



## Cameroon: Death sentence marks a new turn in the Anglophone Crisis

### Joint position paper

Geneva, Buea – 7 October 2021– For the first time since the beginning of the anglophone crisis four men have been sentenced to death after a court found them guilty of a deadly shooting at a school in 2020. The Centre for Human Rights and Democracy in Africa (CHRDA) and the World Organisation Against Torture (OMCT) are worried that death penalty might become the new punitive tool of the Cameroonian authorities to address this crisis. While encouraging the government to provide redress for serious human rights impairment, rights organisations strongly oppose this sentence.

On 7 September 2021, the Military Tribunal in Buea, Cameroon, sentenced four men to death. The accused were standing trial before the Court for the massacre of at least seven students during a shooting at a school in the Southwest Region on 24 October 2020.

### Escalation of violence in the Anglophone Crisis

This death sentence is unprecedented in the Anglophone Crisis and might represent a new turning point in addressing this security and human rights crisis that has escalated over the years, from a strike of teachers and lawyers in October 2016 to major human rights violations, arbitrary arrests and unfair trials.

Since the beginning of the crisis over 790,000 people have been forcibly displaced, allegedly 4,000 killed<sup>1</sup>, and torture has been routinely used<sup>2</sup>. On 20 August, 2019, the leader of the Anglophone separatist movement, Sisiku Julius Ayuk and nine other leaders of the separatist movement were sentenced to life imprisonment by the military court in Yaoundé. Most of the people arrested, including Barrister Agbor Balla<sup>3</sup>, Mancho Bibixy Tse<sup>4</sup> and other civil society

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<sup>1</sup> The Anglophone Crisis in Cameroon: A New Perspective, available at <https://worldbeyondwar.org/the-anglophone-crisis-in-cameroon-a-new-perspective/>

<sup>2</sup> Cameroon: is torture the new routine to address the anglophone crisis? [https://www.omct.org/files/2020/06/26176/loipr\\_6th\\_cat\\_cameroon.pdf](https://www.omct.org/files/2020/06/26176/loipr_6th_cat_cameroon.pdf)

<sup>3</sup> Ongoing harassment against Mr. Felix Agbor Nkongho, prominent defender of the rights of the Anglophone minority available at: <https://www.omct.org/en/resources/urgent-interventions/ongoing-harassment-against-mr-felix-agbor-nkongho-prominent-defender-of-the-rights-of-the-anglophone-minority>

<sup>4</sup> Mancho Bibixy Tse, in prison for promoting Anglophone rights available at: <https://www.omct.org/en/resources/statements/mancho-bibixy-tse-in-prison-for-promoting-anglophone-rights>

organisation leaders have been prosecuted and sentenced on charges including treason, terrorism, civil unrest, and undermining the peace and unity of the Republic of Cameroon. Separatist fighters have also perpetrated numerous gross human rights violations including attacks on schools and the killing of children.

On 16 September, following a new separatist attack against the Defense and Security Forces which led to the killing of at least 15 soldiers, the government announced the intensification of its military operations in the regions in crisis.

The various responses meant to address this crisis in a sustainable manner have only made the situation worse. The use of the death penalty in this already violent context can only lead to a further escalation of violence.

It is not the first time that the Cameroonian government uses death penalty as a deterrence against insurgent groups. To fight the Boko Haram terrorists in northern part of the country since 2014, a similar tactic involving massive arbitrary arrests of hundreds of people, including without further investigation and charging them with offenses punishable by death was a common practice. For instance in 2020, three women were sentenced to death after fleeing Boko Haram<sup>5</sup>. Not only they were minor, but also pregnant or nursing mothers for some. This new trend towards the use of the death sentence to address security crisis is extremely worrying.

### **The death penalty is inconsistent with fundamental human rights principles**

Death penalty is a form of torture<sup>6</sup>. This sentence fails to respect the dignity of the person, causes severe mental and physical suffering, and constitutes a violation of the prohibition of torture or cruel, inhuman or degrading treatment (CIDT)<sup>7</sup>. Cameroon has applied a moratorium on the use of the death penalty for the past 25 years, but its punitive approach to the Anglophone Crisis might mark a change in policy. Such an approach would threaten the country's international obligations.

Cameroon is a *de facto* abolitionist State, with the last execution in the country dating back to 1997. However, the Criminal Code adopted in 2016 still upholds the death penalty, especially for terrorism-related offences<sup>8</sup>. With at least 220 individuals<sup>9</sup> remaining on death row, the country must remember its international obligations to protect the right to life and to prohibit torture.

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<sup>5</sup> Cameroun : trois mineures condamnées à mort pour terrorisme après avoir fui Boko Haram font désormais face à un nouveau procès [Communiqué de presse], available at <https://www.ecpm.org/communiquede-presse-cameroun-trois-mineures-condamnees-a-mort-pour-terrorisme-apres-avoir-fui-boko-haram-font-desormais-face-a-un-nouveau-proces/>

<sup>6</sup> Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN General Assembly A/67/279, available at [A/67/279 - E - A/67/279 -Desktop \(undocs.org\)](https://www.undocs.org/A/67/279-E-A/67/279-Desktop)

<sup>7</sup> Juan E. Mindez, The Death Penalty and the Absolute Prohibition of Torture and Cruel, Inhuman, and Degrading Treatment or Punishment, available at [\\*The Death Penalty and the Absolute Prohibition of Torture and Cruel, Inhuman, and Degrading Treatment or Punishment \(american.edu\)](https://www.american.edu/~jmindez/The_Death_Penalty_and_the_Absolute_Prohibition_of_Torture_and_Cruel,_Inhuman,_and_Degrading_Treatment_or_Punishment.pdf).

<sup>8</sup> [Cameroon and the Death Penalty - Campaign for the Abolition of the Death Penalty \(ADP\) \(pgaction.org\)](https://www.pgaction.org/cameroon-and-the-death-penalty)

<sup>9</sup> Ibid.

## Reparations and the rehabilitation of victims are a priority

The death penalty does not bring closure to the families of victims, it is actually a disservice to them. In the case of the four men sentenced to death, the Cameroonian court did not take into account any reparations or rehabilitation process for the families, despite the urgent need for medical, psychological and socioeconomic assistance<sup>10</sup>.

### The OMCT and the CHRDA call on the Cameroonian government to:

- Renew its moratorium on the death penalty as a first step towards its abolition in all circumstances, in accordance with the resolutions of the United Nations Human Rights Council and the African Commission on Human and Peoples' Rights;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- Abolish death penalty from its national legislation and commute all death sentences;
- Ensure that all the safeguards guaranteeing the rights of those facing the death penalty are respected, as well as giving them the possibility to appeal;
- Provide reparation, rehabilitation and guarantees of non-repetition to victims of serious crimes and their families;
- Develop a peaceful approach to terminate the Anglophone Crisis through dialogue.

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*The World Organisation Against Torture (OMCT) is the largest global NGO group actively standing up to torture and protecting human rights defenders worldwide. It has more than 200 members in 90 countries. Its international Secretariat is based in Geneva, Switzerland.*

*The Centre for Human Rights and Democracy in Africa (CHRDA) is an independent, non-governmental, apolitical and non-profit making organization created in 2005, dedicated to the protection and advancement of human rights and the promotion of democracy as a political culture in Africa. The CHRDA is based in Buea in the Southwest region of Cameroon.*

### For more information, please contact :

**OMCT:** Iolanda Jaquemet, Director of Communications  
[jj@omct.org](mailto:jj@omct.org), +41 79 539 41 06

**CHRDA:** Aken Kelvin Nkwain Human Rights Officer  
[nkwainkelvin50@chrda.com](mailto:nkwainkelvin50@chrda.com), +237 672070167

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<sup>10</sup> See UN doc. E/CN.15/1997/16, Use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, note by the Secretary-General.