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**COMMITTEE ON AFRICAN AFFAIRS**

VICTORIA SAFRAN

**CHAIR**

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February 27, 2020

The Honorable James E. Risch  
Chairman, Senate Foreign Relations Committee  
SR-483 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Bob Menendez  
Ranking Member, Senate Foreign Relations Committee  
528 Hart Senate Office Building  
Washington, D.C. 20510

**Re: Support for Senate Resolution 292**

Dear Chairman Risch and Ranking Member Menendez:

Enclosed is a report from the New York City Bar Association's African Affairs Committee in support of Senate Resolution 292, "A resolution calling on the Government of Cameroon and armed separatist groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue an inclusive dialogue to resolve the conflict in the Northwest and Southwest regions."

Cameroon is in the midst of a humanitarian and political crisis. Passage of this Senate Resolution is an important step in underscoring U.S. support for peace, human rights, and democratic principles both in the region and in the broader international community.

Thank you for your consideration.

Respectfully,

Victoria Safran  
Chair, African Affairs Committee

cc: Members of the Senate Foreign Relations Committee

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POLICY DEPARTMENT

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**REPORT BY THE  
AFRICAN AFFAIRS COMMITTEE**

**S. Res. 292**

**Sen. Cardin**

A resolution calling on the Government of Cameroon and armed separatist groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue an inclusive dialogue to resolve the conflict in the Northwest and Southwest regions.

**THIS RESOLUTION IS SUPPORTED**

In 2016, the Government of Cameroon violently repressed demands by teachers, students and lawyers in the Anglophone Northwest and Southwest regions of Cameroon that the government hear their voices and bring an end to marginalization and suppression.<sup>1</sup> Peaceful demonstrations ended in bloodshed, and by 2017, escalated into a full-blown armed conflict.<sup>2</sup>

Today, the conflict in the Northwest and Southwest regions of Cameroon has caused over 3,000 deaths, 500,000 internally-displaced persons and 40,000 refugees in Nigeria, and has deprived more than 700,000 children of school.<sup>3</sup> The Norwegian Council places Cameroon on the top of its list of most neglected countries in crisis.<sup>4</sup>

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<sup>1</sup> Radina Gigova, *Rights Groups Call for Probe into Protesters' Death in Cameroon*, CNN (Dec. 15, 2016), <https://www.cnn.com/2016/12/15/world/cameroon-protesters-deaths/index.html>; Amindeh Blaise Atabong & Commentary, *Cameroon's Anglophone Crisis Isn't About Language, but Economic Deprivation* QUARTZ AFR. (Oct. 9, 2017), <https://qz.com/africa/1097892/camerouns-anglophone-crisis-is-danger-of-becoming-a-full-blown-conflict/> (explaining that the Cameroon crisis "goes far beyond the French/English language divide" and is rooted in economic deprivation and lack of government representation.) *see also* Doris Toyou, *Commentary: International Treaty and Constitution: Contradictions of Cameroon*, JURIST (Feb. 3, 2017), <https://www.jurist.org/commentary/2017/02/doris-toyou-contradictions-of-cameroon/> (describing one aspect of discrimination through language: while the Constitution of Cameroon proclaims that the country is bilingual with both English and French having the same authoritative status, the government has often failed to translate international treaties it has ratified). (All links in this report were last checked on February 25, 2020).

<sup>2</sup> Siobhán O'Grady & Joyce Lee, *Divide by Language*, WASH. POST (Feb. 5, 2019), <https://www.washingtonpost.com/graphics/2019/world/cameroon-anglophone-crisis/>. *See also* *Burning Cameroon: Images You're Not Meant to See*, BBC NEWS (June 25, 2018), <https://www.bbc.com/news/world-africa-44561929>.

<sup>3</sup> *Cameroon's Anglophone Dialogue: A Work in Progress*, INT. CRISIS GROUP (Sept. 26, 2019), <https://www.crisisgroup.org/africa/central-africa/cameroon/camerouns-anglophone-dialogue-work-progress>. *Note that* President Biya triggered the constitutional mechanism of a national dialogue in October 2019. Representatives of different social groups, cultures and other stakeholders were invited to participate and the National Dialogue adopted a number of resolutions, some of which are yet to be implemented.

<sup>4</sup> *Cameroon Tops List of Most Neglected Crises*, NORWEGIAN REFUGEE COUNCIL (June 4, 2019), <https://www.nrc.no/news/2019/june/cameroon-tops-list-of-most-neglected-crises/>. *See also* OCHA Cameroon: North-West and South-West – Situation Report No. 12, (Oct. 31, 2019),

In addition to the humanitarian crisis, the presidential elections of 2018, which were “marked by irregularities, including intimidation of voters and representatives of candidates at polling sites, late posting of polling sites and votes lists, ballots stuffing, voters with multiple registrations, and alleged polling manipulations,”<sup>5</sup> underscored the need for systemic reform in the electoral process.

Following the presidential elections results, the government of Cameroon suppressed the right to protest and arrested any person who did, including main opposition leader, Maurice Kamto, who placed second in the election according to official results.<sup>6</sup> More than a year after the presidential elections, the political situation is still unsettled, as President Biya himself acknowledged during his traditional New Years message to the nation.<sup>7</sup>

## I. THE U.S. SENATE SHOULD PASS S. RES. 292 ON CAMEROON

The U.S. Senate should pass S. Res. 292 currently pending in the Senate.<sup>8</sup> The Senate resolution espouses the same principles as the ones passed by the U.S. House of Representatives and the European Union, both of which call for an inclusive dialogue to resolve the armed conflict in the Northwest and Southwest regions of Cameroon.<sup>9</sup>

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[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/nws/oct\\_sitrep\\_draft\\_21nov19\\_v4.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/nws/oct_sitrep_draft_21nov19_v4.pdf) (Updated numbers show 1.3 million people in need, 820,000 targeted for assistance, 656,000 internally displaced, 376,000 members of host communities in need, 330,000 other people in need, and 315,000 people in extreme food insecurity).

<sup>5</sup> U.S. Dep’t of State, Bureau of Democracy, *Cameroon 2018 Human Rights Report* 1 (2019) [hereinafter “U.S. Human Rights Report”], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/cameroon/>

<sup>6</sup> *Cameroon: Post-Election Crackdown Escalates With Arrest of Opposition Leader Maurice Kamto*, AMNESTY INTERNATIONAL (Jan. 29, 2019), <https://www.amnesty.org/en/latest/news/2019/01/cameroon-postelection-crackdown-escalates-with-arrest-of-opposition-leader-maurice-kamto/> (arresting main opposition leader after he and supporters peacefully demonstrated); Press Statement, Remy Ngoy Lumbu, Commissioner of African Commission on Human and Peoples’ Rights, Press Statement on the Recent Arrests and Detention of About 200 Members of Opposition Parties (March 6, 2019), <https://www.achpr.org/pressrelease/detail?id=404>; Lewis Mudge, *Cameroon Tightens Screws on Opposition*, HUMAN RIGHTS WATCH (Apr. 8, 2019), <https://www.hrw.org/news/2019/04/08/cameroon-tightens-screws-opposition#>.

<sup>7</sup> Republic of Cameroon, Presidency of the Republic, Head of State’s New Year Message to The Nation (Dec. 31, 2019), at 5, available at <https://www.prc.cm/en/multimedia/documents/8040-head-of-state-s-new-year-message-to-the-nation-31-12-2019> (alluding to the latest presidential elections of October 7, 2019, President Biya declares that results of free and fair elections “must be recognized and accepted by all” and adds that election results cannot be changed through social media, news outlets, “illegal protests, violence and personal or hate-filled attacks”).

<sup>8</sup> S. Res. 292, 116th Cong. § 1 (2019), <https://www.congress.gov/bill/116th-congress/senate-resolution/292/text?r=30&s=1> [hereinafter “Senate Resolution”] (calling on the Government of Cameroon and armed separatist groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue an inclusive dialogue to resolve the conflict in the Northwest and Southwest regions).

<sup>9</sup> See European Parliament Resolution of 18 April 2019 on Cameroon (2019/2691 (RSP)) (Apr. 18, 2019), [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0423\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0423_EN.html) [hereinafter *European Resolution*]; H. Res. 358, 116th Cong. § 1 (2019), <https://www.congress.gov/bill/116th-congress/house-resolution/358/text> [hereinafter *House Resolution*] (calling on the Government of Cameroon and armed groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue a broad-based dialogue without preconditions to resolve the conflict in the Northwest and Southwest regions); see

Passage of the Senate Resolution is an important step in underscoring our support for peace, human rights, and democratic principles in the region and throughout the international community.

Cameroon is in the midst of a humanitarian and political crisis. Senate Resolution 292, along with the House Resolution and the E.U. Resolution, can pave the way for additional U.S.-led actions, including using available foreign policy tools to sanction Cameroon for human rights abuses, urging the United Nations to conduct an international commission of inquiry on Cameroon, and, along with support from the European Union and African Union, urging Cameroon to reform its electoral process.

## **II. THE U.S. GOVERNMENT SHOULD MAKE USE OF AVAILABLE FOREIGN POLICY TOOLS TO SANCTION CAMEROON OVER HUMAN RIGHTS ABUSES**

The U.S. Government, working together with Congress, can make use of foreign policy tools to sanction the Government of Cameroon, non-Government armed groups and perpetrators of human rights violations.

On October 31, 2019, the President of the United States notified Congress of his intent to terminate the designation of Cameroon as a beneficiary of the African Growth and Opportunity Act (AGOA) under section 104 of the Act due to “*gross violations of internationally recognized human rights*”<sup>10</sup> and concerns about “*persistent gross violations of human rights being committed by the Cameroonian government against its own citizens.*”<sup>11</sup> As a result of the President’s determination, Cameroon stands to lose substantial trade preferences granted under the Act.<sup>12</sup>

The U.S. has other considerable leverage it can impose on nations and on individuals committing “gross violations of internationally recognized human rights.”

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also Congressman Bass (@RepKarenBass), TWITTER (Dec. 14, 2019), <https://twitter.com/RepKarenBass/status/1205892330361896962?s=19> [hereinafter “Congressional Letter”].

<sup>10</sup> THE WHITE HOUSE, Statements & Releases, Message to the Congress-Foreign Policy, (Oct. 31, 2019), <https://www.whitehouse.gov/briefings-statement/s/message-to-the-congress/>. See 165 CONG. REC. 173, at H708-09 (daily ed. Oct. 31, 2019), [Termination of Designation of Republic of Cameroon as a Beneficiary Sub-Saharan African Country under AGOA—Message From the President of the United States](#) (1st Sess. 2019), <https://www.congress.gov/116/crec/2019/10/31/CREC-2019-10-31-house.pdf>; *Id.* at S6332, Transmitting Notification of the President’s Intent to Terminate the Designation of Republic of Cameroon as a Beneficiary Sub-Saharan African Country under AGOA, S. No. 173 (1st Sess. 2019), <https://www.congress.gov/116/crec/2019/10/31/CREC-2019-10-31-senate.pdf>. See also Jeffrey Smith, Argument, *The U.S. Should Bid Biya Goodbye*, FOREIGN POL’Y (Jul. 10, 2019), <https://foreignpolicy.com/2019/07/10/the-u-s-should-bid-biya-goodbye-cameroon-security-foreign-policy-yaounde/> (arguing the necessity for U.S. to reevaluate ties with repressive regime of Cameroonian leader Paul Biya).

<sup>11</sup> Press Release, Office of the United States Trade Representative, President Trump Terminates Trade Preference Eligibility for Cameroon (Oct. 31, 2019), available at <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2019/october/president-trump-terminates-trade> (C.J. Mahoney, Deputy U.S. Trade Representative).

<sup>12</sup> Trade and Development Act of 2000, Pub. L. No. 106-200, § 104, 114 Stat. 252, 104 (a)(3)(2000), <https://www.govinfo.gov/content/pkg/PLAW-106publ200/pdf/PLAW-106publ200.pdf>.

First, the Secretary of State can sanction foreign officials responsible for corruption and human rights violations under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019.<sup>13</sup>

Based on credible information of (a) “involvement in significant corruption, including corruption related to the extraction of natural resources,” or (b) “a gross violation of human rights,” the Secretary of State can deny foreign officials and their immediate family members entry into the United States.<sup>14</sup> The law requires the Secretary of State to publicly or privately designate such foreign officials and immediate family members who have been denied entry into the U.S.

Pursuant to Section 7031(c), the Secretary of State has publicly designated the Inspector General of the Cameroon Gendarmerie as ineligible for entry into the U.S. due to his involvement in significant corruption related to wildlife trafficking.<sup>15</sup> The Secretary of State should make the same designation for Cameroonian officials when credible information exists of involvement in corruption and human rights violations in the conflict in the Northwest and Southwest regions, and in the fight against Boko Haram in the Far North.<sup>16</sup>

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<sup>13</sup> Consolidated Appropriations Act of 2019, Pub. L. No. 116-6, 133 Stat. 13 (codified at 8 U.S.C. § 1182).

Section 7031(c)(1) reads as follow: *(c) Anti-Kleptocracy and Human Rights.— (1) Ineligibility.—*

*(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.*

*(B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.*

<sup>14</sup> *Id.* at (c)(1)(A).

<sup>15</sup> U.S. Dep’t of State, Media Note, Public Designation, Due to Involvement in Significant Corruption, of the Republic of Cameroon’s Jean Claude Ango Ango (Jul. 9, 2019), <https://www.state.gov/public-designation-due-to-involvement-in-significant-corruption-of-the-republic-of-camerouns-jean-claude-ango/> (targeting Ango Ango and his spouse, Ms. Engono Akomo).

<sup>16</sup> The President’s decision to terminate Cameroon’s rights as a beneficiary under AGOA was based on the determination that Cameroon “engages in gross violations of internationally recognized human rights”. *See also* Dionne Searcey, Eric Schmitt & Thomas Gibbons-Neff, *U.S. Reduces Military Aid to Cameroon Over Human Rights Abuses*, N.Y. TIMES (Feb. 7, 2019), <https://www.nytimes.com/2019/02/07/world/africa/cameroon-military-abuses-united-states-aid.html> (Regarding the reduction of military aid to Cameroon, American officials state that “the United States does not assist security forces credibly accused of gross human rights violations”). *See also* Gen. Thomas Waldhauser & Adm. Craig Faller, Remarks at Senate Armed Services Committee Hearing on AFRICOM and SOUTHCOM (Feb. 7, 2019), transcript available at <https://www.africom.mil/media-room/transcript/31504/transcript-gen-thomas-waldhauser-and-adm-craig-faller-remarks-at-senate-armed-services-committee>. (When questioned regarding a 2017 U.S. State Department report listing significant human rights violations and abuses by the Cameroon Government, Gen. Waldhauser, leader of United States Africa Command, confirmed that the U.S. Government has curtailed certain military assistance programs due to issues with “atrocities” and “law of war issues,” and the failure of the Cameroonian Government to investigate. Gen. Waldhauser opined that even though Cameroon has been a good counterterrorism partner in fighting Boko Haram, the U.S. cannot ignore alleged atrocities).

In the last few years, a series of horrific crimes has been committed in Cameroon, but the Government has failed to undertake credible investigations, to conduct fair and transparent trials, or to bring perpetrators to justice. Crimes include the murders of Charles Wesco and Florence Ayafor.<sup>17</sup>

Although often confronted with clear evidence of military involvement, the Government of Cameroon has acknowledged its responsibility for crimes, such as the extrajudicial killing of women and their children,<sup>18</sup> only under the weight of international pressure.

Thus, the Secretary of State should publicly designate high-ranking Cameroonian military and government officials based on credible information of crimes against civilians, human rights abuses or corruption, and hold them accountable.

Second, the Global Magnitsky Human Rights Accountability Act is another foreign policy tool available to the United States Government.<sup>19</sup> The Global Magnitsky Act allows for the imposition of sanctions based upon “credible evidence” of human rights abuses or corruption.<sup>20</sup> With respect to human rights abuses, the Act requires “gross violations of internationally recognized human rights,” defined by reference to the Foreign Assistance Act of 1961.<sup>21</sup> Gross violations of internationally recognized human rights include torture, cruel, inhuman or degrading treatment, prolonged detention

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<sup>17</sup> See Senate Resolution, *supra* note 8, at 4(J) (asking the Government of Cameroon to work with U.S. law enforcement to thoroughly investigate and prosecute the murder of Charles Wesco). See also Press Release, United States Condemns Violence, U.S. Embassy in Cameroon (Oct. 11, 2019), <https://cm.usembassy.gov/press-release-united-states-condemns-violence/> (The press release refers to, but does not identify, Florence Ayafor in condemning the brutal murder of a prison official and mother of three).

<sup>18</sup> BBC News Africa (@BBCAFRICA), TWITTER (Sept 24, 2018, 4:26 AM) <https://twitter.com/BBCAfrica/status/1044186344153583616> (graphic video showing the brutal murder of women and children, including a toddler, murdered by Cameroonian soldiers based on suspicion that they belonged to Boko Haram); See also *Cameroon: Credible evidence that Army personnel responsible for shocking extrajudicial executions caught on video*, AMNESTY INT. (Jul. 12, 2018),

<https://www.amnesty.org/en/latest/news/2018/07/cameroon-credible-evidence-that-army-personnel-responsible-for-shocking-extrajudicial-executions-caught-on-video/>.

<sup>19</sup> Global Magnitsky Human Rights Accountability Act, Pub. Law No. 114-328, §§ 1262-65, 130 Stat. 2533, 1263 et seq. (codified at 22 U.S.C. §§ 2656 et seq.) (2016) [hereinafter *Global Magnitsky Act*], available at [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/glomag\\_pl\\_114-328.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/glomag_pl_114-328.pdf).

<sup>20</sup> *Id.* at §1263(a).

<sup>21</sup> Foreign Assistance Act of 1961 as Amended, Pub. Law No. 87-195, § 502B (d)(1) (codified at 22 U.S.C. § 2151 et seq.) (2017), available at <https://www.usaid.gov/sites/default/files/documents/1868/faa.pdf>.

Section 502B(d)(1) states: “(d) For the purposes of this section— (1) the term ‘gross violations of internationally recognized human rights’ includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.”

without charges or trial, forced disappearance of persons, or flagrant denial of the right to life, liberty or security.<sup>22</sup>

The Global Magnitsky Act empowers the U.S. Government to sanction foreign persons responsible for extrajudicial killings, torture or other gross violations of human rights committed against individuals in any foreign country who seek to expose illegal activities of government officials or to promote internationally-recognized human rights or freedoms.<sup>23</sup> The sanctions apply not only to perpetrators but also to their agents.<sup>24</sup> The Global Magnitsky Act also authorizes sanctions against government officials and their senior associates who engage in corruption.<sup>25</sup>

Sanctions include denying entry into the United States and blocking transactions in all property interests of a foreign person within U.S. possession or control, including asset freezes for funds held in U.S. banks.<sup>26</sup> Thus, the Act can effectively block an individual's access to the U.S. financial system.<sup>27</sup> Implementation of the Act is entrusted to the Secretary of Treasury in consultation with the Secretary of State and Attorney General.<sup>28</sup>

Human rights organizations have long documented the multiple violations committed by the regime of President Biya against its own people. These include extrajudicial killings, torture and incommunicado detention, forced disappearances, sexual violence, and attacks on journalists.<sup>29</sup> In the conflict in Anglophone Northwest and Southwest, armed separatist groups are also accused of committing atrocities.<sup>30</sup>

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<sup>22</sup> *Id.*

<sup>23</sup> Global Magnitsky Act, *supra* note 19, at § 1263(a)(1).

<sup>24</sup> *Id.* at § 1263 (a)(2).

<sup>25</sup> *Id.* at § 1263 (a)(3)(4).

<sup>26</sup> Global Magnitsky Act, *supra* note 19, at § 1263(b)(1)(2). See Hdeed Abdelhady, *Global Magnitsky: The Swiss Army Knife of Sanctions*, LAW 360 (Aug. 7, 2018) (noting that as of the article's date, 78 persons had been sanctioned under the Global Magnitsky Act for corruption and human rights abuses, including the the justice and interior ministers of Turkey, a NATO member state).

<sup>27</sup> *Implementation of the Global Magnitsky Act: What Comes Next?* COL. L. CENTER FOR THE ADVANCEMENT OF PUB. INTEGRITY (Sept. 20, 2018), <https://www.law.columbia.edu/https%3A/www.law.columbia.edu/public-integrity-/magnitsky-implementation>.

<sup>28</sup> Executive Order 13818 of December 20, 2017, Blocking the Property of Persons Involved in Serious Human Rights Abuses or Corruption, 82 Fed. Reg. 246 (Dec. 26, 2017). See *Implementation of the Global Magnitsky Act*, *supra* note 27.

<sup>29</sup> For reports on extrajudicial killings:

*Cameroon: New Video Shows More Brutal Killing by Armed Forces*, AMNESTY INT. (Aug. 13, 2018), <https://www.amnesty.org/en/latest/news/2018/08/cameroon-new-video-shows-more-brutal-killings-by-armed-forces/>; *Cameroon: 130 People Still Missing 20 Months After Their Arrest*, AMNESTY INT. (Aug. 29, 2016), <https://www.amnesty.org/en/latest/news/2016/08/cameroon-130-people-still-missing-20-months-after-their-arrest/>.

For reports on forced disappearance, incommunicado detention and torture of detainees:

The United States should impose further targeted sanctions against Cameroon military, government officials, authorities, and armed groups under the Global Magnitsky Act for crimes committed in the Anglophone regions and in the fight against Boko Haram in the Far North region, and for other violations of human rights in Cameroon.

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*Detainees Tortured - Abuse, Incommunicado Detention at Yaoundé Prison; Enforced Disappearances*, HUMAN RIGHTS WATCH (Aug. 20, 2019), <https://www.hrw.org/news/2019/08/20/cameroon-detainees-tortured> (After prisoners in Yaoundé's Central Prison rioted on July 22, 2019 because of overcrowding, dire prison conditions and trial delays, Cameroonian officials transferred over 100 prisoners to a detention center, held them incommunicado for days and tortured many). *See also* Christina Okello, *Cameroon Prisoners Revolt Adds New Fervour in Anglophone Crisis*, RFI (July 23, 2019), <http://en.rfi.fr/africa/20190723-cameroon-prisoners-revolt-adds-new-ferment-anglophone-crisis>. *Cameroon: Nearly 60 Opposition Members Tortured by Security Forces*, AMNESTY INT. (Jul. 26, 2019), <https://www.amnesty.org/en/latest/news/2019/07/cameroon-opposition-members-tortured-by-security-forces/>; *Gunshots Amid Prison Riot Must be Investigated*, AMNESTY INT. (Jul. 23, 2019), <https://www.amnesty.org/en/latest/news/2019/07/cameroon-gunshots-amid-prison-riot-must-be-investigated/>; *Cameroon: More than 1,000 People Accused of Supporting Boko Haram Held in Horrific Conditions, Some Tortured to Death*, AMNESTY INT. (Jul. 14, 2016), <https://www.amnesty.org/en/latest/news/2016/07/cameroun-conditions-de-detention-effroyables-voire-tortures-a-mort-pour-plus-de-1-000-personnes-accusees-de-soutenir-boko-haram/>.

For threats on journalists:

Siobhan O'Grady, *In Cameroon, Journalists are Being Jailed on Charges of 'Fake News'*, WASH. POST (Dec. 16, 2018) (citing the Committee to Protect Journalists, the article states that Cameroon jails more journalists than any sub-Saharan country except Eritrea. The article discusses the case of Mimi Mefo Takambou, a journalist who was charged with publishing fake news and held in jail for three days after she reported that, on October 30, 2018, Cameroonian military forces killed Charles Wesco, a missionary from Indiana, a few days after he had arrived in Cameroon). *See also* *Continued Detention of Cameroonian Journalist an Affront to Free Expression - PEN America calls for immediate release of Paul Chouta*, PEN AMERICA (Nov. 19, 2019), <https://pen.org/press-release/continued-detention-of-cameroonian-journalist-an-affront-to-free-expression/> (relating the arbitrary arrest and detention on May 28, 2019 of journalist blogger Paul Chouta, in prison after a French Cameroonian writer filed a false criminal complaint against Chouta); *Michel Biem Tong Arrested*, FRONT LINE DEFENDERS (2018), <https://www.frontlinedefenders.org/en/case/michel-biem-tong-arrested> (noting the arrest and release of Michel Biem Tong, a web journalist); *Conviction and Sentence of Radio France Internationale Journalist a Travesty of Justice*, AMNESTY INT. (Apr. 24, 2017), <https://www.amnesty.org/en/latest/news/2017/04/cameroon-conviction-and-sentence-of-radio-france-internationale-journalist-a-travesty-of-justice/> (conviction and sentence by a military court of Ahmed Abba, an investigative journalist reporting on Boko Haram in the Far North Cameroon).

<sup>30</sup> *See generally* U.S. Human Rights Report, *supra* note 5. For additional reports on the conflict in the Northwest and Southwest regions and attacks committed by security forces and separatist fighters, *see* *Cameroon: Security Forces Kill Civilians, Rape Woman*, HUMAN RIGHTS WATCH (Jul. 22, 2019), <https://www.hrw.org/news/2019/07/22/cameroon-security-forces-kill-civilians-rape-woman>; *Cameroon: New Attacks on Civilians By Troops, Separatists*, HUMAN RIGHTS WATCH (March 28, 2019) <https://www.hrw.org/news/2019/03/28/cameroon-new-attacks-civilians-troops-separatists>. *See also* Press Release, Rep. Bass Statement on Kidnapped Candidates in Cameroon (Dec. 17, 2019), <https://bass.house.gov/media-center/press-releases/rep-bass-statement-kidnapped-candidates-cameroon> (expressing alarm over armed separatist groups' kidnapping of local officials and parliamentary candidates); *Cf.* Congressional Letter *supra* note 9 (While acknowledging that armed group are responsible for horrific crimes, Bass states that Cameroonian government security forces are "responsible for most of the violence").



### III. THE UNITED STATES SHOULD URGE THE UNITED NATIONS TO CONDUCT AN INTERNATIONAL COMMISSION OF INQUIRY ON CAMEROON

The United Nations High Commissioner of Human Rights visited Cameroon in May 2019.<sup>31</sup> While in Cameroon, the High Commissioner of Human Rights met with President Biya, government officials and certain civil society leaders. However, the High Commissioner of Human Rights has not visited the conflict zones, nor has the High Commissioner of Human Rights issued a report as of December 2019.<sup>32</sup>

The United States should urge the United Nations High Commissioner of Human Rights to establish an International Commission of Inquiry on Cameroon, with the mandate to conduct a fact-finding mission, and investigate violations of international human rights<sup>33</sup> in order to determine whether acts of genocide or internationally-recognized human rights violations have taken place and to identify the perpetrators of such violations.<sup>34</sup>

Since 2006, the Human Rights Council has mandated thirty-one commissions of inquiries, fact-finding missions and other bodies.<sup>35</sup> For example, in 2017, the UN High Commissioner of Human Rights, pursuant to a Human Rights Council resolution, dispatched a team of international experts to the Kasai region of the Democratic Republic

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<sup>31</sup> OHCHR, *Bachelet Welcomes Cameroon's Willingness to Cooperate to Tackle Human Rights Crises*, (May 6, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24565&LangID=E>.

<sup>32</sup> See e.g., OHCHR, Latest News on Cameroon, <https://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?CID=CM> (search results as of December 20, 2019).

<sup>33</sup> OHCHR, *Commissions of Inquiry and Fact-finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (2015), [https://www.ohchr.org/Documents/Publications/CoI\\_Guidance\\_and\\_Practice.pdf](https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf); See also OHCHR, *Who's Responsible? Attributing Individual Responsibility for Violations of international Human Right and Humanitarian Law in the United Nations Commissions of Inquiry, Fact-finding Missions and Other Investigations* (2018), <https://ohchr.org/Documents/Publications/AttributingIndividualResponsibility.pdf>.

<sup>34</sup> Since 2018, allegations of genocide against the Anglophone Cameroonians have surfaced. See, e.g., Peter Zongo, *'This is a Genocide': Villages Burn as War Rages in Blood-Soaked Cameroon*, GUARDIAN (May 30, 2018), <https://www.theguardian.com/global-development/2018/may/30/cameroon-killings-escalate-anglophone-crisis>; Press Release, U.S. House Rep. Karen Bass, Rep. Bass Urges Colleagues to Support Resolution on Cameroon (June 26, 2019), available at <https://bass.house.gov/media-center/press-releases/rep-bass-urges-colleagues-support-resolution-cameroon> (Congresswoman Bass alludes to genocide and the need to bring both sides to the table in order to determine whether a genocide has taken place); Republic of Cameroon, Presidency of the Republic, *Head of State's Message to the Nation* (Sept. 10, 2019), available at <https://www.prc.cm/en/multimedia/documents/7804-head-of-state-s-message-to-the-nation-10-sept-2019-en> at 4 (President Paul Biya brushes aside "ridiculous accusations of genocide."); Ineke Mules, *France's Macron Urged to Take Action in Cameroon Anglophone Crisis*, DEUTSCHE WELLE (Nov. 12, 2019), <https://www.dw.com/en/frances-macron-urged-to-take-action-in-cameroon-anglophone-crisis/a-51215741> (noting that analysts have described the Anglophone crisis as "Rwanda in slow motion").

<sup>35</sup> See U.N. Human Rights Council, *List of HRC-Mandated Commissions of Inquiries / Fact-Finding Missions & Other Bodies* (as of October 2019), <https://www.ohchr.org/EN/HRBodies/HRC/Pages/ListHRCMandat.aspx>.

of Congo (DRC) to investigate and report on violence, human rights abuses and violations of international humanitarian law.<sup>36</sup> The Council then issued recommendations to the DRC Government to, among other things, intensify efforts to protect human rights, bring all who are responsible to justice, and promote reconciliation by addressing the root causes of the conflict.<sup>37</sup> In 2016, the Human Rights Council established a commission of inquiry to investigate and report on human rights violations in Burundi for the purpose of holding responsible parties accountable for human rights abuses.<sup>38</sup>

Thus, fact-finding missions in Cameroon could serve to advance peace and enforce justice by holding responsible parties accountable for human rights abuses, and promoting reconciliation.

#### **IV. THE UNITED STATES SHOULD URGE CAMEROON TO REFORM ITS ELECTORAL PROCESS, AND ASK THE EUROPEAN UNION AND AFRICAN UNION TO JOIN IN THE EFFORT**

The Presidential elections of October 2018 resulted in a post-electoral crisis and crackdown on opposition leaders.<sup>39</sup> The Cameroonian community, African Union, European Union and United States Government have all called for a consensual modification of the electoral process in order to fully implement a democracy.<sup>40</sup>

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<sup>36</sup> Human Rights Council, International Team of Experts on the Kasai Region, <https://www.ohchr.org/EN/HRBodies/HRC/KasaiRegion/Pages/Index.aspx>. See also Human Rights Council Res. 38/20, U.N. Doc. A/HRC/RES/38/20 (Jul. 20, 2018) [hereinafter *Human Rights Council Res. 38/20*], <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/230/66/PDF/G1823066.pdf?OpenElement>.

<sup>37</sup> Human Rights Council Res. 38/20 *supra* note 36 at 2.

<sup>38</sup> International Human Rights Council, <https://www.ohchr.org/EN/HRBodies/HRC/CoIBurundi/Pages/CoIBurundi.aspx>. See also Human Rights Council Res 33/24, U.N. Doc. A/HRC/RES/33/24 at 3 (Oct. 5, 2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/223/99/PDF/G1622399.pdf?OpenElement>.

<sup>39</sup> Cameroon: *Post-Election Crackdown Escalates with Arrest of Opposition Leader Maurice Kamto*, *supra* note 6; Remy Ngoy Lumbu, *supra* note 6; Lewis Mudge, *supra* note 6.

<sup>40</sup> See Crux Staff, *Cameroon Bishop Attacks Country's Human Rights Record, Calls for Election Reform* (Dec. 13, 2019), <https://cruxnow.com/church-in-africa/2019/12/cameroon-bishop-attacks-countrys-human-rights-record-calls-for-election-reform/> (reporting criticism by Bishop Abraham Kome, Cameroon's leading prelate, of the current electoral system which, he states, deprives the "peoples' human right to freely choose the leader they want." The article also notes that opposition parties consistently have called for reform of the electoral system.); Franck Foute, *Cameroon: L'Opposition Mobilisee pour une Modification du Code Electoral*, JEUNE AFRIQUE (Jan. 4, 2019), <https://www.jeuneafrique.com/699160/politique/cameroun-lopposition-mobilisee-pour-une-modification-du-code-electoral/> ((in French) reporting that main opposition leaders press government representatives to reform electoral code); See also Elections Cameroon ELECAM, *General Report on the Conduct of the 7 October 2018 Presidential Election – Revised and Corrected*, ELECAM (Aug. 28, 2019), at 85, 113 <http://www.elecaml.com/sites/default/files/ELECAM%20REPORT%20ON%202018%20PRESIDENTIAL%20ELECTION%20ANGL.%20Revised%20and%20Corrected%20Web.pdf> (The report by Elecaml, a Cameroonian government-controlled electoral body, admits the need to tackle electoral reform based on recommendations by election observers and stakeholders).

See European Resolution, *supra* note 9, at Clause 9: "Urges the Government of Cameroon to build a genuine, representative and vibrant democracy; calls therefore on the Government to convene all political stakeholders for a consensual review of the electoral system, with the aim of ensuring a free, transparent

Following the elections, the African Union Election Observation Mission concluded that Cameroon's legal framework requires strengthening "in order to safeguard the democratic principles of separation of powers, fairness, and independence and impartiality."<sup>41</sup> The United States Department of State, while not taking a position as to whether or not the irregularities affected the outcome, observed that such irregularities "created an impression that the election was not credible or genuinely free and fair."<sup>42</sup> It endorsed the African Union's recommendation that Cameroon's legal framework be strengthened.<sup>43</sup> Accordingly, the United States should urge the Cameroon government to invite all political stakeholders to join in a consensual review of the electoral process, and should ask the European Union and African Union to join, along with the United States, in providing assistance to Cameroon to strengthen its electoral processes and reform electoral institutions.

African Affairs Committee  
Victoria Safran, Chair  
Doris Toyou, Francophone Africa Subcommittee Chair

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*and credible electoral process; calls for this process to take place before any further elections are held in order to promote peace and avoid post-electoral crises; calls for the EU to step up technical assistance to support Cameroon in its efforts to strengthen its electoral procedures and make them more democratic."* See also Senate Resolution, *supra* note 8, at "Resolved" Clause (4)(F) urging the Government of Cameroon to "improve election processes and reform electoral institutions." See African Union, African Union Election Observation Mission to the 7 October 2018 Presidential Election in the Republic of Cameroon: Preliminary Statement (Oct. 9, 2018) [hereinafter *AU Election Observation*], at § 8 [https://au.int/sites/default/files/pressreleases/35142-pr-final\\_preliminary\\_statement\\_-\\_english\\_version-09\\_oct\\_2018.pdf](https://au.int/sites/default/files/pressreleases/35142-pr-final_preliminary_statement_-_english_version-09_oct_2018.pdf); Press Release, U.S. Department of State, Cameroon's Presidential Election Results (Oct. 22, 2018), available at <https://www.state.gov/camerouns-presidential-election-results/>.

<sup>41</sup> See AU Election Observation *supra* note 40.

<sup>42</sup> Press Release, U.S. Department of State, *supra* note 40.

<sup>43</sup> *Id.*