

£CAMEROON

@Human rights developments during the first half of 1991

1. Introduction

Over 80 political prisoners were released at the end of March 1991 on the orders of President Paul Biya. Another 20 were released the following month after demonstrations calling for democratic reforms and for the release of all remaining political prisoners spread from the capital, Yaoundé, to towns throughout Cameroon. The majority of those released had been held for seven years either in administrative detention without charge or trial or after being convicted in unfair trials of involvement in a failed coup attempt in 1984.

However, despite these releases and promises by the government of multi-party elections before the end of 1991, critics of the government have continued to be harassed and imprisoned for exercising their rights to freedom of expression, association and assembly. Hundreds of people were detained, mostly for short periods, during the first half of 1991 as demands for political reform gathered pace. While many of these arrests occurred in the context of violent demonstrations, during which at least 50 people died, other people appeared to have been arrested because of their peaceful opposition to the government. New legislation passed in December 1990, portrayed by the government as reforms heralding a new era of political freedom, in fact retained or introduced repressive measures, including wide powers of administrative detention without charge or trial.

While Amnesty International welcomed the releases in March and April 1991 of more than a hundred long-term political prisoners, including prisoners of conscience, it remained concerned that opponents of the government continue to be arrested and detained. The new legislation introduced at the end of 1990 appeared to have been used to curtail peaceful political activity. This document describes these developments and Amnesty International's recommendations to the Cameroon authorities.

Amnesty International is calling on the Cameroon government to release all those detained for peacefully exercising their rights to freedom of expression, association and assembly and to repeal or amend those laws which allow the imprisonment of prisoners of conscience or which allow arbitrary administrative detention without any legal safeguards. It is also expressing concern about the number of people killed and wounded by the security forces during demonstrations, and is calling on the Cameroon authorities to ensure that the security forces do not use indiscriminate or excessive force against demonstrators.

2. Political prisoners released in 1991

More than a hundred political prisoners, including prisoners of conscience, were released during the first half of 1991: more than 80 in March and a further 20 in April. About 20 others had been released in January 1991.

By far the largest group of political prisoners held in Cameroon until 1991 had been arrested in connection with an unsuccessful attempt to overthrow the government of President Biya in April 1984. The government accused former President Ahmadou Ahidjo of planning the coup attempt from exile in Paris, together with his supporters from northern Cameroon. More than a thousand people were arrested. Most were subsequently released but some 270 people were convicted after unfair trials held *in camera* before military tribunals. Their sentences ranged from two years' imprisonment to the death penalty and about 50 people were executed. At least 40 others were held without charge or trial or were redetained after being acquitted of all charges in connection with the coup attempt.

At the beginning of 1991 some 60 prisoners were still serving sentences of 10 years or more, and at least 20 were held in administrative detention: some had been neither charged nor tried; others remained in prison after they had been acquitted or after completing prison sentences of five years or less. Most convicted prisoners were held in Yaoundé Central Prison, known as Nkondengui prison. Administrative detainees were held there and at prisons in other parts of the country, such as at Yoko in central Cameroon.

Twice in 1990, in April and again in August, President Paul Biya announced publicly that prisoners held in connection with the 1984 coup attempt would be released. Although at least 140 of these prisoners, mostly administrative detainees, were reported to have been freed in April 1990 or later in the year, most appeared to have been placed under restriction orders and were forbidden to leave their home areas without official authorization. Among those restricted in this way was **Ahmadou Bello**, a former senior executive of Cameroon Airlines, who had been held in administrative detention without trial in Nkondengui prison for six years. He was restricted to Poli in Northern Province.

After President Biya's announcement of releases in April 1990, about 15 other prisoners detained in connection with the 1984 coup attempt were transferred to other places of detention, apparently in an attempt by the authorities to create confusion about which and how many prisoners remained in detention. Among them was **Moussa Habouba**, a representative of Cameroon Airlines, who had been held in Nkondengui prison without charge or trial since April 1984. Amnesty International considered him to be a prisoner of conscience. In mid-1990 he was transferred to the Central Prison in Bafoussam in Western Province. He suffered from malaria and hypertension but did not receive adequate medical treatment. He was not released until 15 March 1991. **Roger Bolimo**, a former customs

inspector, also detained without charge or trial since 1984, was transferred from Yoko prison to Saa prison, in central Cameroon, and was finally released in April 1991.

Although in December 1990 the National Assembly approved legislation providing for the registration of opposition parties, restrictions on the formation of political parties and political activities remained. Demands for political reform, as well as the release of political prisoners, intensified in the first few months of 1991. Apparently in response to growing public discontent, the Cameroon authorities announced an amnesty for political prisoners on 28 March 1991. According to reports in the Cameroon press, 107 prisoners were to benefit from the amnesty. Most had been arrested in connection with the 1984 coup attempt. All restrictions placed on prisoners already released were lifted; prisoners held in administrative detention, either after the expiry of their sentences or without charge or trial, were released; all prisoners still serving prison sentences of 10 years or less were also released; prisoners serving terms of more than 10 years had the remainder of their sentences reduced by half; and those sentenced to life imprisonment were to serve 15 years. Some 50 prisoners were released from Nkondengui prison on 1 April 1991. Prisoners held in prisons in other parts of the country were released in the days that followed.

On 22 April 1991, following violent demonstrations in towns throughout the country calling for the release of the remaining political prisoners, the National Assembly passed a law granting an amnesty to all political prisoners. This law, enacted the following day by President Biya, constituted an unconditional pardon for people convicted or charged on political grounds. On 26 April 1991 the 20 remaining political prisoners were released from Nkondengui prison. As well as those still serving sentences after being convicted in connection with the April 1984 coup attempt, they included **Major Ibrahim Oumarou** and **Captain Salatou Adamou**, armed forces officers on the staff of former President Ahidjo, who were convicted after an unfair trial by special military court in Yaoundé on charges of subversion, conspiracy and conspiracy to murder in connection with an alleged plot to overthrow the government of President Biya in August 1983.

Many of those held in administrative detention, either without charge or trial, or after being acquitted or after the expiry of their sentences, appeared to be prisoners of conscience. The authorities consistently failed to provide any evidence to justify their continued detention. **Suzanne Lecaille** was arrested on 21 April 1984 and brought to trial before a military tribunal in Yaoundé on 10 August. She was acquitted of all charges of involvement in the attempted coup but remained in detention until April 1990 apparently because of her close association with former President Ahidjo's family. **Oumarou Aman** was also tried before a military tribunal in Yaoundé in August 1984 and acquitted and released. He was redetained in January 1985, with no explanation and sent to Yoko prison with several other administrative detainees held in connection with the 1984 coup attempt. He appeared to be detained because of suspected connection with the coup plotters. He was finally released on 15 January 1991.

Also released in January 1991 were about 20 other political prisoners held in Yoko prison. They included **Nicole Ngakou** and her brother, **Georges Yopa**, who had been detained since January 1987. Although reported to have been acquitted in October 1987 of charges of possessing subversive documents, they remained in administrative detention. **Mohamed Lawane Krama**, who had been arrested on his return from abroad in January 1984 and since held without charge or trial, was also released from Yoko prison in January 1991.

Prison conditions and deaths in detention

Those imprisoned in connection with the 1984 coup attempt, especially those held in Nkondengui prison, had been held in extremely harsh conditions which resulted in deaths and serious ill-health.

At least 25 political prisoners, the majority of them held without charge or trial, died in Nkondengui prison between 1984 and the end of 1989 from malnutrition, disease and medical neglect. No inquest is known to have taken place into any of these deaths. One of those who died was **Moudio Hildina**, a local government official, who had been tried in connection with the 1984 coup attempt and sentenced to two years' imprisonment. However, he remained in administrative detention in Nkondengui prison after the expiry of his sentence in 1986. In April 1987 he complained of pain in his hand; by December 1987 he was reported to be completely paralysed. Although transferred to a military hospital, he was returned to Nkondengui two months later despite there being no improvement in his condition. He was denied all medical treatment until September 1988 when he was again admitted to hospital. He died in June 1989.

Many of those released in 1990 and 1991 had become seriously ill due to inadequate diet and medical neglect. **Haman Toumba** and **Jean-Pierre Dia**, who were detained after completing five-year sentences, were both reported to have been deaf and blind when they left prison and Haman Toumba was barely able to walk. Problems with eye-sight appear to have been particularly common; several prisoners were reported to have been blind or nearly blind on their release. Prisoner of conscience **Abdoulaye Mazou**, a former lawyer and magistrate who completed a five year prison term in 1989, was among those released from Nkondengui prison in April 1990 and placed under restriction. On his release he suffered from various illnesses, including eye and kidney ailments, but he had to wait several months for official authorization to travel to Yaoundé to receive medical treatment.

Following the deaths in December 1989 of two prisoners in Nkondengui prison, who were reported to have died as a result of beatings and medical neglect, Amnesty International

called on the authorities to introduce safeguards to protect all prisoners at the prison from ill-treatment and to ensure that they receive adequate food and medical care.

3. New repressive legislation

Despite the release of long-term political prisoners and government promises to reform emergency legislation dating from the 1950s and 1960s, repressive new laws were introduced by the government on 19 December 1990. They were portrayed by the government as reforms which would bring in a new era of freedom of political activity in a multi-party political system, and were published in the government-owned press under headlines such as "Liberty Texts".

The new legislation included a law on the formation of political parties and another regulating freedom of association. However, it also included laws in which broad powers of administrative detention without charge or trial were retained by or granted to a wide range of government officials. Under the laws, a state of emergency may still be imposed by presidential decree without control by the legislature or judiciary. The new laws provide no safeguards against abuse of emergency powers or against arbitrary detention. Political trials will no longer be heard by a special military tribunal but by a newly-created State Security Court, a special court outside the normal judicial system, appointed by the government and allowing no judicial appeal. Censorship of the press became stricter, and new laws allowing political parties and activities placed numerous restrictions on both.

Amnesty International is calling for the immediate repeal or amendment of all provisions which allow the imprisonment of prisoners of conscience or arbitrary administrative detention without any legal safeguards. The new laws of concern to Amnesty International are described below.

a) Administrative detention without charge or trial

Amnesty International is concerned that the following laws could be used for the detention, incommunicado and for long periods, of political opponents and critics of the government. In the past many such detainees have been held for years, without any legal recourse against their detention.

The Law relating to the State of Emergency (*Loi relative à l'état d'urgence*), No. 90/47 of 19 December 1990, repealed Ordinance No. 72/13 of 26 August 1972 relating to states of emergency.

It provides for a state of emergency to be declared by presidential decree for up to six months; beyond that duration, the National Assembly would be "consulted"

("consultée"). Under a state of emergency, a wide range of government officials have broad emergency powers of administrative detention without charge or trial: the Minister of Territorial Administration (minister of the interior) may order the detention of "persons deemed dangerous to public security" ("*des individus jugés dangereux pour la sécurité publique*") for up to four months, and Provincial Governors and Senior Divisional Officers (*Préfets*) may detain such people for up to 15 and seven days respectively.

No safeguards against abuse of emergency powers or against arbitrary detention were provided. The National Assembly was given no effective control over the establishment or continuation of states of emergency. Previously, decrees declaring or maintaining states of emergency were not published by the authorities, resulting in confusion as to whether and where a state of emergency was still in force. However, the new law still did not require that such decrees be published in the government gazette. Nor was it made clear whether emergency powers of detention could be imposed on people outside the areas where states of emergency were in force. No process was provided to review the detention of people held under emergency powers, nor was it made clear whether detainees would be allowed access to the courts to challenge the legality of their detention. The law did not explicitly provide access to detainees by lawyers, doctors and families.

The Law relating to the Maintenance of Law and Order (*Loi relative au maintien de l'ordre*), No. 90/54 of 19 December 1990, repealed Law No. 59/33 of 27 May 1959 relating to law and order. It gave the authorities unlimited powers of administrative detention, without any legal safeguards, of people suspected of "banditry" ("*banditisme*").

The government has been increasingly criticized for its continued use of emergency laws dating from the 1950s and 1960s at a time when Cameroon was experiencing civil strife. The new law relating to law and order (No. 90/54 of 1990) repealed one of these laws, but appeared to give to unspecified government officials very broad, and permanent, powers of detention without charge or trial: for example, "Administrative authorities may, at all times and depending on the circumstances, ... detain persons for a renewable period of 15 days in order to fight banditry." ("*les autorités administratives peuvent, en tout temps et selon les cas, ... prendre des mesures de garde à vue d'une durée de quinze (15) jours renouvelables dans le cadre de la lutte contre le grand banditisme.*"). Detainees have no opportunity to challenge the reasons for detention, and no review process for such detentions was provided by the new law.

b) Imprisonment for unlawful assembly

The Law to lay down Regulations governing Public Meetings and Processions (*Loi portant régime des réunions et des manifestations publiques*), No. 90/55 of 19 December 1990, prescribed restrictive regulations to be observed by individuals and organizations wishing to hold public meetings or demonstrations. Under Article 231 of the 1967 Penal Code, organizers of unauthorized meetings or demonstrations may be imprisoned for from 15 days

to six months and fined. Under Article 9 of the new law, the same penalties may be imposed on organizers who do not give prior notice to the authorities of meetings or demonstrations.

c) Imprisonment for criticism of the government and its institutions

The Law to Amend Certain Provisions of the Penal Code (*Loi portant modification de certaines dispositions du code pénal*), No. 90/61 of 19 December 1990, created three new political offences - all punishable by heavy prison sentences - and increased the penalties for criticizing government institutions.

A new Article 113 created the new offence of propagating "false information liable to injure public authorities or national unity" (*des nouvelles mensongères lorsque ces nouvelles sont susceptibles de nuire aux autorités publiques ou à la cohésion nationale*) and made it punishable by from three months' to three years' imprisonment.

Article 154 was amended to increase the penalty for showing contempt for the courts, members of the National Assembly and the armed forces, and other government officials. Previously, the penalty was a prison term of from 10 days' to one year's imprisonment; these were increased to a minimum of three months' up to a maximum of three years' imprisonment. The option of a fine of up to 20 million CFA francs (about US \$79,000) was retained. Also under Article 154, the amended law prescribed the same penalties for whoever "incites to revolt against the Government or institutions of the Republic" (*incite à la révolte contre le gouvernement et les institutions de la République*).

Article 157 broadened the offence of resistance (*rébellion*) to include incitement to the offence. Any person who "incites to the obstruction of the execution of any law ... or lawful order" (*incite à résister à l'application des lois ... ou ordres légitimes*) may incur a penalty of imprisonment of from three months to four years without option of a fine.

The authorities' ability to prevent publication of criticisms of the government was increased by the Law relating to the Freedom of Mass Communication (*Loi relative à la liberté de communication sociale*), No. 90/52 of 19 December 1990, which repealed Law No. 66/LF/18 of 21 December 1966 on the press. It strengthened government powers to censor newspapers and magazines before their publication.

d) Unfair political trials

Jurisdiction in political trials was passed from the military courts to a new State Security Court, still a special court, outside the ordinary judicial system, which denies any right of appeal. Amnesty International is concerned that the new court offers no significant safeguards against the continuation of blatantly unfair political trials.

Previously, political trials were conducted by special military courts which were not independent of government influence and allowed no right of appeal. However, the new court does not provide any more guarantees of a fair trial. According to the Law instituting the State Security Court (*Loi portant création et organisation de la cour de sûreté de l'Etat*), No. 90/60 of 19 December 1990¹, the presiding judge and six assessors - two civilian judges, two military judges and two others - are to be appointed by presidential decree. There is no right of appeal to a higher, independent jurisdiction, although an appeal on points of law (*pourvoi en cassation*) may be made to the Supreme Court in certain circumstances.

4. Continuing political arrests

Within a month of these laws being passed, two well-known journalists were prosecuted for publishing an article criticizing the government. **Pius Njawe**, editor of *Le Messenger*, a Douala newspaper, and economist **Célestin Monga**, author of the article, were charged with showing contempt for the head of state, the courts and members of the National Assembly. Amid country-wide protests against their prosecution, they were convicted on 17 January 1991 of showing contempt for the National Assembly, given suspended prison sentences and fined. In the amendments to the penal code in December 1990, the maximum penalty for showing contempt for the courts or National Assembly members had been increased from one to three years' imprisonment.

On 3 April 1991, a few days after the releases and reductions in sentences of political prisoners ordered by President Biya, *Le Messenger* printed lists of all those convicted in connection with the 1984 coup attempt as well as those held in administrative detention. The newspaper also described the conditions in which these prisoners had been held and listed the prisoners who had died in Nkondengui prison since 1984. Although the authorities did not censor these articles before publication, copies of *Le Messenger* were confiscated by the authorities. Under Article 17 of the new law on mass communication (No. 90/52 of 1990) newspapers may be seized by the authorities, and the Minister of Territorial Administration may order the banning of any newspaper "in case of conflict with the principles of public policy" (*en cas d'atteinte à l'ordre public ou aux bonnes mœurs*). Copies of *Le Messenger* and other independent newspapers continued to be seized by the authorities during the following months. In mid-June 1991 **Benjamin Zebaze**, the director of the independent newspaper *Challenge Hebdo* was taken into custody for questioning by

¹ The Law to Amend Ordinance No. 72/5 of 26th August 1972 relating to the Jurisdiction of the Military Tribunal (*Loi modifiant no 72/5 du 26 août 1972 portant organisation judiciaire militaire*), No. 90/48 of 19 December 1990, repealed Section 35 of Ordinance No. 72/5 of 26 August 1972, Ordinance No. 72/20 of 19 October 1972 and Decree No. 72/736 of 29 December 1972 relating to the jurisdiction and composition of military courts in political cases.

the police after copies of the newspaper were seized; it carried an article which was critical of a government initiative to construct a new airport. He was apparently released shortly afterwards. **Vincent Tsas**, a Dutch journalist working for Reuters news agency and the British Broadcasting Corporation (BBC), and two other journalists were detained briefly on 11 July 1991 after attending a press conference called by a new opposition party.

Political unrest intensified in Cameroon from the beginning of April 1991 when students at the University of Yaoundé demonstrated to call for the release of all political prisoners and for a national conference to discuss the political future of Cameroon. Over 200 students were arrested but most were released without charge shortly afterwards. Eye-witnesses reported seeing about 50 students being beaten in a police station in Yaoundé. There were further arrests of students at the beginning of May 1991; two were brought to trial on charges of organizing public meetings without official permission, apparently under the provisions of the new law on public meetings (No. 90/55 of 1990). One received a six-month suspended sentence and was released; the other was acquitted.

Neither the releases of political prisoners in March and April 1991 nor the re-establishment of the post of Prime Minister, suppressed by President Biya in 1985, appeased demands for political reform and a national conference. Violent demonstrations, during which more than 50 people died in the first six months of 1991, spread throughout Cameroon and a series of strikes were held amid calls for President Biya's resignation.

In response to growing political unrest and violence, President Biya promised multi-party elections before the end of 1991 but refused to concede demands for a national conference. The Law relating to Political Parties (*Loi relative aux partis politiques*), No. 90/56 of 19 December 1990, placed numerous restrictions on the establishment of political parties. Parties must have authorization from the Minister of Territorial Administration, but may start operating if they receive no response to their application for registration within three months. The President of the Republic may ban a party at any time if, in his opinion, it does not comply with the regulations; this decision can be contested in court.

By June 1991 almost 30 political parties had been officially recognized but opposition leaders continued to be harassed and detained, and at the end of June 1991 the government banned all activities by a coordinating committee representing the majority of the opposition parties.

On 21 June 1991 the leaders of two legally-recognized opposition parties, **Mboua Massock**, Secretary General of the *Convention libérale* (CL), Liberal Convention, and **Victorin Hameni Bieleu**, President of the *Union des forces démocratiques du Cameroun* (UFDC), Union of Democratic Forces of Cameroon, were arrested by police together with six other opposition leaders after giving a document to officials at the United States consulate in Yaoundé. The document had already been submitted to diplomatic representatives of

other countries whom the opposition claimed were supporting the government of President Biya. No reasons were given for their arrest and they were released without charge early the next day. A week later, **Nsame Mbogo**, chairman of the *Parti socialiste démocratique* (PSD), Democratic Socialist Party, was reported to have been arrested in Douala and charged with possessing documents which were hostile to the government; police had found documents in his car calling for a general strike. He was subsequently released but it was not known whether charges were retained against him.

There were large-scale arrests and further curbs on political activity as the country was disrupted by a series of strikes called by opposition political parties. All public meetings in Yaoundé were banned in early July 1991 and hundreds of people were arbitrarily detained in an attempt by the authorities to prevent them from joining demonstrations protesting against the government's refusal to hold a national conference. On 13 July 1991 the Minister of Territorial Administration, Gilbert Andzé Tsoungui, banned the activities of six opposition groups under the provisions of legislation passed in December 1990. Article 13 (2) of the Law relating to Freedom of Association (*Loi portant sur la liberté d'association*), No. 90/53 of 19 December 1990, enables the Minister of Territorial Administration to dissolve any association which "departs from its original object or whose activities seriously undermine public order or the security of the state" (*s'écarter de son objet et dont les activités portent gravement atteinte à l'ordre public et à la sécurité de l'Etat*). **Sinjoun Pokam**, an official of one of the banned groups, a human rights organization, was arrested on 13 July 1991 in Yaoundé but was apparently released soon afterwards.

Many of those detained were held for short periods before being released without charge but it was not clear how many people remained in detention. While some of those detained may have been suspected of violence, others appear to have been detained because of their non-violent opposition to the government. Amnesty International is calling on the authorities not to arrest and detain people for exercising their rights to freedom of expression, assembly and association.

Killings by the security forces

Although many of the demonstrations which occurred during the first half of 1991 were violent, involving attacks on the security forces, government buildings and other property, the high number of injuries and fatalities among demonstrators led to concern that in some cases the security forces may have indiscriminately opened fire and used excessive force. In at least one case, the police announced that an inquiry would be undertaken into the deaths of four people, including a teenage boy, who died on 16 May 1991 after being shot by police in Douala. As far as Amnesty International is aware, the findings of the inquiry have not been published.

While recognizing the responsibility of the authorities to maintain law and order, Amnesty International believes that directives should be issued to the security forces for the use of firearms in accordance with international standards, in particular the United Nations Code of Conduct for Law Enforcement Officials. In cases where it appears that excessive force may have been used, an independent inquiry should be undertaken.

5. Conclusion

In view of its concerns about the continuing political arrests and the apparent excessive use of force by security forces, Amnesty International is calling on the Cameroon government:

- to release all those detained for peacefully exercising their rights to freedom of expression, association and assembly;
- to introduce strict control on members of the security forces, in accordance with international standards, in order to ensure that excessive force is not used against demonstrators;
- to repeal or amend all provisions in the legislation passed in December 1990 which allow the imprisonment of prisoners of conscience or arbitrary administrative detention without any legal safeguards;
- to introduce safeguards to protect all prisoners from ill-treatment.