriminated discriminatory grounds.

Where a crime is committed against a person *because of an identity trait of the victim*, it is considered particularly serious, and often described as a *hate crime*. Crimes based on identity are among the most serious crimes under international law, meaning their perpetrators may be

prosecuted not only nationally, but abroad. The crime against humanity of persecution is defined as committing certain grave acts against any identifiable group or collectivity on account of their political, *racial, national, ethnic, cultural, religious, or gender* traits; while the crime of genocide protects members of *national, ethnical, racial or religious* groups from destruction.

Given the cross-penetration of Cameroon's official language communities (significant numbers of Francophones reside in principally English-speaking regions, and Anglophones in principally French-speaking regions), any attempts at *group stigmatization or stereotyping* should be quickly detected and stemmed, to avoid the risk of incidents of **inter-communal tension or violence**.

- 5. On-going monitoring by several organisations of actions and statements that may constitute incitement by all stakeholders, including persons in roles of influence, pressure groups, and the media, should be strengthened for its dissuasive effect.**

Following the above-mentioned developments, a number of entities are monitoring statements and actions by key stakeholders, with a view to documenting incidents or language that may constitute incitement, especially of a discriminatory nature. Such monitoring is salutary to dissuade such acts. Formal institutions, including the **National Commission on Human Rights and Freedoms** and the **National Commission on the Promotion of Bilingualism and Multiculturalism** should, within their respective mandates, take a lead role in detecting and deterring such practices, through alert mechanisms such as reporting hotlines, and issuing dissuasive public statements.

- 6. A high-level social dialogue as the framework for responding to concerns raised by the Anglophone community is a key responsibility of State authorities, and important to stem further radicalisation.**

While the above steps may diffuse tensions in the immediate term, it appears that a *comprehensive process* is needed within which the demands and grievances of the country's Anglophone community are articulated, and progress in responding to them (measures already taken, and to be taken) is reviewed. That process may take the form of a *social or community dialogue*. The State needs interlocutors through whom to engage this community in its diversity; such interlocutors (*forces vives*) can be drawn from political actors, pressure groups, trade unions, clergy and religious leaders, traditional authorities, the business community, and youth groups. The absence of this comprehensive dialogue with Anglophone community interlocutors has created the current stalemate or stand-off, which pits Government against hard-line groups.

An apparent cause of hesitation to embark on a social or community dialogue process is that of rapid escalation of demands. How *sectoral concerns* of educators (teachers trade unions) and legal practitioners (lawyers' groups) transformed into larger *demands of a political nature* (groups pressuring for federalism), and the emergence of separatism, is of concern to several Cameroonians who fear a hidden agenda, or a slippery slope: that opening a discussion about group specificities pertaining to the Anglophone community will mobilize regional or ethnic 'nationalists' and separatists. Yet, experience from most officially multilingual States such as Canada and Belgium show that it is precisely the management of these '*sectoral*' questions – that is, finding a balance between competing languages in access to public services, the administration, educational, and legal systems – that determines the

emergence and intensity of *'political'* demands for devolution and regional autonomy, federacy, federal arrangements, and even separatism.

**7. Cameroon should, in addition to its internal resources, draw upon solidarity from friendly and supportive regional and international institutions to progressively diffuse and resolve differences.**

A cross-section of Cameroon's civic and political actors, understanding the dangers of an impasse and an escalation of the crisis, have made repeated calls for strengthened solidarity between communities, restraint by law enforcement authorities, and for all pressure groups to opt for peaceful resolution of the crisis. In addition to these internal strengths, Cameroon should reach out to trusted and friendly nations and organisations, to provide discrete support in finding a framework for peaceful resolution of the crisis. Mediation of political conflicts is a complex and specialized endeavour in which trusted organizations have both experience and expertise.

The *United Nations*, under its new Secretary General has identified *preventing conflicts* – and not only peacekeeping *after* conflicts erupt – as its core priority, and at the highest levels, has encouraged and pledged its support for dialogue efforts to address the tensions in Cameroon's Anglophone regions. The *African Union's* Panel of the Wise is also a standby mechanism of eminent African personalities who assist with conflict prevention and mediation, whose members include eminent African diplomats and negotiators such as Edem Kodjo (Togolese former OAU Secretary General) and Lakhdar Brahimi (distinguished U.N. and Algerian diplomat, and architect of the U.N.'s peacekeeping model).

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