



**Joint contribution on Cameroon to the 16th session of the Working Group
of the Universal Periodic Review**

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Introduction

1. PEN International, the Committee to Protect Journalists, and Internet Sans Frontières welcome the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the climate for free expression, press freedom, and human rights in Cameroon.
2. Cameroon is bound by several international commitments to human rights. The country acceded to the International Covenant on Civil and Political Rights in 1984, the Convention Against Torture in 1986, and signed the Second Optional Protocol to the Convention Against Torture in 2009. Cameroon is also bound, like all state parties of the United Nations, by Article 19 of the Universal Declaration of Human Rights that guarantees freedom of expression. Freedom of the press is protected in Cameroon by Act No. 90/052 of 19 December 1990 and was amended by Act No. 96/0 of 16 January 1996.
3. Despite these international commitments and provisions in domestic law, Cameroon has failed to meet its obligation to protect freedom of expression. The country's treatment of writers, musicians, and journalists raises other critical human rights issues in the country, including criminal defamation suits, pre-trial detention abuses, torture in custody, a politicized media licensing regime, a lack of access to public information, and restrictive laws and policies regarding the Internet and digital technologies.

Persecution of writers and musicians

4. Since the review by the Human Rights Council in 2008, Cameroon has continued to threaten, prosecute, and imprison writers, musicians, and journalists.
5. Writer Bertrand Teyou, the author of four books, was prosecuted in November 2010 for allegedly insulting President Biya's wife in his 2010 book *La belle de la république bananière: Chantal Biya, de la rue au palais*. Teyou was jailed after failing to pay 2,030,150 CFA (US\$4,371) in fines imposed on 19 November at the end of a trial in which he received no legal representation. He was freed from New Bell prison in Douala on 19 April 2011 after an anonymous supporter paid his fine in full. After leaving prison, Teyou required treatment for health problems, including severe bleeding from hemorrhoids. Copies of the offending book were seized and destroyed.
6. Writer and politician Dieudonné Enoh Meyomesse was arrested 29 November 2011 on his return from a trip to Singapore, and charged with attempting to organise a coup, possessing a firearm, and aggravated theft. Meyomesse, 58, is the author of numerous books and is a founding member of the Cameroon Writers Association. He was held in solitary confinement in Bertoua prison and denied access to a lawyer for the first 30 days of his detention. After receiving considerable attention in the media, authorities moved him into the general prison

population in Yaounde's main prison of Kondengui. Although all charges were dropped by the prosecutor, Meyomesse has been held under Cameroon's provisional detention laws for 11 months without ever having been convicted of a crime (see section below on pre-trial detention). He is currently on trial before a military court—which lacks key requirements sufficient for a fair trial—with his next hearing scheduled for 19 October 2012. Meyomesse announced his intention to run for president on 9 October 2011, under the banner of the United National Front (UNF), and it is believed that his arrest and trial may be related to his political activities and his role as one of the sole dissenting voices within the Bulu ethnic group, the same ethnic group as President Biya. At least one of Meyomesse's acquaintances suffered repercussions for supporting him while in prison, and was fired from her job.

7. Singer Lapiro de Mbanga was arrested in Mbanga City on 9 April 2008 and accused of instigating mass demonstrations which had taken place in February 2008. On 24 September 2008, Mbanga was found guilty and sentenced to three years in prison and received hefty fines. According to the Media Foundation for Western Africa (MFWA), his arrest stemmed from a song he wrote entitled "Constipated Constitution" which allegedly chastised President Biya for trying to amend the constitution to allow an unlimited number of presidential terms and grant Biya immunity for acts committed during his presidency. Similar to Enoh Meyomesse, cited above, Mbanga is a member of an opposition political party, the Social Democratic Front (SDF). In 2012, the United Nations Working Group on Arbitrary Detention issued a legal opinion declaring Mbanga's detention completely arbitrary and a violation of the ICCPR. Lapiro was released from prison in September 2011 and received asylum in the U.S. in September 2012.

Persecution of journalists and violations of press freedom

Criminal penalties for press offenses

8. Cameroon has several draconian laws that regulate the press that are both overly punitive and poorly defined. Under Article 77 of Act No. 96/0, non-compliance with regulations defined in the law as well as offenses "committed through the channel of a news outlet" are exclusively adjudicated before criminal courts.
9. *Le Devoir* editor Robert Mintya and *La Nation* editor Serge Sabouang were arrested and briefly detained along with *Cameroon Express* editor Germain "Bibi" Ngota Ngota and *Bebela* reporter Simon Hervé Nko'o in early February 2010 after seeking comment from Laurent Esso, Secretary General of the President's Office, and board chairman of the state-run oil company, National Hydrocarbons Company (SNH), regarding a document purportedly implicating him in corruption. Mintya, Sabouang, and Ngota were rearrested on 26 February and charged with forging Esso's signature in a document and using it in an attempt to discredit him. They were transferred to Kondengui Prison in the capital of Yaoundé on 10 March. Ngota died in prison on 22 April 2010, while Mintya and

Sabouang were conditionally released by an act of Presidential clemency on 24 November 2010.

10. On 30 March 2011, Governor Enow Abraham Egbe of the northern province of Adamawa invoked "administrative detention," an exceptional power of arrest given to local authorities under Act No. 90/054 to address emergencies, to order the imprisonment of reporter Lamissia Adoularc, a correspondent for the daily *Le Jour*. Adoularc was arrested by agents of the intelligence agency known as DGRE after he went into a police station to inquire about the arrests of two employees of the state-run palm oil company Pamol Plantations Limited.

Criminal defamation

11. Cameroonian authorities have used criminal defamation laws to silence journalists. Article 78 of Act No. 96/0 stipulates that the public prosecutor may prosecute slander and defamation at the request of an individual. Based on this provision, powerful public figures have filed criminal complaints against journalists who report critically about them. Public prosecutors have used various criminal charges (slander, defamation, blackmail) to press charges against journalists, and judges have authorized arrests and prosecutions in cases that prioritized the protection of the reputation of the plaintiff over the truthfulness of the speech in dispute.
12. On 25 March 2011, a panel of three magistrates in Douala convicted Editor Jean-Marie Tchatchouang of the weekly *Paroles* of defamation and sentenced him to a six-month suspended prison sentence, a fine of 185,200 CFA francs (US\$390), the indefinite suspension of his newspaper, and the payment of 1 million CFA francs (US\$2,100) in damages. The charges were based on a complaint of Jean Ernest Ngallè Bibéhé, CEO of Douala's main bus company, Socatur, following *Parole's* publication of letters from personnel alleging mismanagement and abuse by Bibéhé and his wife, Socatur's human resources manager. Both denied any wrongdoing.

Pre-Trial Detention

13. In its May 2010 report, the UN Committee Against Torture stated it was "deeply concerned by the high number of persons held in pretrial detention" in Cameroon, a practice known as "détention provisoire". Sections 218 and 221 of the penal code allow a judge to detain people accused of a crime up to six months, with the possible extension of a further 6 months. These clauses are regularly used in practice to silence critics.
14. Germain Cyrille Ngota Ngota, editor of the private newspaper *Cameroon Express*, died on 22 April 2010 while on pre-trial detention in the Kosovo ward of Kondengui prison. Ngota, who had worked as a journalist for 15 years, launched *Cameroon Express* in 2003 and worked for several other publications on a

freelance basis. He was reportedly well-known locally for his investigations on public corruption in the oil sector. Ngota was being held on criminal charges of falsifying a government document. His family said the journalist was suffering from high blood pressure and that his health deteriorated while in custody because of inadequate care. Ngota's mother, Georgette Edima Ngoulou, said her son had complained of being trampled while sleeping on the floor of his cell and of exposure to rainwater. She said the prison warden "categorically rejected" a written plea for his medical evacuation, which his mother said had been endorsed by the prison doctor. A 2010 government investigation smeared Ngota's reputation by accusing him of being HIV positive and absolved authorities of any responsibility for his death.

Torture in custody

15. Despite signing the United Nations Convention against Torture, the 2009 Universal Periodic Review of Cameroon noted that, while article 132 of the penal code prohibited torture, a contradictory provision in the code of procedure, article 30(2), tacitly encouraged it. In its May 2010 report, the UN Committee Against Torture accordingly expressed concern that, "in practice, detainees, from the time of their arrest, rarely benefit from the guarantees provided for in the Code of Criminal Procedure."
16. Reporter Simon Hervé Nko'o of the weekly *Bebela* was arrested without charge on 5 February 2010 by agents of the state intelligence agency known as DGRE. Nko'o stated that he was tortured psychologically and physically during his weeklong incommunicado detention to force him to reveal sources of a purportedly leaked secret document from the presidency. A doctor who examined Nko'o said in a signed statement on 22 February 2010 that he found bruises on the soles of the journalist's feet. The statement also outlined Nko'o's claims of being subjected to waterboarding, sleep deprivation, and exposure to cold. The government never publicly addressed the torture allegations.

Politicized press regulation and licensing

17. The executive branch has arbitrarily imposed decrees curtailing freedom of the press. For example, a 2000 decree issued by the office of the Prime Minister granted the information minister unchecked authority to appoint 13 members of a board tasked with reviewing broadcast licenses. The same decree set hefty licensing fees for the procurement of broadcast licenses, including 100 million CFA francs for a commercial TV station with national coverage and 25 million CFA francs for a non-commercial TV station with national coverage.
18. With such unchecked powers concentrated in the executive branch, regulation and licensing of the news media have been politicized. The government maintained a policy called "administrative tolerance," which allowed stations to operate pending the payment of fees. However, the government selectively and summarily

suspended the policy during politically-sensitive periods, suddenly cracking down on outlets involved in critical reporting or coverage. As a result, independent broadcasters operate under significant self-censorship. For example, between 2003 and 2011, the Information Minister invoked the nonpayment of licensing fees or vague licensing violations to force nine broadcast stations off the air.

19. The Communications Minister, a political appointee who is also the spokesman of the government, enjoys unchecked authority to regulate the press using arbitrary ministerial directives. For example, on 20 September 2011, the Communications Minister issued a directive banning private broadcasters from airing any political talk shows or debates during the period of the campaign ahead of the 9 October presidential elections. The decree also banned private media from reporting any exit polling, or reporting partial or final results of the vote before an official proclamation by the Constitutional Council. News outlets risked sanctions as severe as closure for non-compliance with the ministerial directive.
20. The 20 September 2011 ministerial directive outlined equal division of airtime on national public broadcaster CRTV for presidential candidates. However, according to a Transparency International election monitoring report, national public broadcaster CRTV devoted 100 percent of its campaign coverage to the ruling party and President Biya from 8 September to 18 September 2011.

Access to Information

21. Cameroon does not have a law guaranteeing the public and the press access to information. Investigative journalists have been detained and prosecuted under criminal charges for publishing or possessing material presented as leaked official documents.
22. On 24 February 2011, a public prosecutor charged editor Raphaël Nkamtchuen of the periodical *La Boussole*, with "unauthorized communication with a detainee" and "possession of an administrative document labeled 'confidential,'" a criminal offense. Nkondengui prison guards seized the document from Nkamtchuen after the journalist completed an interview with former finance minister Polycarpe Abah Abah in the prison on 17 February. The charges are based on a 27 October 2009 letter from top presidential adviser Laurent Eso that informed the Vice Prime Minister for Justice Amadou Ali that President Paul Biya had approved the minister's proposal to arrest a number of officials for corruption, including Abah Abah.

Internet and Free Expression in Cameroon

23. Restrictive laws and policies regarding the Internet have stifled free expression in Cameroon. With the rising importance of information and communications technology (ICT), the United Nations Human Rights Committee encouraged

- signatories, in General comment No. 34, to take all necessary steps to foster the independence of new media and to ensure individuals access to them.
24. Cameroon, as a member state, is bound by article 33 of the International Telecommunication Union's (ITU) Constitution, which recognizes the right of the public to access international telecommunication services. The International Telecommunication Regulations of the ITU provide that signatories, to the greatest extent practicable, should maintain a satisfactory quality of those services.
 25. In Cameroon, citizens can freely open websites and blogs, without required registration or permission from state authorities. Article 4 of Law no. 2010/013, adopted by Cameroon in December 2010, guarantees the equal access to the Internet.
 26. In spite of this encouraging legal framework, the Internet penetration rate in Cameroon is still very low, at 4 percent according to the ITU. Government suspicion of the Internet, embodied in the controversial law on Cybersecurity and Cybercriminality, partly explains the lack of Cameroonian citizens online.

Restrictions on the Internet

27. Cameroon imposes severe restrictions on the Internet. According to the Joint Declaration on Free Expression and the Internet, restrictions on freedom of expression on the Internet "are only acceptable if they comply with established international standards, including that they are provided for by law, and that they are necessary to protect an interest which is recognised under international law." The UN Human Rights Committee has further clarified that any restrictions "must be 'provided by law' ...and they must conform to the strict tests of necessity and proportionality." The UN Human Rights Council also noted, in resolution A/HRC/20/L.13, that the "global and open nature of the Internet" is "a driving force in accelerating progress towards development in its various forms." This is not the case in Cameroon.
28. In 2010, Cameroon adopted law no. 2010/012 on Cybersecurity and Cybercriminality. The law allows Criminal Investigation officers to gain access to user data from Internet Service Providers (ISPs) and Internet Content Providers (ICPs) without limitation of time or circumstances. Moreover ISPs and ICPs are bound to store content and data for a period of 10 years. The exact data that must be stored are not clearly defined.
29. According to section 58 of the law, judicial authorities can empower natural persons and corporate bodies to investigate the commission of a cyber offence. This is a worrying privatization of justice. Individuals lack sufficient safeguards against abuse of the law.

30. The suspicion of the Cameroonian government towards the Internet increased after the Arab Spring. Fearing that social media could be used to organize Egypt-like protests in Cameroon, the government ordered telecommunication operator MTN to block its SMS-to-Tweet service that allows mobile users to post messages on Twitter via SMS. The heavy-handed decision was disproportionate compared to the small number of Cameroonians who used Twitter at that time.

Structural barriers to access to the Internet

31. An important barrier that prevents Cameroonian citizens from freely expressing themselves online is the cost of access to Internet services, which is excessively high due to the lack of proper governance. While lowering the cost of Internet connectivity is a combination of political, regulatory, economic, and infrastructure factors, Cameroon is a case study of poor practice in the market regulation of new technologies.
32. Cameroonian Internet users pay on average \$50 USD for 64kb per second to access Internet, according to the ITU. By comparison, the telecom company Ariase found that a French user pays \$20 USD for 28 MB per second; that is to say 2.5 times less for a connection which is 437 times faster.
33. Cameroon has two landing points of submarine cables—which connect the country to the global Internet—that form the junction between the international fiber optic network and the national network. The first landing point, SAT 3, has been in operation since 2002 and is operated by the national Telecommunication Company Camtel. The second landing point, the West Africa Cable System (WACS), is not yet connected to the international fiber optic network, and will be operated through a public-private partnership between Cameroon and South African company MTN. At the time of this submission, MTN may still operate the WACS system as a monopoly, meaning that Internet costs would remain high throughout the country.
34. The monopolistic management of the SAT-3 landing point by Camtel is the main reason for exorbitant prices of Internet access. At the time of this submission, the monthly fee for bandwidth rental is \$2363 USD for ISPs, according to a 2012 Camtel report. Gabon, a neighboring country of Cameroon, which is part of the same SAT-3 consortium and has a landing point on the same submarine cable, charges \$295 USD for the same international bandwidth access.
35. Cameroon Internet authorities lack sufficient independence and autonomy from the government. There are two regulatory authorities for the Internet in Cameroon: the Telecommunications Regulatory Authority (ART) and the National Agency for Information Technologies and Communication (ANTIC), which is connected to the cabinet of the President. ART falls under the supervision of Ministry of Posts and Telecommunications, and the President appoints its Director General, while the majority of its directors and officers are

agents of the state. Camtel, the state run monopoly, is also under the authority Ministry of Posts and Telecommunications. Thus Internet authorities cannot impartially and independently handle issues related to the market, especially those regarding competition in the telecommunications sector.

36. Furthermore, Cameroon lacks an Internet exchange point (IXP)¹—a crucial piece of infrastructure—despite a plurality of Internet Service Providers that operate on the local network in Cameroon, numerous statements of intent by the National Agency for Information Technologies and Communications (ANTIC), and a variety of seminars and meetings with the Internet Service Providers since 2008. An IXP would substantially reduce the cost of Internet access for Cameroonian citizens, enabling free expression online.

Recommendations and solutions

- End the persecution of writers and journalists for practicing free expression;
- Repeal criminal defamation laws, specifically those related to public figures;
- Amend Act No. 96/0 of 16 January 1996 to refer all press offenses, including defamation, libel and slander, to civil courts;
- Amend the code of criminal procedure to reduce maximum lengths of pre-trial detention;
- Enact an access to information law with protections for confidential sources for journalists and a public interest defense;
- Launch an independent review of the practices of the DGRE, the intelligence agency, which has been involved in abusive detentions of several journalists and accused of engaging in torture;
- Allow an international commission of inquiry to establish responsibility in the death in government custody of journalist Bibi Ngota;
- Adopt regulations that protect citizens' rights to access the Internet and protect free expression;
- End the privatization of Internet policing, and place responsibility in the courts, with adequate due process protections;
- Promote universal access to communication technologies and adopt regulations that promote the Internet as an engine of social and economic development.
- Clarify the role of government telecommunications agencies and ensure the independence of the two regulation authorities, ART and ANTIC.

¹ According to the Internet Society, an IXP “enables local ISPs to connect directly together and exchange domestic traffic, typically with settlement-free peering, thereby reducing or eliminating tromboning and saving cost on international transit while reducing latency (by avoiding local traffic to be carried internationally.”