

**ADOPTING MEMORY AND TRUTH AS NON-JUDICIAL APPROACHES
TO TRANSITIONAL JUSTICE IN CAMEROON**

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DEDICATION

This mini thesis is dedicated to my father DZE Gregory BUA (Late), a Headmaster with integrity and dignity, who's love and push for education leaves the spirit burning in all his children and to my mother, Walburga BUA, 'the mother of all children'. Dad, I know your satisfaction grows on even "in the beyond" where you are now.



DECLARATION

I declare that this mini thesis titled “Adopting memory and truth as non-judicial approach to transitional justice in Cameroon” has been composed solely by myself and that it has not been submitted, in whole or in part, for any other degree or professional qualification. Except where stated otherwise by reference or acknowledgement, the work presented is entirely my own.

SIGNED: Gilbert BUA, EWI



LIST OF ACRONYMS

ACHPR: The African Commission on Human and Peoples' Rights.

ADF : Ambazonian Defence Forces.

AFP : Alliance des Forces Progressistes.

AGC: Ambazonia Governing Council.

BiH: Bosnia-Herzegovina.

BIR : "Bataillons d'Intervention Rapide" (Rapid Intervention Battalion).

CAT: Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, 1984.

CBC: The Cameroon Baptist Convention.

Colum. L. Rev.: Columbia Law Review.

CPDM: Cameroon Peoples Democratic Movement.

CPP: Cameroon People Party.

ECCC: Extra Ordinary Chambers in the Courts of Cambodia.

FGM: The Full Gospel Mission.

GDP: Gross Domestic Product.

HRC: Human Rights Committee.

Hum Rts. Q.; Human Rights Quarterly.

IC: International Community.

ICC: International Criminal Court.

ICCPR: The International Covenant on Civil and Political Rights, 1966.

ICJ: International Court of Justice.

ICTJ: International Center for Transitional Justice.

ICTR: International Criminal Tribunal for Rwanda.

ICTY: International Criminal Tribunal for the former Yugoslavia.

IDPs: The Internally Displaced Persons.

IG: Interim Government of Ambazonia.

IHL: International Humanitarian Law.

IHRL: International Human Rights Law.

IJMR: International Journal of Multidisciplinary Research.

IJVC: International Journal of Conflict and Violence.

IMF: International Monetary Fund.

JMR: Joint Military Region.

LLM: Master of Laws.

MN: Movement Now.

MoRISC: Movement for the Restoration of the Independence of Southern Cameroons.

MRC : Mouvement pour la Renaissance du Cameroun.

NIAC: Non-International Armed Conflicts.

NW: North West Region.

NWSW: North West and South West Regions.

PAL : Parti de l'Alliance Libérale.

PCC: The Presbyterian Church in Cameroon.

PCIJ: Permanent Court of International Justice.

PCRN : Parti Camerounais pour la Réconciliation Nationale.

PSC: Peace and Security Council.

PU : Parti Univers.

PURS : People Uni pour la Rénovation Sociale :

RDPC : Rassemblement Démocratique du Peuple Camerounais.

S.D.O.: Senior Divisional Officer.

SCACUF: The Southern Cameroons Ambazonia Consortium United Front.

SCDF: Southern Cameroons Defence Forces (homonymous).

SCLC: Southern Cameroon Liberation Council.

SCNC: Southern Cameroons National Council.

SCSL: Special Court for Sierra Leone.

SCYL: Southern Cameroons Youth League.

SDF : Social Democratic Front.

SED : Secrétariat d'État à la Défense.

SOCADEF: Southern Cameroons Defence Forces.

SW: South West Region.

TJM: Transitional Justice Mechanism/Transitional Justice Measure.

TJMs: Transitional Justice Mechanisms/Transitional Justice Measures.

TRC: Truth and Reconciliation Commission.

TRCs: Truth and Reconciliation Commissions.

TWQ: Third World Quarterly.

U.N.O.: United Nations Organisation.

UDC : Union Démocratique du Cameroun.

UK: United Kingdom.

UNOCHA: United Nations Office for the Coordination of Humanitarian Affairs.

UN : The United Nations.

UNDP : Union Nationale pour la Démocratie et le Progrès.

UNDP: United Nations' Development Program.

UNGA: United Nations General Assembly.

UNHCR: United Nations' High Commissioner for Refugees.

UNSC: United Nations Security Council.

UPC : Union des Populations du Cameroun.

US: United States.

WBG: The World Bank Group.



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Abstract

The right to an effective remedy for victims of mass atrocities and the massive human rights abuses perpetrated in intra-state conflicts remains weak in international law. This is more so when such conflicts involve a ruling government and a section of its population. A host of substantive and procedural legal issues prevent victims from being able to seek redress in national and international courts. This problem is particularly acute where victims seek redress for the abuses perpetrated by the regime's military and other paramilitary forces in connivance with law enforcement personnel, loyal to the regime in power. The nature of these conflicts, full of the regime's absolute power over the judiciary, the paramilitary and military forces, the gendarmerie and the police force, makes it difficult to hold the regime accountable for such human rights abuses. This doctrinal research seeks to critically examine and assess other transitional justice measures and then ascertain the effectiveness of the non-judicial mechanisms of memory and truth in a bid to achieve sustainable peace and reconciliation in the conflict-torn state of Cameroon. The research seeks to examine the parameters of an effective remedy under international law and then proceeds to assess the concept of memory and truth as a transitional justice mechanism offering human rights-compliant remedies geared towards achieving sustainable peace when deployed in the Cameroonian conflict.

Keywords: Intra-state conflict, Cameroon, memory and truth, transitional justice, non-judicial measures, peace and reconciliation, human rights abuses.

CHAPTER 1

INTRODUCTION AND RESEARCH METHODOLOGY

Recent political crises all over the world, and particularly in West and Central Africa, are as a result of a variety of factors, amongst which are bad governance, unequal distribution of the states' resources, and ethnic communities' manipulations. A greater number of the conflicts facing these regions "display a confluence of local, regional and extra-regional dynamics".¹

According to Ndiaye,²

'[e]very conflict in ... Africa, as anywhere in the world, stems first from objective socio-economic, psychological and political conditions on the ground in the confines of national boundaries. In an increasingly interdependent world, however, no conflict can escape the influence of realities and dynamics of the immediate sub-regional, regional and wider international environments in which it unfolds.'

The ongoing conflict in the two English-speaking regions of Cameroon since late 2016 does not escape these realities.

1.1. Background

La Republique du Cameroun and Southern Cameroons are, respectively, two former French and British trust territories who decided to unite into a federal state after their respective independence in 1960 and 1961. This union was however very short-lived as it was fraught with its vices, predominant among which were deceit and marginalisation of the English-speaking Cameroonians.³ Hence, the intended harmonious union never met the goal for which it was meant. Things further deteriorated when, in 1972, the federal nature of the states was broken, bringing it in to a unitary state with the English language being relegated to a second place.⁴ The secret agenda

¹ Zounmenou, D. D., & Loua, R. S. (2011). Confronting complex political crises in West Africa: an analysis of ECOWAS responses to Niger and Côte d'Ivoire. *Institute for Security Studies Papers*, 2011(230), 20-20.

² Ndiaye, 2010; 38-58.

³ Ngwane, G. (2012). *The Cameroon Condition*. African Books Collective. Langaa Research and Publishing CIG, 2012 (68-70)

⁴ Ami-Nyoh, H. (2020). A Historical interrogation on Cameroon Government Retorts to Anglophone Marginalisation Expressions 1961-2016. *EPRA International Journal of Multidisciplinary Research (IJMR)*, 67, 310.

for the assimilation of Anglophone Cameroonians by French Cameroonians further made the relationship colder.⁵ This was in breach of Article 47 of the February 1961 Federal Constitution of Cameroon.⁶

When Post-colonial Africa witnessed the advent of democracy and the massive demand for democratic reforms in the early 1990s, Cameroon was not an exception. The re-birth of partisan politics was dominated by the SDF (Social Democratic Front); the main opposition party at the time, with its party's headquarters in Bamenda which is one of the regional capitals of one of the two English-speaking regions. This was however not without stiff resistance from state forces who teargassed unarmed populations and even killed some under the pretext of maintaining public peace and order.⁷ The democratic reforms' demands in Africa in the early 1990s met with totalitarian leadership who used force to quell the expressions of dissatisfaction and opposition from the populations. Political violence replaced national dialogue. Many scholars agree that such political violence constitute "violence *sui generis*, different from other kinds of social violence."⁸ Some of these conflicts have become protracted with increase in the scale of the action. Common among them in many different parts of Africa, as it is the case with the ongoing conflict in the two English speaking regions of Cameroon, is the impunity of those in power as well as the hard to please accountability for their violations of human rights. The violent nature of their reaction to protest is compounded by the weak and/or weakened judicial systems and other socio-economic dynamics. The victims of the violence are forced to accommodate and endure the injustices perpetrated against them, without remedy, as the system affords no independent legal avenues for redress.⁹

Political developments in Cameroon since the last quarter of 2016 are causally linked to the "Anglophone problem" which is age-old and has been a constant source of conflict. The

⁵ Musah, C. P. (2020). Linguistic Segregation in Cameroon: A Systematic Tool for the Assimilation of the Anglophones. *Asian Journal of Language, Literature and Culture Studies*, 35-44.

⁶ Constitution of the Federal Republic of Cameroon (1961), Article 47

⁷ Atanga, M. (2011). *The anglophone Cameroon predicament*. African Books Collective.

⁸ Agbor, A. A., & Njieassam, E. E. (2019). Beyond the contours of normally acceptable political violence: Is Cameroon a conflict/transitional society in the offing?.: *Potchefstroom Electronic Law Journal*, 22(1), 1-32.

⁹ Mbaku, J. M. (2014). Judicial Independence, Constitutionalism and Governance in Cameroon: Lessons from French Constitutional Practice. *European Journal of Comparative Law and Governance*, 1(4), 357-391.

discrimination against Anglophone Cameroonians (in terms of their identity, culture, institutions and recognition as equal human beings) in all spheres of Cameroonian life, especially in the politico-cultural and socio-economic domains have been in existence (without official acknowledgement) since at least 1961, when the negotiations for a Federal Cameroon were conducted and concluded in Foumban.¹⁰ Chereji and Lohkoko state that:

“The outcome of the plebiscite in February 11, 1961 and the deliberations of the Foumban conference established the basis of the union between ‘the two Cameroons’, a once German protectorate that lasted from 1884 to 1916. This reunification left much room for improvement, which culminated in what has come to be known as the Anglophone problem in Cameroon. The Anglophone elites have risen sharply to denounce what they refer to as a Francophone domination in the socio-economic, political, and judicial spheres.”

English-speaking Cameroonians residing in the North West and the South West (the two English speaking regions) Regions of Cameroon have since then “been subject to constant attacks on their civil and political liberties, and to other forms of assault which could be classified as most serious crimes of international concern”.¹¹ Political violence is therefore not novel in Cameroon. The mere demand for a redress in educational and judicial reforms in 2016 is what has plunged the state into a conflict different from the tolerable sporadic political violence, and in which serious crimes of international law are being committed¹².

The current spate of the commission of atrocities in the two English-speaking regions is unprecedented and *sui generis* in terms of their scale, the organised nature of the atrocities directed against a protected group of people (the Anglo-Saxon cultural grouping) and especially as this is a conflict declared by the regime in power against a section of its population resulting from the mere demands for what a government is normally supposed to provide by right.¹³ When in 2016,

¹⁰ Chereji, R. C., & Lohkoko, E. A. (2012). Cameroon: The Anglophone Problem. *Conflict Studies Quarterly*, 1, 3-23.

¹¹ Ndi, A. (2014). *Southern West Cameroon Revisited (1950-1972) Volume One: Unveiling Inescapable Traps* (Vol. 1). Langaa RPCIG.

¹² Cameroon’s Anglophone Crisis at the Crossroads; <https://www.crisisgroup.org/africa/central-africa/cameroon/250-camerouns-anglophone-crisis-crossroads>

¹³ Agbor, A. A., & Njieassam, E. E. (2019). Beyond the contours of normally acceptable political violence: Is Cameroon a conflict/transitional society in the offing?. *Potchefstroom Electronic Law Journal* 22(1), 1-32. (See also

Common Law Lawyers and teachers of the two English-speaking regions of Cameroon took to the streets to demand better reforms in their various domains, being the respect of the rules of practice and procedure of the Common Law and the upholding of the Anglo-Saxon system of education, this should ordinarily be a lawful exercise of right to protest and of freedom of expression under the constitution. ‘Mancho Bibixy’, staging a show with a coffin in the streets of Bamenda to express how bad the nature of the roads in that part of the region in no way meant calling for war. Knowing Cameroon as a state of laws, one would have expected to see the forces of law and order accompanying these protesters and noting down their grievances, appeals and petitions for subsequent transmission or accompanying them to the respective regions’ Governors offices where their protests were to be tabled. These waves of very normal political demonstrations instead met with stiff opposition from the government forces. Lawyers in gown and wig were molested in Muea, their wigs removed and thrown in the mud and they themselves asked to sit in the mud and beaten up¹⁴. While in the Northwest region, protesters were teargassed and shot at with life bullets, some killed, and others arrested and taken to unknown destinations¹⁵ as was the case in *L’Etat du Cameroun c/. Binky Roland Bobane*¹⁶. After witnessing these molestations of the respectable corps of lawyers and teachers who had simply taken to the streets to protest the ills observed when practicing their professions as anglophones, the English-speaking masses and sympathisers then decided to take to the streets, insisting that the state be reverted to the federation that brought the Former British Southern Cameroons and the French La Republic du Cameroon together.

Within this political conflict, serious crimes of international law are being committed which need to be prosecuted. However, the contours, bottlenecks, corruption, and a lot more have not allowed for international intervention to redress the mass atrocities being committed, nor has access to international justice been allowed. The reason why this research seeks to suggest non-judicial transitional justice measures of memory and truth to redress the atrocities and establish sustainable

Okereke, C. N. E. (2018). Analysing Cameroon’s anglophone crisis. *Counter Terrorist Trends and Analyses*, 10(3), 8-12).

¹⁴ Robert, N. B. (2020). Uprising and Human Rights Abuses in Southern Cameroon-Ambazonia. In *Education, Human Rights and Peace in Sustainable Development*. IntechOpen.

¹⁵ Robert, N. B. (2021). Protest March Restrictions in Cameroon. In *Human Rights Matters*. IntechOpen.

¹⁶ *L’Etat du Cameroun c/. Binky Roland Bobane*; In this case, Binky Roland who was arrested in ‘Ambazonia’ in 2016/2017 manifestations and taken to the Centre de Recherches (SCRJ) in Yaoundé was refused access by his lawyers and later disappeared, and nothing has been heard about him until date.

peace. Memorials depict a situation or situations of pain and suffering which are at times figurative, and at times abstract, thus providing a place for public commemorations and quiet mourning. These seek to link the past to the present by continuously retelling what once happened, also serving as a reminder of people lost and pain endured. Truth on its part entails focusing on the past, rather than ongoing events, investigating on the modus operandi of events that took place over a period, with the direct and broad involvement of the affected population, gathering information on their experiences, and revealing and presenting such information as obtains.

1.2. Problem Statement

The response of the Biya administration to the Anglophone crisis has been with soft and hard measures. The Government approved the establishment of the National Commission on the Promotion of Bilingualism and Multiculturalism in January 2017.¹⁷ While in March of the same year, the recruitment of 1,000 Special Bilingual Teachers with competencies in technical and scientific subjects was launched. This was in a bid to address the demands of Anglophone teachers by the Biya Administration.¹⁸ It also embarked on two failed attempts at dialogue which were largely condemned as non-inclusive.¹⁹ Generally, however, the official responses towards the Anglophone crisis have been defined by the weight of the state apparatus, characterised by the redeployment of the BIR (Bataillon d'Intervention Rapide) to the two regions to strengthen operations of the police and gendarmerie.²⁰ A glaring example is that of the Cameroonian separatist leaders who, in a strategic meeting in Nigeria, were arrested in January 2018, and kept incommunicado for over nine months.²¹ In addition, unarmed civilians have been gruesomely murdered and are continually being murdered, schools and hospital milieux attacked and abandoned, roads deserted in some parts of the regions, entire villages burned down, arbitrary

¹⁷ Fon, N. N. A. (2019). Official Bilingualism in Cameroon: An Endangered Policy?. *African Studies Quarterly*, 18(2).

¹⁸ Okereke, C. N. E. (2018). Analysing Cameroon's Anglophone Crisis. *Counter Terrorist Trends and Analyses*, 10 (3), 8-12.

¹⁹ Okereke, C. N. E. (2018). Analysing Cameroon's Anglophone Crisis. *Counter Terrorist Trends and Analyses*, 10 (3), 8-12.

²⁰ Okereke, C. N. E. (2018). Analysing Cameroon's anglophone crisis. *Counter Terrorist Trends and Analyses*, 10 (3), 8-12.

²¹ The case of *Commissaire du Gouvernement c/. Sissiku Ayuk Tabe Julius, Professor Che Augustine Awasum, Dr. Fidelis Nde Che, Dr. Henry Tata Kimeng, Pa Nfor Ngala Nfor, Dr. Cornelius Njikimbi Kwanga, Dr. Egbe Ogork, Pa Tassang Wilfred Fombang, Barrister Shufai Blaise Sevidzem Berinyuy and Barrister Eyambe Ebai Elias*.

arrests carried out, and constant military financial demands straining the state's treasury and individual businesses have crumbled over the past five years. To these mass atrocities, the international community, the International Criminal Court (ICC) inclusive, has been silent over the massive loss of human lives and properties. A glaring example is where the Prosecutor of the ICC was on an investigation mission to Cameroon, but nothing came out of it.²² It is in this light that the researcher is proposing the adoption of non-judicial transitional justice measures of memory and truth over the judicial measures in redressing the mass atrocities and breaching the impunity gap. The proposed solutions will likely bring about a stop to the present mass atrocities, but ensure sustainable peace, stability, and unity, even in the parties' secession. Hence, where the national and international judicial measures are unable to redress the mass atrocities, the non-judicial transitional justice measures of memory and truth should be adopted to bridge the gap.

1.3. Significance of the study

This study is important primarily, because it will shed light on some of the ills and practices adopted by the government of Cameroon to thwart, delay, obstruct or deny justice. The adoption of the non-judicial measures of Memory and Truth which will involve the masses to a greater extent will have the actions of those concerned limited. The study is also significant in that speedy interventionist measures will be defined, and perpetrators of heinous crimes in international law will be able to always self-examine their consciences, get to know and say the truth after memorialisation. To the civil society and Non-Governmental Organisations, this study will raise awareness in them on the availability of other measures of transitional justice for resolving conflicts and redressing issues of mass atrocities without further avenues for hurt, hence establishing sustainable peace. Memory and truth applied in the ongoing conflict in Cameroon can achieve this goal of sustainable peace, and even bring about the national unity in diversity craved for.

1.4. Aim and Objectives.

1.4.1. Aim

²² Asukwo, E. (2021). Anglophone Cameroon Crisis and the Quest for Ambazonian State. *International Journal of Developing Country Studies*, 3(1), 1-26.

The aim of this study is to examine how non-judicial transitional justice measures of truth and memory can be adopted to address massive human rights abuses in the ongoing conflict in Cameroon. Alongside other traditional justice mechanisms though.

1.4.2. Objectives

To be able to adopt and rely on the non-judicial transitional justice measures of truth and memory in addressing massive human rights abuses in the conflict in Cameroon, geared towards achieving sustainable peace, the researcher will:

- examine the judicial and non-judicial transitional justice measures already in existence to redress human rights abuses in the conflict in Cameroon;
- critically assess the judicial measures, pointing out their inefficiencies in general, and particularly as far as the international crimes committed in the conflict in Cameroon is concerned; before,
- advocating for the non-judicial transitional justice measures of truth and memory, aimed at showing how they can be adopted to address human rights abuses.

1.5. Research Questions

The questions to be answered by this research will be:

- What suitable Transitional Justice mechanisms are there, and how applicable are these measures in redressing the human rights abuses in the conflict in Cameroon?
- To what extent have these Transitional Justice measures, so far adopted, been effective in redressing the human rights abuses in the conflict in Cameroon?
- To what extent will the non-judicial transitional justice measures of truth and memory if adopted, be able to complement these judicial measures?

1.6. Contribution

Although a lot of research has addressed and criticised judicial measures so far put into place to address human rights abuses, hence indicative of the preference of the non-judicial measures, less attention has been paid to the non-judicial measures of truth and memory for redressing the massive human rights abuses in the ongoing conflict in Cameroon. This research contributes to the literature in that it draws together information from various sources, critically examining

transitional justice measures used to redress human rights abuses in the conflict in Cameroon. The research further establishes the preference of non-judicial Transitional Justice measures of truth and memory over judicial measures.

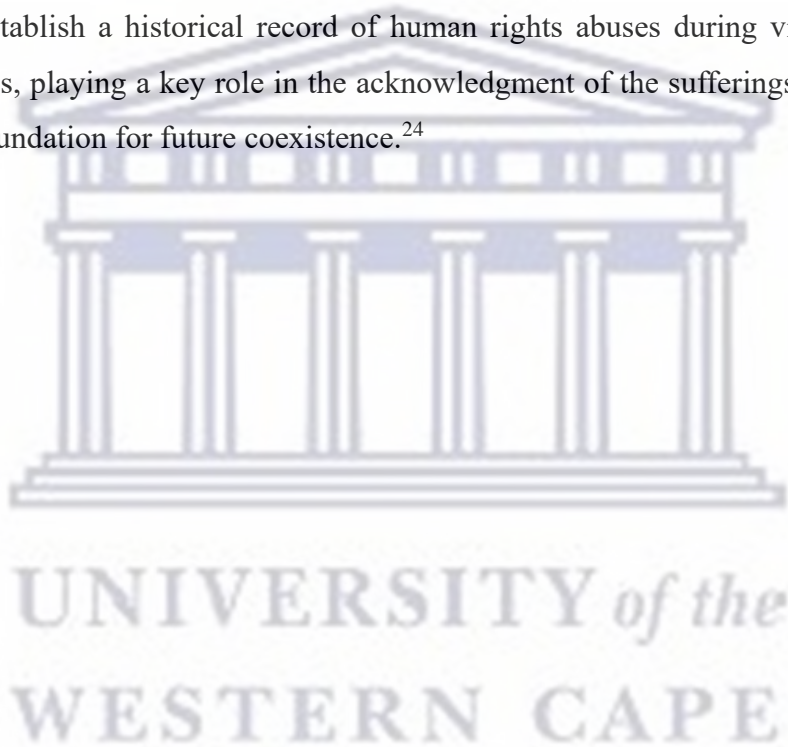
1.7. Methodology

To better attend to the questions as to what Transitional Justice measures there are to address massive human rights abuses in the conflict in Cameroon, and to what extent these measures are effective, as well as the extent to which the non-judicial transitional justice measures of Memory and Truth could effectively cover their inefficacies, the author of this research will adopt doctrinal legal research to achieve the objectives hereinabove mentioned. This will comprise examining the theoretical and analytical aspects of law as it is, and the observation of relevant social facts interrelated with the law. The approach of analysis to be adopted will be a qualitative one. Hence, the relevant facts will be assembled, legal issues identified, and analysed in view of searching for the law, background materials will be read. Primary materials including treaties, legislation, delegated legislation, and case law such as the 1961 Federal Constitution of Cameroon, Transparency International Reports, Cameroon: Transitional Justice- journal-ledroit.net, Human Rights Commissions Reports, local and international newspapers, and news reports etc., will also be perused. All the issues in context will be synthesised in order to come up with a tentative conclusion.

1.8. Conceptual framework

A conceptual framework is a representation of the relationship between dependent and independent variables; hence, illustrating what is expected to be found through this research. The relevant variables for the study are hereby defined, and how they may relate to each other mapped out. This study seeks to adopt Memory and Truth as non-judicial approaches to transnational justice in Cameroon, wherefore the topic: “Adopting Memory and Truth as non-judicial approaches to transitional justice in Cameroon”, in order to redress the massive human rights abuses in the ongoing conflict in Cameroon. Transitional justice; the legal and administrative process carried out during, and/or after a political transition, is meant to address the wrongdoings of the previous regime. The new regime defines what counts as wrongdoings and how to sanction the wrongdoers, and also decides what is considered as suffering caused by these wrongdoings and how to

compensate the victims.²³ Memorials, as mentioned hereinabove, are meant to represent the pain and suffering either figuratively or abstractly, providing space for public commemorations and quiet mourning. They seek to link the past to the present through continuously retelling what once happened. They serve as a reminder of people lost and pain endured. Truth on its part entails focusing on the past, rather than ongoing events, investigating a pattern of events that took place over a period, engaging directly and broadly with the affected population, gathering information on their experiences, and revealing and presenting such information as obtains. Truth is the most essential part in the transitional justice concept, as it provides the basis for judgments in court. Truth helps to establish a historical record of human rights abuses during violent conflicts or repressive regimes, playing a key role in the acknowledgment of the sufferings of victims. Truth may serve as a foundation for future coexistence.²⁴



²³ Elster, J. (2003). *Memory and transitional justice*. Columbia University.

²⁴ Buckley-Zistel, S., Beck, T. K., Braun, C., & Mieth, F. (Eds.). (2014). *Transitional justice theories*. New York: Routledge.

CHAPTER 2

LITERATURE REVIEW

Acts posed in reparation of the sufferings of the people, victims of massive human rights abuses are as well essential in democratic transitions as in the reconstruction processes, as these states emerge from situations of pervasive and systematic violence. Restitution and monetary compensation are the main focus of this classical system of reparations under international law. Nevertheless, the concept of reparation becomes cumbersome where heinous crimes and/or most serious and large-scale abuses of human dignity are visible. However, scholars and practitioners of transitional justice do agree that these forms of reparations are both not sustainable and also not enough to redress the unspeakable sufferings experienced by victims of massive human rights abuses.²⁵ In reply, TJ (Transitional Justice) models and theories suggest alternative forms of redress that have progressively entered human rights fora. In the present context, Memory, and Truth, out of the very many transitional justice mechanisms, are being suggested by the author to redress the massive human rights abuses in the ongoing conflict in Cameroon.

The focal elements of the transitional justice agenda include commemorations and reparations. The memory, and truth-related measures to be included among the steps that the state is expected to take along the transitional process have been progressively translated from the TJ domain to the language of international law. The tried judicial and quasi-judicial human rights instances have averred not sufficient and sustainable, and hence required states to make and undertake memorials, commemorations, and public acts of remembrance, both as instruments of reparation for individual victims and as a mechanism to guard against the resurgence of same such abuses in the future. As a result of this trend, memory-related measures have progressively become part of the state obligation to provide reparations to victims²⁶. Inserting memory-related measures as part of the international obligation to repair, however, raises some thorny issues. The jurisprudential review in the case of the memorial El Ojo que Lloro in Peru, by Inter-American Court of Human Rights

²⁵ Campisi, M. C. (2014). From a duty to remember to an obligation to memory? Memory as reparation in the jurisprudence of the inter-american court of human rights. *International Journal of Conflict and Violence (IJCV)*, 8(1), 61-74.

²⁶ de la Cuesta, J. L., & Odriozola, M. (2018). Historical Memory: The Spanish Legal Approach. *J. Comp. L.*, 13, 107.

in relation to memory-related orders and analysis critically assesses the emerging trend of using memory-related initiatives as measures of reparation determined by judicial organs.²⁷ The government of Cameroon, while emerging from the ongoing crisis must decide on how to deal with past atrocities in a bid to build a stable democratic society, also reinforcing the unity in diversity most desired. These are issues of “transitional justice”, defined by the ICTJ (International Center for Transitional Justice) as “the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses”.²⁸ Democratic transitioning states increasingly turn to TJMs (transitional justice mechanisms) such as war crimes tribunals, truth commissions, reparations, and amnesty; reason why the author of this Mini-thesis is suggesting memory and truth in the Cameroonian context. Advocates of transitional justice mechanisms argue consistently that these are a necessary component of the process of a successful democratisation.²⁹ A few studies, however, do exist to assess these claims.³⁰ In addition to an overall claim that TJMs facilitate democratic transitions, advocates of transitional justice mechanisms also debate whether truth commissions or tribunals are the more effective mechanism.³¹ Proponents of truth commissions argue that these have multiple advantages: the victims of abuse are given a voice, the society is made to understand and acknowledge its past, accountability is brought to political institutions, future support for human rights is increased, trust in post-conflict societies is restored, and the conditions for future democratisation are created.³² Cameroon gravely needing a rightful and just democratic process to fully gather over three hundred ethnic groups that make up the territory, memory and truth are therefore vital in redressing the human rights abuses in the ongoing conflict. Advocates of tribunals,

²⁷ Campisi, M. C. (2015). *Remembering past atrocities: the duty of memory in international law* (Doctoral dissertation).

²⁸ Frederking, B. K. (2015). Putting transitional justice on trial: democracy and human rights in post-civil war societies. *International social science review*, 91(1), 3.

²⁹ Lekha Sriram, C. (2007). Justice as peace? Liberal peacebuilding and strategies of transitional justice. *Global society*, 21(4), 579-591.

³⁰ Thoms, O. N., Ron, J., & Paris, R. (2010). State-level effects of transitional justice: what do we know?. *International Journal of Transitional Justice*, 4(3), 329-354.

³¹ Doak, J. (2011). The therapeutic dimension of transitional justice: Emotional repair and victim satisfaction in international trials and truth commissions. *International Criminal Law Review*, 11(2), 263-298.

³² Rotberg, R. I., & Thompson, D. F. (Eds.). (2010). *Truth v. justice: The morality of truth commissions* (Vol. 20). Princeton University Press.

however, criticise truth commissions as “compromise justice,”³³ arguing that only tribunals can hold perpetrators accountable for their crimes, affirm that the victims do indeed have fundamental rights, and deter those who might consider such actions in the future. This does not hold for the Cameroonian case, given that the regime in power has absolute power and control over the judiciary, and any case brought by an individual, or a group thereof against the regime or its members of government has proven futile. Again, few studies, nevertheless, do exist to evaluate these claims.

Countries with authoritarian governments and civil wars in their past, same as the government of Cameroon, are included in the democratic transition literature. This mini thesis seeks the assertion of memory and truth in the democratic transition literature in Cameroon. It analyses the influence of these transitional justice mechanisms on the country which, in its two English speaking regions, is currently under civil war dubbed the Anglophone Crisis, and in dire need of a democratic transition. Current levels of human rights and democratisation in post-civil war societies that have used transitional justice mechanisms with societies that have not are looked at. It also evaluates the levels of human rights and democratisation in post-civil war societies that adopted war crimes tribunals with post-civil war societies that have used truth commissions and memorialisations. The results thereof, support many of the arguments in the transitional justice literature, stating to the effect that post-civil war societies that have used transitional justice mechanisms have higher levels of democratisation and human rights than those that did not.

The transitional justice literature is vast to be summarised. Any attempt to comprehensively review it here could prove futile. It is a subset of the democratic transition literature, begun after a series of regime changes in Latin America in the 1980s.³⁴ The bulk of the literature emphasises the South African historic events and then Eastern Europe after the fall of the Soviet Union. The focus on the post-cold war era, includes post-conflict societies as the number of civil wars – and the frequency of international intervention – has increased. A consistent theme in this literature is to

³³ Frederking, B. K. (2015). Putting transitional justice on trial: democracy and human rights in post-civil war societies. *International social science review*, 91(1), 3.

³⁴ Frederking, B. K. (2015). Putting transitional justice on trial: democracy and human rights in post-civil war societies. *International social science review*, 91(1), 3.

explain how the transitional justice measures of memory and truth can help facilitate democratic transitions. The following is a typical passage:

“There are four basic objectives of any transitional justice program...the first is to determine the truth by establishing a record of human rights abuses. Truth provides validation for victims and is aimed at the instruction of future generations. The second objective is justice. The third is meaningful democratic reform, entrenchment of the rule of law within society, and building a society with institutions that ensure that the kinds of abuses being dealt with will not recur. The fourth objective is a durable peace with assurance that a return to violence is fairly unlikely...these four objectives are the standards by which all transitional justice programs should be evaluated.”³⁵

This literature clearly asserts an expectation that the transitional justice measures of memory and truth will increase levels of democratisation and human rights in the post-crisis Cameroon where failure by the state to protect the human rights and civil liberties of its citizens against regime rule is near unsuccessful.

How then can a truth and reconciliation commission be defined? The principal elements of truth, reconciliation, and commission carry broad responsibilities and expectations. Hayner in her study on truth commissions, notes that “a truth commission ...:

- is focused on the past, rather than ongoing events;
- investigates a pattern of events that took place over a period of time;
- engages directly and broadly with the affected population, gathering information on their experiences;
- is a temporary body, with the aim of concluding a final report; and,
- is officially authorised or empowered by the state under review.”³⁶

She further suggests, rightly too, how vital it is not to limit or narrow down the definition of truth and reconciliations commissions. It is equally evident that a commission is distinct and differs

³⁵ Kritz, N. (2008). “Policy Implications of Empirical Research on Transitional Justice”: in *Assessing the Impact of Transitional Justice*, Hugo Van der Merwe, et al (eds.) Washington DC: US Institute of Peace Press, 13.

³⁶ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge. 10(1)

from a government's human rights body or any judicial commission of inquiry. Truth commissions have, in fact, been created under many names.

On their part, memorials are material or virtual objects meant to represent events or persons whom we need not forget. In the transitional justice context, these refer mainly to victims of human rights abuses in the course of wars, ethno-political conflicts, repressive dictatorships, terrorist attacks, and apartheid, as well as genocides. Several political and ethical assumptions, such as providing an adequate site for mourning, holding perpetrators accountable, vindicating the dignity of victims, putting past wrongs right and contributing to reconciliation, constitute the main objectives of memorials. They (memorials) often employ a common aesthetic language communicating a key message: "we must not forget!" Memorials, however, do not accurately represent the past, although they offer a particular contestable interpretation of events, which may be subject to change over the years. Nevertheless, they seek to fix and store the representation of the atrocity turning it into a monument that prevails and is available to future generations, often with intention to educate the youth and in doing so to prevent the recurrence of the atrocity. "Never again!" is thus a maxim of many sites. In this sense, memorials do exist in the present to tell of things that happened in the past while seeking to impact the future. Memorials may be material and tangible, but they are also increasingly virtual and web-based allowing for the participation of a larger group of activists in different geographic locations. Memorials thus serve to represent events or persons who should not be forgotten. In the context of transitional justice, these persons are victims of human rights abuses during wars, ethno-political conflicts, repressive dictatorships, terrorist attacks, and apartheid, as well as genocides. Memory landscapes in the aftermath of a conflict embed and convey meaning and are in this way, inexorably linked to the legacy of the conflict, struggles over interpretations about the violent past and to the sites where remembering takes place. To construct memorials after atrocities has become a vital aspect of coming to terms with atrocities, thus forming a central component of transitional justice. Pain and suffering are portrayed in memorials. This at times is done figuratively, while at other times, it is abstract. They provide public spaces for commemorations and quiet mourning. Memorials constantly remind of the past as they seek to link the past to the present by continuously retelling what once happened. They serve to remind of the people lost and the pain and sufferings borne and endured. The year 2015 was full of commemorations: 100 years after the Armenian genocide, 70 years after the liberation of Auschwitz, and 20 years after the genocide of Srebrenica. All three events are referred to as

genocides, all three events are remembered in form of memorials. In contrast to measures such as tribunals, memorials – and on a more general note, commemorations – are a more recent acquisition in the repertoire of dealing with the past. Although memorials have been around for a long time, connecting them to more constructive ways of coming to terms with the past and promoting their establishment as part of transitional justice processes in post-violence societies is a relatively new phenomenon. Questions as to what functions memorials play in the transition to justice, who engages with commemoration at memorials and for what ends, and what are the ways in which memorials work in the context of transitional societies however need to be ascertained in the Cameroonian transitional justice.

Some authors argue, explicitly, that the way to evaluate the success of truth commissions, a particularly important Transitional Justice Measure, is by analysing subsequent levels of human rights protection and democratisation.³⁷ Case studies rather than cross-national studies make up the most empirical analyses in the literature with a few cross-national empirical studies testing the claims that Transitional Justice Measures facilitate democratic transitions.³⁸ There also exists little longitudinal data of the political and cultural beliefs pre- and post-initiation of transitional justice mechanisms. A recently concluded review of this literature holds that there is not enough evidence in support of strong claims in the area. The few existing studies show mixed results. Eric Brahm, however, does not find any difference in the levels of democracy between transitioning countries that used truth commissions and those that have not.³⁹ Tricia Olsen, Leigh Payne, and Andrew Reiter, in their study of counties in democratic transitions, find that no one mechanism, when used alone, improves human rights.⁴⁰ They opine that truth commissions, when used solely, had a negative impact on human rights. It is only when Transitional Justice Measures are used jointly

³⁷ Brahm, E. (2007). Uncovering the truth: Examining truth commission success and impact. *International Studies Perspectives*, 8(1), 16-35.

³⁸ Those making this criticism include Mark Arenhovel, "Democratization and Transitional Justice," *Democratization* 15, no. 3 (2008): 570-87; Paige Arthur, "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly*, 31, no. 2 (2009): 321-67; and David Mendeloff, "Trauma and Vengeance: Assessing the Psychological and Emotional Effects of Post-Conflict Justice," *Human Rights Quarterly* 31, no. 3 (2009): 592- 623.

³⁹ Brahm, E. (2007). Uncovering the truth: Examining truth commission success and impact. *International Studies Perspectives*, 8(1), 16-35.

⁴⁰ Olsen, T. D., Payne, L. A., Reiter, A. G., & Wiebelhaus-Brahm, E. (2010). When truth commissions improve human rights. *International Journal of Transitional Justice*, 4(3), 457-476.

that they have a positive impact. Kathryn Sikkink and Carrie Booth Walling have created a some sort of original dataset of truth commissions and trials in Latin America, whose analysis has led them into concluding that human rights trials have a positive impact on human rights, the resolution of conflicts, democracy, and the rule of law.⁴¹ In the most extensive study of its kind, Hunjoon Kim and Kathryn Sikkink in a study of 100 transitional countries also find that trials lead to improvements in human rights. They argue that trials are of greater impact than truth commissions as trials combine normative pressures and material punishment while truth commissions do not consider material punishment.⁴² One other feature of transitional justice literature is the debate the relative worth of truth commissions against tribunals. The bottom line of this debate is the theoretical argument that countries have to choose between post-conflict goals of justice or peace. Should TJMs like tribunals and reparations be used by a country to prioritise goals like justice, accountability, deterrence, and the rule of law regarding human rights? Or should such a country opt for the goals of peace, healing, and reconciliation by using TJMs like memorialisation and truth commissions? Should a country punish former violators of human rights, while providing reparations to victims, or should it seek truth and the acknowledgement of the atrocities committed as the proper first step to building a stable post-conflict society? The alleged atrocities of past warring parties and/or a previous regime are investigated by truth commissions with a report of their findings issued while making recommendations for the prevention of future abuses. Proponents of truth commissions argue that these commissions allow for the victims of abuse to be heard and help the society to get a full understanding of its past while acknowledging same.⁴³ Supporters also cite the therapeutic value for victims when they listen to the state telling the truth and also acknowledging their suffering. Truth commissions involve a greater number of victims than tribunals, also taking a broad view of society to enable them propose recommendations on institutional changes in a bid to prevent future atrocities. In a nutshell, it is argued that truth

⁴¹ Sikkink, K., & Walling, C. B. (2007). The impact of human rights trials in Latin America. *Journal of peace research*, 44(4), 427-445.

⁴² Kim, H., & Sikkink, K. (2010). Explaining the deterrence effect of human rights prosecutions for transitional countries. *International Studies Quarterly*, 54(4), 939-963.

⁴³ Minow, M. (2008). Making history or making peace: When prosecutions should give way to truth commissions and peace negotiations. *Journal of Human Rights*, 7(2), 174-185.

commissions bring accountability to political institutions, boost future support for human rights, restore trust in post-conflict societies, and help to create conditions for future democratisation.⁴⁴

Truth commission advocates choose them over tribunals, as they, more likely, facilitate the necessary political and cultural change for reconciliation by focusing on underlying causes of conflict and human rights abuses rather than the prosecution of individuals. Supporters of Truth commissions fear the adversarial nature of trials as trials can make reconciliation less likely and instead promote future violence; trials only focus on a handful of individuals and are not quite effective in dealing with systematic abuses; trials are likely to be unfair if the abuses occurred over a long period of time, or where only lower level perpetrators are tried rather than the leadership; and trials may likely not be practicable or just be a farce where the perpetrators still remain too influential during the transition period. The South African truth commission process is cited by these advocates as illustrative of their argument. James Gibson, for instance, from his research on South Africa, generalises, arguing that truth commissions [alone] can lead to reconciliation, democratisation, and respect for human rights.⁴⁵ He points out some “macro” factors that contribute to reconciliation: a rule of law culture, political pluralism in competing centers of power, amnesty, and the extent of injuries perpetrated by the previous regime. Gibson also cites the “micro” factors that can contribute to reconciliation: even-handedness where blame is assigned to all sides, leadership, and societal penetration of the process.⁴⁶ He argues that such factors do facilitate some components of reconciliation among which, the reduction of political intolerance, support for human rights, institutional legitimacy, and a collective national memory. Gibson’s arguments are supported by some case studies of truth commissions. Mark Ensalaco argues, regarding the truth commissions in Chile and El Salvador, that they were successful precisely because they solely concentrated on reconciliation and truth, and not justice and punishment.⁴⁷ Christian Tomuschat puts forth that the Guatemalan truth commission helped in propelling the country toward peace by

⁴⁴ Valiñas, M., & Vanspauwen, K. (2009). Truth-seeking after violent conflict: experiences from South Africa and Bosnia and Herzegovina. *Contemporary Justice Review*, 12(3), 269-287.

⁴⁵ Gibson, J. L. (2006). The contributions of truth to reconciliation: Lessons from South Africa. *Journal of conflict resolution*, 50(3), 409-432.

⁴⁶ Gibson, J. L. (2006). The contributions of truth to reconciliation: Lessons from South Africa. 432.

⁴⁷ Ensalaco, M. (1994). Truth commissions for Chile and El Salvador: A report and assessment. *Hum. Rts. Q.*, 16, 656.

recognising the acts committed by all sides.⁴⁸ Robert Ameh similarly argues, with regards to the truth commission in Ghana, that despite the difficulties in offering an authoritative account of the truth, the commission will ultimately be a success as it has not tried to place blame and create a basis for future trials.⁴⁹ Even accounts of unsuccessful transitions offer some support for Gibson's point of view. Gberie Lansana argues, concerning the Liberian truth commission, that it was not successful because it blamed only one side and the then current political leadership was not in support of the process – two factors highlighted by Gibson.⁵⁰ Joseph Nevins and David Webster both argue that the reconciliation process in East Timor could not succeed as it did not grant amnesty, and also tried prosecuting offenders who had fled to Indonesia,⁵¹ although East Timor was unable to prosecute the alleged offenders without extradition agreements from Indonesia, and public support for that approach waned. Elizabeth Evanson argues that the process in Sierra Leone failed because the use of truth commissions and tribunals were concurrently included therein, which only fanned conflict in the population rather than reconciliation.⁵²

That tribunals are often more effective than truth commissions is the competing argument put forth.⁵³ The tribunals emphasise on deterrence, accountability, punishment, and the rule of law, prosecuting individuals for alleged acts of genocide, crimes against humanity, and war crimes. Some of the tribunals like those created by the Security Council to investigate war crimes in the former Yugoslavia and Rwanda are international, while most are initiated at the nation-state level. Advocates argue that tribunals are the only way to guaranteeing accountability as not all truth commissions trigger processes leading to consequences for violators of human rights. Truth commissions are believed by proponents of this view to be some kind of “compromise justice” – inferior alternatives adopted when the legal system is not too strong enough to prosecute violations

⁴⁸ Tomuschat, C. (2001) “Clarification Commission in Guatemala,” *Human Rights Quarterly* 23, 2, 233-58.

⁴⁹ Ameh, R. K. (2006). Uncovering truth: Ghana's National Reconciliation Commission excavation of past human rights abuses. *Contemporary Justice Review*, 9(4), 345-368.

⁵⁰ Gberie, L. (2008). Truth and justice on trial in Liberia. *African Affairs*, 107(428), 455-465.

⁵¹ Nevins, J. (2007). The CAVR: Justice and reconciliation in a time of "Impoverished political possibilities". *Pacific Affairs*, 593-602.

⁵² Evanson, E. M. (2004). Truth and justice in Sierra Leone: coordination between Commission and Court. *Colum. L. Rev.*, 104, 730.

⁵³ Frederking, B. K. (2015). Putting transitional justice on trial: democracy and human rights in post-civil war societies. 3.

of human rights.⁵⁴ Truth commissions generally have time limits, restrictions on access to evidence, no enforcement powers, and a poor record of implementing recommendations, reasons why they are considered weak. Critics of trials argue that they are often inappropriate where transition situations are delicate, propounding that even the prospect of trials do undermine negotiations thus presenting blockades to ending conflict.⁵⁵ If part of the process means the leaders will go on trial for past atrocities, why then should they agree to a negotiated ceasefire and a peaceful transition context? Moreover, the domestic judicial system may not be grounded enough to try such controversial cases in post-civil war societies. Deterrence, as is also argued by critics, is unlikely because perpetrators continue to believe that such acts are necessary as the future of their group's survival is being put to test. This debate demonstrates the tensions between peace and justice as post-conflict and/or democratising goals. Pursuing peace rather through the transitional justice measures of memory and truth, than justice through trials, for example, may seem inadequate to many if the process does not include the punishment of those responsible. Many human rights advocates cite the necessity of trials in a bid to avoid impunity. Yet, to insist on pursuing justice through trials can hinder the long-term goal of peace as this alienates the supporters of the previous regime and prevents the development of future power sharing arrangements. Similar dynamics ensue from the policy options of granting amnesty or seeking reparations. To combine truth commissions and amnesty – where everyone admits their crimes, and no one goes to jail – may risk a situation wherein the victimised groups of the society do not feel justice done. Hence, trials and reparations combined may also lead to resentment and animosity among social groups that have been privileged by the previous regime and thus prevent the reconciliation most necessary for long term peace. Some do take these tensions too seriously and argue that the Transitional Justice Measures of memory and truth, among others, are ultimately rather counterproductive. Jack Snyder and Leslie Vinjamuri contend that where truth commissions reveal individual responsibility for crimes, this can equally upset long term peace as divergent interpretations of history are

⁵⁴ Grodsky, B. (2009). International prosecutions and domestic politics: The use of truth commissions as compromise justice in Serbia and Croatia. *International Studies Review*, 11(4), 687-706.

⁵⁵ Murithi, T. (2010). Sequencing the Administration of Justice to Enable the Pursuit of Peace: Can the ICC play a role in complementing restorative justice?.

fostered, and insecurity on the part of the alleged perpetrators generated.⁵⁶ David Mendeloff argues that little empirical evidence exists to show that tribunals or truth commissions do provide psychological or emotional benefits to the victims.⁵⁷ Booth notes that sometimes the truth, because it removes the incentive for the elites of the old regime to obstruct the process, causes more suffering than a forced amnesia.⁵⁸ According to Janine Clark, truth commissions cannot deal with the issue of denial; for example, where the leaders and perpetrators do not view their actions as harmful or criminal.⁵⁹ This article addresses these two features of the transitional justice literature, providing a cross-national empirical test of claims about the effectiveness of Transitional Justice Measures. It tests the overall claim in this literature: democratising countries that have used the Transitional Justice Measures are more likely to have successful democratic transitions than countries that have not used the Transitional Justice Measures. Clark's article addresses, specifically for the subset of post-civil war societies, the debate within the literature about the relative effectiveness of tribunals and truth commissions, testing the following hypotheses:

H1: Post-civil war societies that use Transitional Justice Measures have higher levels of democracy than post-civil war societies that do not use Transitional Justice Measures.

H2: Post-civil war societies that use Transitional Justice Measures have higher levels of human rights than post-civil war societies that do not use the Transitional Justice Measures.

H3: Post-civil war societies that use tribunals have higher levels of democracy than post-civil war societies that use truth commissions.

H4: Post-civil war societies that use tribunals have higher levels of human rights than post-civil war societies that use truth commissions.

⁵⁶ Snyder, J., & Vinjamuri, L. (2003). Trials and errors: Principle and pragmatism in strategies of international justice. *International security*, 28(3), 5-44.

⁵⁷ Mendeloff, D. (2004). Truth-seeking, truth-telling, and post conflict peacebuilding: Curb the enthusiasm?. *International studies review*, 6(3), 355-380.

⁵⁸ Booth, W. J. (2001). The unforgotten: memories of justice. *American political science review*, 95(4), 777-791.

⁵⁹ Clark, J. N. (2011). Transitional justice, truth and reconciliation: An under-explored relationship. *International Criminal Law Review*, 11(2), 241-261.

However, I opine that these measures, directed to preserving past memories, when taken together with the truth may serve the task of meeting the victims' needs for redress more accurately. By adopting these measures by judicial and quasi-judicial bodies, such initiative can be seen as an attempt to adjust the human rights framework to provide better forms of redress for human suffering. Furthermore, memory and truth-related initiatives in the framework of reparations suggests viable construction of the future via a thorough recognition and knowledge of the past. Thus, memorial practices and truth telling meant for reparations progressively moves from the transitional justice field to find a place within the system of reparation for human rights violations, in this way becoming practical components of the international legal obligation to repair. Aware of the complex issues that this assertion raises, the paper offers an example of the broader processes of subsuming transitional justice forms into legal institutions. At the same time, however, the contribution identifies the problems involved, pointing out hurdles and risks of using memory, and truth-related initiatives in legal settings, especially when the mediation of supranational institutions with binding powers on states comes to interfere with the sensitive and often painful process of social negotiation and interpretation of the past.

The logo of the University of the Western Cape, featuring a stylized classical building with columns and a pediment.

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CHAPTER 3

AN EVALUATION OF SOME TJMs IMPLEMENTED IN CAMEROON.

3.1. Introduction

Cameroon is seemingly a conventional democracy and a State of Laws, though, and fortunately too, long hailed as a haven for peace with utmost love for such peace. One should least expect the declaration of war by the Head of State on its citizens of the North West and South West Regions⁶⁰ for the mere exercise of their right to freedom of expression and the demand for better reforms in the educational and the judicial systems, as well as their socio-economic livelihoods. Since the last quarter of 2016, Cameroon is plagued with internal political challenges pitting the Government of Cameroon ⁶¹ against non-State factions of the English-speaking regions (Anglophone Cameroon).⁶² These challenges have evolved into what is now referred as a prolonged, unresolved political crisis. The crisis erupted as some members of the English-speaking regions, led by teachers and lawyers, began demanding reforms from the government regarding their Anglo-Saxon educational and Common Law legal systems, already facing the threat of being assimilated into the French Continental legal system by “francophonisation” and “frenchification” by the Francophone majority led government of Cameroon. On long-standing grounds of marginalisation, they began questioning the political circumstances of the country, and by late 2016 this ensued in protest actions decrying the discriminatory treatment of Cameroonians of the English-speaking regions. Responding to these protests, the government has applied highhanded tactics and other repressive measures, which rather escalated into violence, leading to the coming up of separatist groups who have made radical demands for secession and even declared their independence of the

⁶⁰ Okereke, C. N. E. (2018). Analysing Cameroon’s anglophone crisis. *Counter Terrorist Trends and Analyses*, 10(3), 8-12.

⁶¹ Governmental forces of the Joint Military Region (JMR) are made up of members of various military factions including the Rapid Intervention Battalion (known by its French acronym, BIR), gendarmerie and members of the infantry battalion: Anon 2018 <https://www.africanews.com/2018/02/22/cameroon-govt-creates-new-military-region-based-in-bamenda/>.

⁶² Armed separatist groups, fighting for secession of the Anglophone regions (the former Southern Cameroons). These factions include inter alia the Ambazonian Defence Forces (ADF), the Southern Cameroons Defence Forces (SOCADEF), and the Lebialem Red Dragons, all of which are locally known as “Amba Boys”: see Dionne 2018 <https://www.nytimes.com/2018/10/06/world/africa/cameroon-election-biya-ambazonia.html>.

former British Cameroons from the former French Cameroon.⁶³ This has fueled further resentment between the factions, thus leading to confrontations⁶⁴ which have resulted so far in the commission of numerous violent acts against the civilian population of the Anglophone regions, amongst which are “arbitrary arrests and detentions, the abduction of civilians, the destruction of civilian facilities such as schools and medical institutions, burning of State and privately owned properties, mutilations, the extortion of private property, the wrecking of schools, murders, torture and other cruel, inhumane and degrading treatment.”⁶⁵ With either party responsible for the commission of these crimes, such violent acts constitute violations of human rights for which there is a duty under international law that requires States and other international bodies to hold the perpetrators accountable.⁶⁶ This chapter evaluates the extent to which the judicial transitional justice measures of investigations, prosecutions and punishments of those responsible for the human rights violations committed in the ongoing Anglophone Cameroon crisis have so far been exercised as per the international instruments and institutions of international law, highlighting the legal justifications for accountability on the one hand. On the other hand, the implementation of some non-judicial transitional justice measures in the ongoing Cameroon anglophone crisis have also been evaluated. Asserting that the level of the crisis in Anglophone Cameroon has gone beyond the normally tolerable levels of political violence should not be misconstrued to mean there is an acceptable level of violence; it nevertheless credits the opinion that such perpetrators do not go unpunished.

3.2. The judicial transitional justice mechanisms implemented in Cameroon.

At the inaugural session of the Nuremberg Tribunal, Robert Houghwout Jackson, Chief Prosecutor in the matter, and by then US Supreme Court Associate Justice, started off by compellingly stating, in expression of his conviction, why perpetrators of heinous crimes ought to be tried and punished.⁶⁷ Almost eighty years have gone by, and his words remain as relevant as when they were

⁶³Atabong 2017 <https://qz.com/1086706/cameroon-is-on-edge-after-security-forcesopened-fire-on-anglophoneregion-protesters/>.

⁶⁴Amnesty International Annual Report 2017/18 112-115.

⁶⁵A TURN FOR THE WORSE: -Amnesty International 1 June 2018, 20-29.

⁶⁶Roht-Arriaza, N. (1995). Sources in international treaties of an obligation to investigate, prosecute, and provide redress. *Impunity and human rights in international law and practice*, 24-38.

⁶⁷ Jackson 1945 <https://www.roberthjackson.org/speech-and-writing/openingstatement-before-the-international-military-tribunal/>.

spoken. The past eight decades have, however, been characterised by a great deal of compromise by states, especially those going through political violence, internal conflict, and/or dictatorial regime violence, among which Cameroon finds itself. Sheer impunity, or even the granting of amnesties as sanctions for perpetrators of serious international law crimes all over the world is compromising. Factors including, although not limited to the lack of political will, weak judicial systems, and the threat or fear of the resurgence of violence are attributable to the problematic manner in which such violations are dealt with.⁶⁸ In circumstances as these, justice has been traded for a perceived, much desired state of peace and stability.⁶⁹ Nevertheless, one cannot ignore the colossal strides that have been made towards ensuring accountability for violations of human rights despite this dismal and pessimistic assessment. From 1945 to date, there has been a slight change in perceptions, as customary international law has greatly evolved, and international instruments adopted and implemented over the years. Such developments, seen in terms of international human rights protection, have greatly influenced the discourse and efforts on the duty imposed upon states to ensure that perpetrators of human rights violations are held accountable, and subsequently, the notion of accountability for gross violations of human rights as well. The duty to prosecute perpetrators comes in where and when such human rights violations amount to serious international law crimes. This duty to prosecute perpetrators has evolved over time, and is well captured in multilateral treaties, customary international law, and other sources of international law, but is being ignored and overlooked in the ongoing conflict in Cameroon where grave human rights abuses are being committed.

3.2.1. International criminal law measures.

The ongoing crisis in Anglophone Cameroon may not, from this doctrinal viewpoint, have met the brink of such armed conflict as to evoke the international humanitarian law rules applicable to

⁶⁸Duursma, A., & Müller, T. R. (2019). The ICC indictment against Al-Bashir and its repercussions for peacekeeping and humanitarian operations in Darfur. *Third World Quarterly*, 40(5), 890-907.

⁶⁹This can be seen in the peace versus justice debates that usually arise in the aftermath of violent conflicts and human rights violations: see generally Bassiouni 1996 LCP 9-28; Duursma and Müller 2019 TWQ 890-907; and Mendez "Importance of Justice in Securing Peace".

non-international armed conflicts (NIAC).⁷⁰ Neither is there any reason of suspecting that the crisis may amount to genocide as there is no evidence yet of the *dolus specialis* of the crime of genocide.⁷¹ Considering the extent and degree of human rights abuses perpetrated in the ongoing crisis, pressing concerns are identified as the crisis keeps escalating. The levels of violence, degree of human rights abuses and resistance keep increasing. Evidence of the conflict indicates that the conflict is prevalent and ongoing.⁷² The international community has, in its response to the Anglophone Crisis, at times not shown a meaningful appreciation of the deeper complexities of the tensions, despite the proliferation of institutions, international treaties and international conventions to which Cameroon is a signatory. An analysis of the materials concerning the Cameroon conflict indicates several complexities. The conflict cannot easily be seen through the simplistic lens of francophone versus anglophone, although these tensions are acute. Of note, the tensions in this conflict are deeply historical and have been woefully unaddressed to date. Failure to afford these historical grievances a platform at the level of international investigations and prosecutions, risks fuelling discontent and is likely to undermine the prospect of sustainable solution.

3.2.1.1. International Investigations and Prosecutions.

Some core international human rights treaties to which Cameroon is a state party do impose, in their substantive contents, that obligation to investigate and prosecute crimes of human rights violations committed within member states.⁷³ Even though these treaties impose obligations in the context of NIAC, the Cameroonian conflict is still controversial whether it has met that threshold and whether International Humanitarian Law or International Human Rights Law is the applicable law. However, IHRL such as the Convention Against Torture and Other Cruel, Inhumane or

⁷⁰ Cullen 2007 J C & S L 419-445; Cullen Concept of Non-international Armed Conflict; Dinstein Non-international Armed Conflicts; Kretzmer 2009 Israeli Law Review; Law et al Manual on the Law of Non-international Armed Conflict; and McLaughlin 2012 MJIL 94-121.

⁷¹ The *dolus specialis* of the crime of genocide is the intent to destroy, in part or in whole, a people based on their national, ethnic, racial or religious attributes (as specified in Article II of the Genocide Convention).

⁷² Willis, R., McAulay, J., Ndeunyema, N., & Angove, J. (2019). Human Rights abuses in the Cameroon Anglophone crisis.

⁷³ Cameroon is a state party to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter the CAT). The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) was ratified by the Republic of Cameroon on 19 December 1986.

Degrading Treatment or Punishment, 1984 (CAT) will apply in any case, and hence, should be invoked.

The CAT in its Article 4(1) explicitly and unequivocally imposes on states parties, the obligation to treat acts of torture as criminal. This obligation imposed upon states parties to criminalise and prosecute acts of torture is done in three stages: first, they must ensure all acts of torture are criminalised under their domestic laws as per Article 4(1); secondly, and in consonance with Articles 5(1)(a), (b), and (c) of the CAT, a jurisdiction over such offences must be established in specific circumstances, to wit, where the crimes were committed within "any territory" under the control of the state, or "on board a ship or aircraft registered in that state", or where the "alleged offender" is a national of the state party, or where the victim is a national of the state; thirdly, and of utmost importance, Article 7 of the CAT requires states parties to either prosecute or extradite those accused of acts of torture in their territory.⁷⁴ In the same way, Article 12 of the CAT states to the effect that every State Party must make sure their competent authorities carryout prompt and impartial investigation, where there is reason to believe an act of torture has been committed in any territory within its jurisdiction. Credible national and international bodies in their reports have outlined the commission of acts of torture in the ongoing Anglophone Cameroon crisis. The elements of the forces of law and order, as understood in the broadest sense, have employ different torture tactics on civilians in their efforts to identify, track and arrest Anglophone political activists and other individuals bearing responsibility for the orchestration of the ongoing crisis. Enforced disappearances, in addition to torture, have become rife.⁷⁵ The example of the Cameroon journalist, Samuel Wazizi, arrested in August 2019 was held in detention without contact with family and legal counsel until his death, in what Media Watchdog called 'the worst crime against a journalist in the past 10 years in Cameroon'.⁷⁶

The International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter referred to as the Convention on Enforced Disappearance) is just as unequivocal as

⁷⁴ Article 7(1) of the CAT reflects the aut dedere, aut judicare principle of international law.

⁷⁵ Agbor, A. (2022). Civil War in Cameroon. *Civil Wars in Africa*, 97.

⁷⁶ Cameroon Journalist Samuel Wazizi dies in government detention Al Jazeera, (www.aljazeera.com)

the CAT in imposing the duty to hold perpetrators of enforced disappearances accountable.⁷⁷ State Parties to the convention are required to investigate and bring to justice, individuals who have allegedly committed acts of enforced disappearance.⁷⁸ In its Article 4, the Convention on Enforced Disappearance, requires states parties to criminalise enforced disappearances under their criminal laws. Article 5 states that enforced disappearances committed in a widespread or systematic manner constitute a crime against humanity and will be accorded the consequences applicable as provided for under international law. It further requires that states parties hold not only those who commit accountable, but also persons who may have ordered, solicited or induced. Those who attempt to commit enforced disappearance, including superiors who may have foreknowledge of the commission or imminent commission of enforced disappearance by a subordinate but failed to prevent or initiate an investigation of the commission thereof are also liable.⁷⁹ In its article 2, the Convention on Enforced Disappearance further prohibits the defence of superior orders as a justification for the crime of enforced disappearance. These treaty obligations are yet to be seen implemented in the ongoing Anglophone Cameroon crisis. However, the principle, therein laid down, is that Cameroon is a state party, and thus obligated to investigate allegations of enforced disappearances and prosecute all those who, in one way or another, participate in their commission, with none exonerated.

Multilateral human rights treaties of a more general nature also abound, although these do not always give ample details regarding a state party's obligation to investigate and prosecute violators of human rights. In the International Covenant on Civil and Political Rights (ICCPR) same as the African Charter on Human and Peoples' Rights (The Banjul Charter) no provision is made in both as to whether there is a duty to prosecute the violations of the rights provided therein or not. This, however, does not mean such a duty cannot be derived from the treaties. The Human Rights Committee (HRC) and the African Commission on Human and Peoples' Rights (hereafter the African Commission) created and empowered to monitor conformity with the provisions of these treaties, are often seen to require of states parties the investigation, prosecution, and punishment

⁷⁷ On a general note, see Art 6 of the International Convention for the Protection of All Persons from Enforced Disappearance (2006) (hereafter the Convention on Enforced Disappearance).

⁷⁸ Article 3 of the Convention on Enforced Disappearance.

⁷⁹ Articles 6(1)(a) and (b)(i)-(iii) of the Convention on Enforced Disappearance.

of perpetrators of human rights violations including torture, extra-judicial executions, and enforced disappearances committed within their jurisdiction. States parties are required to ensure, in addition, that victims whose rights are being violated receive a remedy for harm suffered.⁸⁰ Interpretations and rulings so far provided by the HRC, and the African Commission are indicative of the fact that there exists the obligation to investigate and prosecute human rights violations. Within the scope of such violations of human rights as are being committed in the Anglophone Cameroon crisis, these two bodies have made authoritative rulings to oblige the Cameroonian Government to conduct independent and impartial investigations on allegations of torture, extra-judicial killings and enforced disappearances so as to hold their perpetrators accountable.⁸¹ The jurisprudence from the two human rights bodies is clear, affirming states parties' duty to prosecute crimes including acts of torture, extra-judicial killings and enforced disappearances.⁸² With regards to the extra-judicial executions which implicate the state's security forces, states parties are required by the HRC to take proper steps in investigating, prosecuting, and punishing perpetrators, and equally compensating victims. But such "investigations should be carried out by an impartial body that does not belong to the organisation of the security forces themselves".⁸³

Now, it is widely acceptable that references to "ensuring" that the rights enumerated in human rights treaties are enjoyed, may be interpreted as imposing an affirmative obligation on states

⁸⁰ Orentlicher 1991 Yale LJ 2537-2615; and Roht-Arriaza "Sources in International Treaties" 24-38.

⁸¹ African Commission on Human and Peoples' Rights' Resolution on the Human Rights Situation in the Republic of Cameroon, ACHPR/Res 395 (LXII) (2018); OHCHR 2018 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23404&LangID=>

⁸² A glaring example is the case of Muteba v Zaire 1982 Communication No 124/1982, 39 UN GAOR Supp (No 40) Annex XIII, UN Doc A/39/40 (1984), where the Committee found that the Government of Zaire had committed torture in violation of Article 7 of the 1966 International Covenant on Civil and Political Rights (ICCPR), and ruled that the Government had the obligation to "conduct an inquiry into the circumstances of the victim's torture, to punish those found guilty of torture and to take steps to ensure that similar violations do not occur in the future". Also ; Quinteros v Uruguay 1981 Communication No 107/1981, 38 UN GAOR Supp. (No 40) Annex XXII, UN Doc A/38/40 (1983) ; Bautista de Arellana v Colombia Communication No 563/1993, UN Doc CCPR/C/55/D/563/1993 (1995) para 82 ; Jaquin Herrera Rubio v Colombia Communication No 161/1983, UN Doc CCPR/C/OP/2 (1987). For more on the jurisprudence of the Committee, see Joseph, Schultz and Castan International Covenant on Civil and Political Rights; ICCPR Selected Decisions; HRC General Comment No 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/74/CRP4/Rev 6 (2004) paras 16, 18.

⁸³ Torres Millacura v Argentina (Judgment) 2011 HRC Series C No 229 para 121. Also see HRC General Comment No 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/74/CRP4/Rev 6 (2004) paras 16, 18.

parties.⁸⁴ The ICCPR in its Article 2, for instance, requires all states parties to "ensure to all individuals within their territory and subject to their various jurisdictions, the rights" enshrined in the Covenant, also taking necessary steps to put the rights enumerated therein into practice. Articles 1 and 2 of the Banjul Charter also reveal the obligation imposed on states parties to "recognise the rights, duties and freedoms enshrined" therein, and take measures "to give effect to them", while ensuring that its citizens are "entitled to the enjoyment of the rights and freedoms recognised and guaranteed" therein. This obligation to "ensure" and take measures to "give effect" to rights implies states parties have the duty to respect, protect and enforce these rights. This may equally be understood to include a broader obligation on states parties to carry out appropriate legal measures, whether administrative or judicial, against violators. Given the fact that the HRC has not prescribed the type of punishment to be meted out to violators in the Cameroonian Conflict, amnesties may consider such acceptable measures as investigations that seek to identify violators and document abuses, the purging of violators from leadership positions and the provision of compensation to victims. However, in the case of *Bautista de Arellana v Colombia*, it was held by the HRC that "purely disciplinary and administrative" measures "cannot be deemed to constitute adequate and effective remedies" as are defined in the obligation to investigate, prosecute, punish, and provide compensation for victims.⁸⁵ This indicates an irrefutably overarching obligation to hold perpetrators of human rights violations accountable under treaty law.

The Statute of the International Court of Justice (ICJ), in Article 38(1)(b), enumerates "international custom, as evidence of a general practice accepted as law" as a source of law. A particular rule of law is developed and cemented through consistent state practice and the obligation to be bound (*opinio iuris*).⁸⁶ Crimes that involve the violations of human rights have, through consistent state practice, indicated that they are prohibited under customary international law. This prohibition includes the obligation to prevent, investigate, prosecute, and punish perpetrators of torture,⁸⁷ enforced disappearances,⁸⁸ genocide, slavery and slave trading, apartheid,

⁸⁴ Roht-Arriaza "Sources in International Treaties" 24-38.

⁸⁵ *Bautista de Arellana v Colombia* Communication No 563/1993, UN Doc CCPR/C/55/D/563/1993 (1995) para 82.

⁸⁶ Bantekas, I., & Oette, L. (2013). *International human rights law and practice*. Cambridge University Press.

⁸⁷ *The Prosecutor v Anto Furundzija* (Judgment) 1998 ICTY-95-27/1-T para 151.

⁸⁸ OHCHR Rule-of-law Tools 12-20.

and crimes against humanity and often interpreted to constitute a positive obligation borne by states.⁸⁹ Firmly attached to these obligations is the fact that amnesties are not tolerated for these crimes as they stand as a blockade to the positive duties of investigation, prosecution and punishment of perpetrators. More so, the increasingly conditional and limited nature of the amnesties can be seen to recognise the existence of an overarching customary international law duty to prosecute such gross human rights violations as are being committed in the ongoing conflict in Cameroon.⁹⁰ Moreover, the current trend in the international community, and state practice suggests the existence of a customary international law duty to prosecute serious crimes in international law. The UN and various states keep abstaining from granting amnesties to those responsible for crimes constituting human rights violations, deduced from the many trials and judgments handed down since the last quarter of the 20th Century in ad hoc, hybrid and even national tribunals exercising both territorial and universal jurisdiction. There is no doubt that serious crimes in international law, particularly crimes against humanity, having attained the status of jus cogens norms, warrant states to prosecute or extradite (aut dedere, aut judicare) perpetrators in their territorial jurisdiction, and arguably, also to exercise universal jurisdiction,⁹¹ even though there exist controversial debates as to what human rights violations have earned a customary law duty for their prosecution. The principle of aut dedere, aut judicare, it has also been argued, qualifies as a customary international law principle, as was held by Judge Weeramantry in his dissenting view in the case of *Libyan Arab Jamahiriya v. United States of America (The Lockerbie Case)* 1998 Judgement ICJ Rep 9 at the ICJ. He asserted that aut dedere, aut judicare constitutes a well-established principle of customary international law, thus supporting Bassiouni who argues that the widespread use of the concept in international treaties has raised it to the status of customary law. The bone of contention here is not the qualification of the principle as a customary international law principle, but its ability to prohibit certain international law crimes such as torture and crimes against humanity. Due to the seriousness of these crimes, the international community

⁸⁹ HRC General Comment No 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/74/CRP4/Rev 6 (2004) para 18.

⁹⁰ OHCHR Rule-of-law Tools 7.

⁹¹ Randall, K. C. (2004). *Universal Jurisdiction: International and Municipal Legal Perspectives*. By Luc Reydam. Oxford, New York: Oxford University Press, 2003. Pp. xxvii, 258. Index. 35, £ 25, paper. *American Journal of International Law*, 98(3), 627-631.

has recognised them as being of serious concern to the community, and hence, warrant prosecution with or without a treaty. These crimes of torture and enforced disappearances being committed in Cameroon, which crimes have attained a jus cogens status, triggers the application of the customary international law rules thereby imposing the duty to investigate and prosecute these violations on Cameroon, yet to be carried out.

There was never such a thing as an international criminal justice mechanism prior to the establishment of the Nuremberg Tribunal. Nuremberg is the first ever internationally coordinated attempt meant to hold perpetrators of serious crimes accountable. A general perception was developed after Nuremberg, following the apparent success of the trials, that an international court could be set up, but the distractions of the Cold War only had this realised nearly half a century later. However, Nuremberg set the pace for the setting up of other international criminal tribunals to wit, the two UN ad hoc tribunals (the ICTY and the ICTR), hybrid courts (like the SCSL), the ECCC (Cambodia), the Special Tribunal for Lebanon (Lebanon), Special Panels for Serious Crimes (East Timor) and the ICC. These institutions' founding instruments as well as the jurisprudence emerging from them make up a valuable and credible grounding for the prosecution of perpetrators of serious crimes in international law such as torture, enforced disappearances, genocide, and crimes against humanity. The one important doctrine established at the Nuremberg Tribunal and is being carried through all these institutions is that individuals can and should be held accountable for serious crimes in international law.⁹² The obligation of ensuring accountability was further emphasised in certain principles rooted in Nuremberg, two of which are worthy of note. First, the position of an individual as head of state or in another government office does not relieve them of criminal responsibility.⁹³ Second, an individual acting under superior orders cannot use that as a defence to relieve him of criminal responsibility under international law.⁹⁴ These principles were formulated at Nuremberg, yet their application in the course of time has gone beyond, evident in the statutes of these institutions and the case-law developed by them.

⁹² The formulation on the imposition of individual criminal responsibility in the Charter of the Nuremberg Tribunal.

⁹³ Principle III of the Principles of International Law recognised in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal (1950). Also see Article 7 of the Charter of the Nuremberg Tribunal.

⁹⁴ Principle IV of the Principles of International Law recognised in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal (1950); International Military Tribunal Trial of the Major War Criminals 223.

This has resulted in establishing enormous jurisprudential grounding for the duty to prosecute and punish perpetrators of human rights violations, especially violations of a *jus cogens* nature. The Appeals Chamber of the SCSL, on the duty to prosecute such crimes for example, affirmed that under international law, states "are under a duty to prosecute crimes whose prohibition has the status of *jus cogens*",⁹⁵ asserting further the position of the UN that amnesties do not apply to serious crimes in international law.⁹⁶ With the exact boundaries of *jus cogens* crimes in international law still being disputed, crimes such as torture, genocide, apartheid, slavery and slave trading, and crimes against humanity have earned sufficient consensus to be fitted into the category of *jus cogens* crimes. The multitude of cases that involve even top political elites of specific countries tried by these international criminal justice mechanisms constitutes compelling evidence of a primary duty to investigate and prosecute *jus cogens* crimes in international law: a principle which, a fortiori, should be extended to and applied in the ongoing Anglophone Cameroon crisis as such crimes are being committed therein.

The general principles of law, even though without the same weight as the other sources, and as practiced by the civilised nations, do constitute a source of international law.⁹⁷ They, regardless of their soft-law nature, have arguably earned acceptance because of the wide recognition as concepts and norms common to most legal systems. However, it is argued that these general principles of law do not always emanate from norms and practices commonly used in national legal systems. Some rules and practices that make up these general principles of law do emanate from international law itself. For example, the rule that requires the exhaustion of domestic legal measures before turning to international intervention as regards the admissibility of cases to

⁹⁵ The Prosecutor v Augustine Gbao 2004 SCSL -04- 15-PT-141 para 10. Decision on Preliminary Motion on the Invalidity of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court, Appeals Chamber.

⁹⁶ The Prosecutor v Augustine Gbao 2004 SCSL -04- 15-PT-141 para 10. Decision on Preliminary Motion on the Invalidity of the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court, Appeals Chamber; Report of the Secretary-General on the Establishment of a Special Court for Sierra Leone, UN Doc S/2000/915 (2000) para 24.

⁹⁷ Section 38(1)(c) of the Statute of the ICJ which names "the general principles of law recognised by civilized nations" as one of the sources of international law.

international tribunals, is seen as a general principle of law, as this does not originate from national legal systems but from the rules and practices of international courts.⁹⁸

International human rights have, over the years, been inculcated within legal developments in states, some of these provoking constitutional amendments which seek to enhance the respect for, promotion and protection of human rights in domestic legal systems. These, also, have grown to be one of the cornerstones upon which democracies are built. The underlying outcomes, partly orchestrated by multilateral international human rights treaties at both the global and regional levels, include setting limits to the exercise of government's powers, building free societies for human rights enjoyment, and recognising that victims of human rights violations have a right to both the substantive and the procedural remedies. Human rights violations, irrespective of their scale or the legal system within which they are committed, trigger the right to remedy. Above this right to a remedy, the human rights victims are entitled to justice, both administratively and judicially. For instance, victims of torture, murder or enforced disappearances are entitled to pursue justice in the courts to ensure perpetrators are brought to book, at least for the simple reason that their acts are a violation of the criminal laws of the country. The involvement of some categories of public servants in acts constituting violations of human rights, or, more generally, crimes is an aggravating circumstance.⁹⁹ The general principles of law as elaborated, have fortunately been incorporated into the legal system of Cameroon, specifically the Penal Code, which criminalises human rights violations (not as "violations" per se but as crimes within the penal system).¹⁰⁰ Beyond the domestic sphere is the widely established legal principle that victims of human rights violations are entitled to reparations. Where it has been established that the state is responsible for such violations, the state is obliged to make reparations to the victims. Even though the notion of reparations for the wrongful acts of states is a substantive right in most international human rights instruments, it had long been established as a general principle of law in the *Chorzow Factory* case.

⁹⁸ Bassiouni, M. C. (2002). Universal jurisdiction for international crimes: historical perspectives and contemporary practice. In *Post-Conflict Justice* (pp. 945-1001). Brill Nijhoff.

⁹⁹ In some jurisdictions, criminal acts committed by state officials are treated with more sternness: see, for example, Arts 144(3), (4) and (5) of the Penal Code of Argentina (1963) providing additional sanctions for state officials who perpetuate acts of torture; Title 18 US Code, s 242 provides for the imposition of both federal and state criminal penalties for law enforcement officials who under "color of law" infringe on the civil rights of citizens (US).

¹⁰⁰ The Cameroon Penal Code, Law No 2016/007 of 12 July 2016, ss. 1-361 (inclusive).

The Permanent Court of International Justice (PCIJ), in this case, found the reparations principle established through international practice to constitute "as far as possible, to wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed."¹⁰¹

The UN Charter empowers the Security Council to adopt measures towards the maintenance of international peace and order where the Security Council sees any situation in any part of the world to constitute a threat to peace and order. By extension of its mandate, the UN Security Council (UNSC) in exercise of its Chapter VII powers adopts resolutions binding on all member states, thus passing across a message to perpetrators of gross violations of human rights that some form of accountability must take place. The UNSC has in several cases required member states to investigate and prosecute individuals responsible for gross human rights abuses, or otherwise, surrender them for prosecution. Following the bombing of the Pan-American Flight 103 by Libyan officials, in 1992, for instance, the UNSC adopted a resolution¹⁰² to oblige Libyan authorities to surrender the individuals responsible to the US and the UK for prosecution. The ICTY and ICTR were respectively established in 1993 and 1994 through UNSC resolutions to try individuals in the former Yugoslavia and Rwanda responsible for serious violations of international law.¹⁰³ The crimes over which these ad hoc tribunals had jurisdiction, and the subsequent imposition of individual criminal responsibility was defined in their various statutes, with the UNSC resolutions that set them up imposing on all UN Member States the obligation to cooperate with the tribunals regarding the enforcement of its orders including, inter alia, the actions of arrest and surrender.¹⁰⁴ The then Prosecutor of the ICTY, Richard Goldstone, noted that even peace negotiations that resulted in granting immunity to war crimes' perpetrators could not prevent the tribunal (ICTY) from continuing with its proceedings against them. Also, the obligations of member states to arrest and surrender individuals indicted by the Tribunal could not be absolved by the mere granting of an amnesty.¹⁰⁵ The UNSC resolutions that refer situations to the ICC have, however, proven quite

¹⁰¹ Chorzow Factory (Germany v Poland) 1928 PCIJ (ser. A No 17) para 47.

¹⁰² UNSC Resolution 748 (Libyan Arab Jamahiriya), UN Doc S/RES/748 (1992).

¹⁰³ UNSC Resolution 827, UN Doc S/RES/827 (1993).

¹⁰⁴ UNSC Resolution 827, UN Doc S/RES/827 (1993) para 4; and UNSC Resolution 955, UN Doc S/RES/955 (1994) para 2.

¹⁰⁵ Scharf 1996 LCP 41-61.

problematic with regards to their obligations to cooperate imposed on both the state that is referred, and other member states. The Statute of the ICC, in its article 13(b), allows the UNSC to refer a situation to the ICC where crimes under the jurisdiction of the court appear to have been committed irrespective of the state being a signatory or not, to the Rome Statute of the ICC. For instance, the referral to the ICC of the situation in Darfur, Sudan (a non-state party to the Rome Statute) which led to the indictment of the then Sudanese President, Umar Al-Bashir. On a general note, a situation in a non-state party to the Rome Statute of the ICC referred thereto, raises the question of how the Rome Statute of the ICC applies to the referred state.¹⁰⁶ Does such referral require the state referred to be treated as state party to allow the provisions of the Rome Statute impose obligations on states to cooperate as stipulated in Part 9 (Arts 86-102) of the Rome Statute of the ICC, as well as provisions waiving the immunities of heads of states and government officials found in Article 27 of the Rome Statute of the ICC?¹⁰⁷ Varied views do exist on these aspects and interpretations with regards to the implications of UNSC Resolution 1593, referring the Darfur situation to the ICC, for instance.¹⁰⁸ The Pre-Trial Chamber of the ICC stated that Al-Bashir's immunities "have been implicitly waived by the Security Council",¹⁰⁹ arguing that UNSC Resolution 1593 imply for Sudan to cooperate and also waive the immunity of government officials.¹¹⁰ Akande, however, holds that whenever the UNSC refers a case involving a non-party to the Rome Statute, this implies the UNSC makes the Rome Statute binding on that state as though it were a signatory and that includes Article 27, to remove the immunities of heads of states, and Part 9, imposing the obligation to cooperate with the ICC.¹¹¹ In this way, duties under Part 9 to arrest and surrender

¹⁰⁶ Akande, D. (2012). The Effect of Security Council Resolutions and Domestic Proceedings on State Obligations to Cooperate with the ICC. *Journal of International Criminal Justice*, 10(2), 299-324.

¹⁰⁷ Gaeta, P. (2009). Does President Al Bashir enjoy immunity from arrest?. *Journal of International Criminal Justice*, 7(2), 315-332.

¹⁰⁸ UNSC Resolution 1593 on Violations of International Humanitarian Law and Human Rights Law in Darfur, Sudan, UN Doc S/RES/1593 (2005).

¹⁰⁹ The Prosecutor v Omar Hassan Ahmad Al Bashir Pre-Trial Chamber II Case No ICC-02/05-01/09-1 (Decision of 13 June 2015). Also see UNSC Resolution 1593 on Violations of International Humanitarian Law and Human Rights Law in Darfur, Sudan, UN Doc S/RES/1593 (2005) para 2.

¹¹⁰ The Prosecutor v Omar Hassan Ahmad Al Bashir Pre-Trial Chamber II Case No ICC02/05-01/09-1 (Decision of 13 June 2015).

¹¹¹ Akande, D. (2004). International law immunities and the International Criminal Court. *American Journal of International Law*, 98(3), 407-433.

violators found in their territory may be fulfilled.¹¹² Despite the reasoning, Al-Bashir could not be arrested in several states he went to, including South Africa. Tladi has argued, contrarily, that such a move conflicts with customary international law, as this grants immunity to heads of states and state officials *ratione personae* before the national authorities of foreign states, well stated in the Arrest Warrant case.¹¹³ Article 27, according to him, should apply only to persons already undergoing proceedings before the Court. Moreover, the UNSC Resolution 1593 on imposing the duty to cooperate on Sudan does not waive the immunities of Sudan as immunities are never waived implicitly but explicitly.¹¹⁴ Gaeta holds that, the issuance of an arrest warrant against Al-Bashir, though lawful, is an act of "ultra vires" for states to disregard the personal immunities of heads of states or state officials by arresting and surrendering them to the ICC, given that the rules of personal immunities do not apply to cases before the ICC.¹¹⁵ Cameroon, though not yet a State Party, Article 13 of the Rome Statute of the ICC nevertheless empowers the UNSC to intervene under Chapter VII. From this standpoint, such power can be triggered to cause the UNSC adopt a resolution on the crisis in Anglophone Cameroon. Yet, the complementarity nature of the ICC precludes any UNSC or ICC intervention in Cameroon, as the violations that have been committed therein can and should be investigated and prosecuted by the national courts of Cameroon.¹¹⁶ Despite controversies raised in the Al-Bashir case, generally, the UNSC resolutions' contributions are a compelling and invaluable source of the obligation to prosecute perpetrators of serious crimes in international law.

3.2.2. National Criminal Prosecutions.

¹¹² UNSC Resolution 1593 on Violations of International Humanitarian Law and Human Rights Law in Darfur, Sudan, UN Doc S/RES/1593 (2005) paras 5, 9.

¹¹³ Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v Belgium) 2000 ICJ GL No 121; and followed in subsequent cases like *Ex Parte Pinochet* 37 ILM 1302 (HL 1998).

¹¹⁴ Tladi, D. (2015). The duty on South Africa to arrest and surrender President Al-Bashir under South African and international law: A perspective from international law. *Journal of International Criminal Justice*, 13(5), 1027-1047.

¹¹⁵ Gaeta, P. (2009). Does President Al Bashir enjoy immunity from arrest?. *Journal of International Criminal Justice*, 7(2), 315-332.

¹¹⁶ According to the principle of complementarity, the ICC would not intervene in cases where the state has already initiated proceedings to prosecute perpetrators of crimes in the jurisdiction of the court (Art 17 of the Rome Statute of the ICC).

The security forces of the Government of Cameroon are alleged to have committed widespread mass atrocities against civilians.¹¹⁷ Despite the widespread violence and the human rights violations perpetrated against Cameroonians, the government is unlikely to hold those responsible accountable. The Cameroonian government and its military, it is alleged, seem notorious for denying involvement in the commission of these international law crimes, even with the 'credible evidence' in the possession of Amnesty International, suggesting Cameroonian soldiers as the perpetrators. There however exist enough viral videos and other evidence to demonstrate that this is the modus operandi of the Cameroon government and its military.¹¹⁸ Mere calls from other international bodies have fallen on deaf ears, as no actions have been intended, nor those intended, yielded fruits.

After the repatriation of the arrested self-declared Ambazonian leader alongside nine others in Nigeria in January 2019, and keeping them incommunicado for over six months, they were finally brought before a Cameroonian military court for trial on August 19, 2019. An international News medium, "The Guardian" stated in one of its headlines that "the military court has sentenced 10 leaders of the country's anglophone separatist movement to life imprisonment in what activists have described as a sham trial."¹¹⁹ Julius Sisiku Ayuk Tabe as head of the movement, and the other nine were convicted on charges of terrorism and secession and fined \$350m (£286m) after the court session that went through all night. The separatist leaders, in protest, sang songs while the sentence was handed down in the early hours of August 20, 2019. The severe nature of the sentence aroused fears of the ongoing bloody conflict in Cameroon's anglophone regions between separatist defence forces and government military forces being prolonged, hence, the impossibility of a ceasefire. Ayuk Tabe, alongside 46 other separatists were allegedly arrested in a hotel in the Nigerian capital, Abuja, in January 2018, by Nigerian special forces and later handed over to

¹¹⁷ Amnesty International, Cameroon: New Video shows more brutal killings by armed forces. <https://www.amnesty.org/en/latest/news/2018/08/cameroon-new-video-shows-more-brutal-killings-by-armed-forces/>

¹¹⁸ Aljazeera: Military denies involvement as Amnesty says it has 'credible evidence' suggesting perpetrators were Cameroonian soldiers (<https://www.aljazeera.com/news/2018/07/cameroon-military-separatists-blamed-grave-abuses-180720092105051.html>); Cameroon probes video showing women, children being shot dead. This documentary also tells the story of Africa's longest internet shutdown ... (<https://www.cameroononline.org>).

¹¹⁹ Cameroon anglophone separatist leader handed life sentence | Cameroon | The Guardian (<http://www.theguardian.com/world/2019/aug/20/Cameroon-anglophone-separatist-leader-ayuk-tabe-handed-life-sentence>)

Cameroon in such a move as was ruled illegal by a Nigerian court. The defendants objected to the jurisdiction of the Yaounde military court in trying them. The defence lawyers met and drafted an appeal, which they had to file within 10 days. A leading Cameroonian human rights advocate, Dr. Felix Nkongho Agbor Balla, described the decision a sham, seen to cause a lot of anger among Cameroonians of anglophone origin. He said: “Sentencing Sisiku Ayuk Tabe and co will not solve the problems we have in Cameroon. It will instead aggravate the problem.”¹²⁰

The then 54-year-old charismatic computer engineer by training, Julius Ayuk Tabe, was the first self-proclaimed president of “Ambazonia” – a breakaway state made up of the two English-speaking regions of Cameroon, whose independence was declared in October 2017. Christopher Ngong, one of the defence lawyers said they had walked out of the hearings in protest at the judge’s decision to continue the case after having asked for the military judge to be recused in vain, adding that the ruling had been prearranged by the court. Ngong said: “Since they had a hidden agenda, that they were going to pass judgment at all costs, so they went on with the matter, despite the fact that the accused persons were singing songs in court.”¹²¹

With thousands of children out of education for several years in the crisis-hit areas, the government has been trying to promote a back-to-school campaign which many anglophone Cameroonians think has been jeopardised by the court’s decision and expect President Biya to issue a pardon for the leaders.

The separatist leaders of the Ambazonia Interim Government appealed against their August 20 convictions and life sentences by a military court on August 26, 2019, after the trial that raised serious concerns of due process and violations of fair-trial rights. With the trial on charges of terrorism, rebellion, and secession, commencing in December 2018, all the alleged evidence against the men was only presented to the defence in court during a single 17-hour overnight hearing that started on August 19, with the court admitting thousands of pages of statements and documents as evidence against the accused and over 1,000 items of forensic evidence, such as

¹²⁰ [Cameroon anglophone separatist leader handed life sentence | Cameroon | The Guardian \(http://www.theguardian.com/world/2019/aug/20/Cameroon-anglophone-separatist-leader-ayuk-tabe-handed-life-sentence\)](http://www.theguardian.com/world/2019/aug/20/Cameroon-anglophone-separatist-leader-ayuk-tabe-handed-life-sentence)

¹²¹ Ngo, M. B. E. (2019). Human Rights Issues in Cameroon in the Case of the Independentists Arrested in Nigeria and Extradited to Cameroon. *Human Rights Issues in Cameroon in the Case of the Independentists Arrested in Nigeria and Extradited to Cameroon (October 21, 2019)*.

guns, spears, and laptops, that defence lawyers said they knew nothing about and were unable to examine, discuss with their clients, or effectively challenge.¹²² Lewis Mudge, Central Africa director at Human Rights Watch is quoted to have said: “It appears that the military court handed down a hasty verdict and sentence without giving the accused any meaningful opportunity to defend themselves, This process has been plagued by pretrial abuses and serious allegations of fair-trial breaches that warrant independent and impartial judicial review, which we hope will happen under appeal.”¹²³

The head of the Ambazonian government, *Sisiku* Ayuk Tabe and nine other leaders had been arrested in Nigeria’s capital city, Abuja in January 2018, and forcibly returned to Cameroon, in an extrajudicial transfer, denounced by the United Nations Refugee Agency as a violation of the fundamental principle of non-refoulement – the practice of not forcing refugees or asylum seekers back to a country where they risk persecution, torture, or other cruel, inhuman, or degrading treatment. A Nigerian court in March 2019 also declared the forced return of the 10 leaders illegal. The men were held in incommunicado detention at the State Defense Secretariat detention facility (Secrétariat d’État à la Défense, SED) for over six months, with no access to their lawyers and families granted them. Human Rights Watch has documented that torture and other abuses are endemic at the SED.¹²⁴ The lead counsel for the separatist leaders, Barrister Fru John Nsoh, told Human Rights Watch that all hearings prior to August 2019 focused on peripheral procedural matters even though the trial of his clients started in December 2018. According to him, the defense lawyers had no prior knowledge of the evidence presented to the court by the prosecution, and were neither given the chance to view, comment, or object to the evidence, nor permitted to cross examine the four witnesses called by the prosecution. The men were also tried by the military court, against international standards deeming civilian trials in military courts, in principle, incompatible with the right to a fair trial. The UN Human Rights Committee has condemned Cameroon for the prosecution of civilians before military tribunals. The African Commission on Human and Peoples’

¹²² Cameroon: Separatist Leaders Appeal Conviction Grave Questions About Fairness of Trial ([CameroonSeparatistLeadersAppealConvictionHumanRightsWatch_1671911988755.pdf](#))

¹²³ Cameroon: Separatist Leaders Appeal Conviction Grave Questions About Fairness of Trial ([CameroonSeparatistLeadersAppealConvictionHumanRightsWatch_1671911988755.pdf](#))

¹²⁴ [Cameroon: Routine Torture, Incommunicado Detention | Human Rights Watch \(hrw.org\)](#)

Rights also repeatedly reinforces that the trial of civilians in military courts under regional human rights standards, including the African Charter on Human and Peoples' Rights, is prohibited without exception, and that the only reason for trials by the military courts should "be to determine offences of a purely military nature committed by military personnel."¹²⁵

The ongoing crisis in the two Anglophone-Cameroon regions broke out in October 2016, when students, teachers, and lawyers from the regions took to the streets to demand greater respect for their rights. In response, peaceful protesters have been unlawfully killed and arbitrarily arrested by security forces, escalating the crisis. Numerous separatist groups have since then, emerged, taking up arms and calling for the independence of the two English-speaking regions, which they call "Ambazonia." The armed separatists, in retaliation and self-defense, have committed abuses against civilians, among which, kidnappings for ransom, torture, and unlawful killings. Attacking dozens of school buildings and occupying them, they have also enforced schools' boycotts, disrupting the education of thousands of children since 2017. Human Rights Watch cannot comment on the credibility of the charges brought against the men in connection with any crimes committed by armed separatists. The court also ordered the 10 men to pay fines for civil damages and court costs amounting to 262 billion CFA francs (US\$442,000). To carry on a trial with such violations of due process in no way upholds the rule of law and human rights in the midst of an escalating crisis in the Anglophone regions of Cameroon, Mudge said, adding that the Cameroonian authorities focus on addressing the legitimate grievances of its Anglophone population and make sure that members of the security forces responsible for abuses are held accountable.

3.2.2.1. National Investigation/Commissions of Inquiry.

Several atrocious acts and grave abuses of human rights have been committed in the ongoing conflict in Cameroon. To these, several investigations/commissions of inquiry have always been opened, but the results, if they do exist, have always been criticised. Although France acknowledged and took note of the Commission of inquiry on Ngarbuh (on 23 April 2020) set up

¹²⁵ Umozurike, U. O. (1983). The African Charter on human and peoples' rights. *American Journal of International Law*, 77(4), 902-912.

by the Cameroonian authorities after the violence in Ngarbuh village that led to killings of several residents, among whom were children and pregnant women, in the North West region on February 14, 2020, welcoming the opening of legal proceedings¹²⁶, this procedure and arrests thereof have, nevertheless, been called a sham. The commission automatically went silent after completing eight days investigation into the killings.¹²⁷ The government had initially denied the killings and blamed the separatist forces for the killings, but pressure and revelations from other international bodies forced the government to acknowledge that such acts were carried out by its military. Ilaria Allegrozzi @ilariallegro on her twitter page posted: “#Cameroon: exactly 2 months ago, military and armed ethnic Fulani killed 21 civilians, including 13 children and a pregnant woman, in #Ngarbuh village, North-West region. Radio silence from the government. Grief and questions from the families of the victims.”¹²⁸ On February 14, 2022, Human Rights Watch wrote that after 2 years massacre victims still awaited justice, indicating that the trial for Ngarbuh killings was still to be resolved, lacking effective investigation and full of military impunity. “The lack of justice for the killings of civilians in Ngarbuh and the recurring military abuses are avoidable consequences of the failure to ensure effective investigations and prosecutions,” Allegrozzi said. “Cameroonian authorities should rein in their security forces, ensure an end to abuses, and guarantee that those most responsible for the Ngarbuh killings, as well as other serious abuses, are held to account in fair and effective trials.”¹²⁹ This, and the many other investigations opened by the government on the abuses during these crises have gone silent.

3.3. The Non-Judicial Transitional Justice Mechanisms.

Not only have the judicial TJMs been unsuccessful so far in resolving the crisis in Cameroon and bringing perpetrators of heinous crimes committed therein to justice, some non-judicial TJMs have been employed, and they have also largely failed. Calls for negotiations, dialogue, and even the major national Dialogue held in 2019 as well as efforts of the national and international civil

¹²⁶ Cameroon–Commission of inquiry on Ngarbuh (2 Apr. 2020) <https://www.diplomatie.gouv.fr/en/country-files/cameroon/news/article/cameroon-commission-of-inquiry-on-ngarbuh-2-apr-2020>

¹²⁷ Cameroon News Agency, April 14, 2020, at 6:22PM

¹²⁸ Ilaria Allegrozzi @ilariallegro on twitter; Twitter iPhone; 7:20AM. 14 Apr 20

¹²⁹ [Cameroon: 2 Years On, Massacre Victims Await Justice | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2022/02/14/cameroon-2-years-on-massacre-victims-await-justice)

society organisations to initiate transitional justice mechanisms in Cameroon have seemingly failed.

3.3.1. Negotiations.

The Coalition for Dialogue and Negotiations in 2020 has called for Open, Genuine and Transparent Dialogue, suggesting that it is imperative for the Government forces of Cameroon and the armed groups of Southern Cameroons to commit to fully adhere to international human rights law (IHRL) and international humanitarian law (IHL)¹³⁰. The Cameroonian Government, the Coalition further suggests, should adhere to the global call to unconditionally release all Southern Cameroonians incarcerated within the context of the armed conflict as a show of good faith for genuine ceasefire negotiations. The Coalition however welcomes the preliminary talks between the government of Cameroon and the incarcerated leaders of the independence struggle of Southern Cameroons, led by Sisiku Ayuk Tabe. This is the first reported peace talks between the government of Cameroon and the Anglophone separatists since the conflict's escalation in 2017. A communiqué released by the Ambazonian Interim Government stated that representatives of the government of Cameroon and the leaders of the Ambazonian Interim Government led by Sisiku Ayuk Tabe engaged in peace talks geared towards ending the then 'four year-long' battle. "Be reassured that we remain committed to the restoration of the independence of the homeland," Julius Ayuk Tabe, self-declared President of Ambazonia, currently serving life imprisonment for charges including terrorism is quoted to have said. The Coalition expresses, in a release signed July 10, 2020, for the steering committee, the strong belief that ceasefires are effective if negotiated with credible guarantees for compliance. At a time when the world is yearning for global leadership to fight against the COVID-19 pandemic to save the most vulnerable, The Coalition also welcomes the United Nations Resolution 2532 of July 1, 2020, unanimously calling for a global ceasefire of hostilities for at least 90 days.¹³¹

¹³⁰ Pan African Visions; <https://panafricanvisions.com/2020/07/...> Cameroon: Coalition for Dialogue And Negotiations Calls For Open, Genuine and Transparent Dialogue-PANAFRICANVISIONS.

¹³¹ Preliminary Talks Between the Cameroon Government and the jailed Leaders of Southern Cameroons. (<https://coalitionfdn.org/2020/07/10/preliminary-talks-between-cameroon-government-and-the-jailed-leaders-of-the-south-cameroons/>)

Furthermore, the statement states that “no war has ever been wrapped up in the battlefield” emphasising that “real, sustainable peace and independence are a product of the negotiation table.” Cameroon, with the highest number of COVID-19 cases in Central Africa, and the worsening socio-political crisis is facing an increasingly daunting challenge. In consideration of these, The Coalition strongly recommends the following:

1. That the Cameroonian Government and all Southern Cameroons armed groups leaders should engage in an open, genuine, and transparent dialogue, adhering to the UNSC Resolution 2532.
2. That the Government of Cameroon, regarding Human Rights Abuse and Humanitarian Response, and as a show of good faith for genuine ceasefire negotiations, adheres to the global call for the unconditional release of all Southern Cameroonians incarcerated within the context of the armed conflict. The Cameroon Government forces, and the Southern Cameroons armed groups should in the same vein, commit to fully adhere to humanitarian law. The “Ambazonian Defence Forces’ (ADF)” commitment on July 7, 2020, to allow safe passage for humanitarian aid workers under the auspices of OCHA was welcomed.
3. That all political engagements of all Political Parties at this critical juncture be geared towards encouraging the parties at war, and credible international stakeholders to the implementation of a negotiated ceasefire.
4. That the International and Diplomatic Corps in the Nation’s capital, Yaounde be committed to advancing the implementation of Resolution 2532, as their collective support is needed for the Cameroon Government to commit to genuine mediated negotiations for a ceasefire and its effective implementation.
5. That UNDP Cameroon ensures an enabling environment for sustainable development and peace before commencing with the implementation of the recovery plan as the UNSC Resolution 2532 provides an opportunity for the UNDP to leverage its expertise to ensure a ceasefire and peace agreement in line with its core values.
6. That the United Nations Security Council and the UN Secretary General:
 - a. should hold a UN security council meeting wherein the root causes of the armed conflict will be addressed.
 - b. to mediate and monitor the ceasefire by empowering the in-country UN Chief to ensure that any negotiated ceasefire guarantees an effective implementation by adhering to and recognising international norms and instruments.

While the civilian populations were almost getting some relieving breath from the purported negotiations hinted above, the Minister of Communication, Rene Emmanuel Sadi, in a statement signed on July 6th, 2020, stressed that the reports circulated on media outlets “did not conform with reality”, hence dispelling the news, thus suggesting that no such talks were held with the Ambazonian jailed leaders. The Minister stated further, while reiterating the government’s call for armed groups to lay down their arms and embrace the peace offer by President Paul Biya, that the government of Cameroon was not leaving out any effort towards ending the crisis in the two English-speaking regions but that all such measures were aimed at preserving the unity, and territorial integrity of the country.¹³² It is trite recalling that it is the government’s crackdown of peaceful protests of teachers and lawyers who complained of marginalisation that escalated the violence in the two English-speaking regions of Cameroon. Non-state armed groups have taken up arms demanding separation from La Republic du Cameroun in squabbles that have caused more than 3,000 deaths, forcing hundreds of thousands to flee their homes with some taking up refuge in other regions while others are refugees in neighbouring Nigeria. Switzerland’s attempt on mediation between the Cameroonian government and the separatist leaders in exile in 2019, did not produce any significant results as those leaders are considered not as influential as Ayuk Tabe.¹³³ These two attempts at negotiation, had they successfully gone through, the conflict in the two English-speaking regions of Cameroon would have quelled down if not terminated, hence depicting the strength of the negotiation table in transitional justice.

3.3.2. Dialogue.

Dialogue is a process whereby the disagreeing parties sit together for an objective solution to solve the common differences or misunderstanding going on between them. In every successful dialogue, there should be competent representatives from both sides to address the root cause of the problem and difficulties freely and frankly should be solved objectively to avoid future occurrences of the

¹³² Cameroon: Coalition for Dialogue and Negotiations calls for Open, Genuine and Transparent Dialogue <https://panafricanvisions.com/2020/07/cameroon-coalition-for-dialogue-and-negotiations-calls-for-open-genuine-and-transparent-dialogue/>

¹³³ SCEW - Aljazeera Reports on Meeting Between Sisiku and Cameroon government (<https://www.facebook.com/scewtaks/posts/3036633593229968>)

same or a similar issue.¹³⁴ The late 2016 spike of events leading to violence in the two English-speaking regions of Cameroon pointed clearly to an emerging insurgency that culminated in the ongoing crisis in the third quarter of 2017. In August 2017, Crisis Group International had warned of the risk of an insurrection where a genuine dialogue, complete with strong measures to defuse tensions, was not initiated¹³⁵. The government needed to kick-start the political track to head off growing support for the insurgents as the country was entering a delicate election year, and this could have better been managed through genuine dialogue, a tool for transitional justice. It should have, with support from the international community, started a dialogue with peaceful Anglophone leaders to discuss the country's decentralisation and governance. The crisis regrettably escalated when armed attacks were launched against defence forces in November. As of December 2017, during some thirteen attacks led by separatists, at least sixteen soldiers and police officers had been killed and some twenty others injured, four times the number of military victims killed by Boko Haram in the Far North region during the same period.

After security forces and the defence forces had successfully suppressed the staged protests of 22 September to 1 October 2017, a harder line was adopted by the separatist faction, thus attracting more support. Manyu division in the South West region, because of its proximity to Nigeria's Cross River state, home to some of the officials of the "Federal Republic of Ambazonia" (the name adopted by separatists to their self-proclaimed state, the former Southern Cameroons), became the hotbed of the insurrection. Most of these attacks, though of low intensity, were soon to become more violent as obtains today. The then communications minister reported the participation of 200 assailants in the attack on the Mamfe gendarmerie on 8 December 2017, although the number seemed to be exaggerated.¹³⁶ Expressions suggesting dialogue were rumoured all over the national territory and made print as well as audio-visual news headlines presenting the strengths of a possible dialogue over the crisis, with some of the news headlines including:

1.) "Musonge commission holds crucial meeting! Adoption of proposed roadmap to seek lasting

¹³⁴ Tabe, C. A., & Fieze, N. I. (2018). A critical discourse analysis of newspaper headlines on the Anglophone crisis in Cameroon. *British Journal of English Linguistics*, 6(3), 64-83.

¹³⁵ <https://www.crisisgroup.org/africa/central-africa/cameroon/250-cameroons-anglophone-crisis-crossroads>

¹³⁶ Willis, R., McAulay, J., Ndeunyema, N., & Angove, J. (2019). Human Rights abuses in the Cameroon Anglophone crisis.

solutions to the Anglophone crisis top on agenda. Crucial meeting is suggestive of dialogue.”¹³⁷

The word “crucial” shows that the Anglophone crisis is supposed to be addressed with a lot of dialogue, care, and some fastness. Many wise people had foreseen the dangers of the crisis, advised that dialogue should be employed with the Anglophones, but this did not go too far.

2.) “Garga Haman opens up on what he told Biya on Anglophone crisis”.¹³⁸

3.) “Frank dialogue Btw Gov’t & and striking teachers at last.”¹³⁹

The above listed items evoke discussion, meaning probably that the dialogue on the Anglophone crisis might not have been well handled to bear good fruits. The fact that these headlines emphasise dialogue depicts with some certainty the willingness and readiness of Anglophones to welcome any sincere dialogue especially that which will re-examine the form of the state, especially that of 1961.

Those calling for armed struggle at the heart of the secessionist movement within the Anglophone crisis, which is by no means represented simply by its secessionist faction, have prevailed. Media officials and diplomatic sources in Cameroon, as contacted by Crisis Group, provided information about the recruitment and training of fighters in camps operating in border areas.¹⁴⁰ There are two categories of those taking up the armed struggle. The first category is made up of about a dozen violent splinter self-defense groups, each constituting an average of between ten and 30 members, for instance the Tigers, Vipers and Ambaland Forces. The second category is made up of three rebel militias, with about a hundred fighters in total: the Ambazonia Defence Forces (ADF), led by Ayaba Cho Lucas and Benedict Nwana Kuah, the Southern Cameroons Defence Forces (SOCADEF), commanded by Ebenezer Derek Mbongo Akwanga, and the homonymous group called Southern Cameroons Defence Forces (SCDF), under the leadership of Nso Foncha Nkem.¹⁴¹ The Ambazonia’s “interim government” that however rejected the option of an insurrection, had to align later, as those behind the armed struggle kept increasing the number of their attacks, thus

¹³⁷ The Guardian Post No 1192, Wed June 14, 2017, p. 1

¹³⁸ The Guardian post No 1224, Tuesday August 08, 2017, p. 1.

¹³⁹ The independent observer, No. 100, January 19, 2017, p. 1.

¹⁴⁰ Akame, G. A., Crockett, J., & Anoma, R. A. B. (2021). Baseline research: Education in crisis in the Anglophone regions of Cameroon.

¹⁴¹ Cameroon’s Anglophone Crisis: Dialogue Remains the only Viable Solution.

(<https://reliefweb.int/report/cameroon/cameroon-s-anglophone-crisis-dialogue-remains-only-viable-solution>)

pushing the Cameroonian state into declaring war forcing the hand of the “interim government” with a ‘fait accompli’. Ambazonia’s president, Sisiku Ayuk Tabe, under pressure, and wavering between armed struggle and a strategy of civil disobedience and diplomatic initiatives was obliged by his supporters to change his mind in 2018, shifting from self-defense to actual insurrection.

This situation concerning the displaced populations is an exacerbation of a heavy-handed statement of the Senior Divisional Officer (S.D.O.) for Manyu Division at the beginning of December 2017 who, in an order to residents of around fifteen villages asked them to leave their homes, at very short notice, threatening that otherwise, they would be considered by the military as being complicit with “terrorists”.¹⁴²

The approach of the President of the Republic and Head of State, Paul Biya in solving the Anglophone problem has been described as using wrong actors to act a tragic film.¹⁴³ The then minister in charge of special duties at the presidency (Atanga Nji Paul) was strongly criticised and revolted against by Anglophones when he did not acknowledge the Anglophone problem on CRTV, though a native of the North West Region of Cameroon. The Horizon Newspaper is quoted to have said: “Biya’s biggest blunder! By including the bellicose Paul Atanga Nji on delegation to UN GA...an empty suitcase on his supposed charm offensive abroad.”¹⁴⁴ The UNGA (United Nations General Assembly) is also indicative of dialogue on the crisis. The Minister, Paul Atanga Nji, was among the delegation to the UN Ordinary General Assembly to dialogue on the Anglophone crisis. Many Anglophones saw it as using the wrong figure to solve a problem.

Faced with a faction of the separatists that lurched toward armed struggle, Cameroon’s president declared war against secessionists, calling them terrorists. With international arrest warrants issued against the secessionist leaders, another wave of military reinforcements was yet deployed to the South West region, and a de facto state of emergency imposed in Manyu division.¹⁴⁵ Such drastic

¹⁴² Robert, N. B. (2020). Uprising and human rights abuses in Southern Cameroon-Ambazonia. In *Education, Human Rights and Peace in Sustainable Development*. IntechOpen.

¹⁴³ Amin, J. A. (2018). President Paul Biya and Cameroon’s Anglophone crisis: now is the time for bold action; Tabe, C. A., & Fieze, N. I. (2018). A critical discourse analysis of newspaper headlines on the Anglophone crisis in Cameroon. *British Journal of English Linguistics*, 6(3), 64-83.

¹⁴⁴ The Horizon No 346 Mon Sep 18, 2017, p. 1.

¹⁴⁵ DeLancey, M. D., DeLancey, M. W., & Mbuh, R. N. (2019). *Historical dictionary of the Republic of Cameroon*. Rowman & Littlefield.

measures among the many others pointing to the modus operandi of the state of Cameroon have, sadly enough, been accompanied by turning down engagements in any meaningful dialogue with the federalist arm of the Anglophone militants, some of whom were imprisoned in January 2017 for political reasons, though never advocates of violence.

Before the escalation of the crisis, the government of Cameroon was of the view that the Anglophone problem was nonexistent. Even right up to the third quarter of 2016, radicals within government held the belief that the crisis would be solved by arrests and detentions of the leaders of the federalist movement, but this only made the situation worse. These same radicals, today, keep betting on war, completely ignoring the enormous cost in human lives; civilians, the military and police officers, as well as an uncountable number of secessionist fighters have been killed already. This bet has proven counterproductive as the military response to the crises only keeps feeding the cycle of violence, thus making the population more receptive to separatist ideas, and strengthening the position of those in support of the armed struggle within the secessionist movement. Reports, including by traditional chiefs, of abuses and serious violations of human rights committed by soldiers in Manyu division have been circulated.

Moreover, some militants of the ruling CPDM party commissioned to preach dialogue in the North West and South West Regions were considered incompetent for it. The October 18, 2017, edition of the Guardian Post describes the president's efforts as "CPDM peace mission to NW & SW; taking the wrong message to wrong audience". This is indicative of the fact that the peace mission's preaching rather irritated the population of the two regions, as erroneously thought that they were preaching dialogue. Many question why the president selected negative crowd pullers like Atanga Nji Paul and Hon. Benard Forju who's peace missions rather fueled the Anglophone crisis to go off control. Sequential demonstrations in the streets of Bamenda and Buea, as well as other towns in the North West and South West Regions of Cameroon, attest to the failure to prevent such occurrences through dialogue. After President Paul Biya's several unsuccessful attempts to have a thriving dialogue with Anglophone Cameroonians, the government met stiff resistance from the Anglophones both at home and abroad, on the 22nd of September 2017, while President Paul Biya was, on that same day, addressing the whole world at the UN Ordinary General Assembly in the U.S.A. The protest planned way before the 72nd UN Ordinary General Assembly could have been

avoided if dialogue had been well handled.¹⁴⁶ In October 2017, the Cameroon government even claimed having begun dialogue with Anglophone Cameroonians,¹⁴⁷ while on October 18, 2017, the “CDPM -peace mission to Lebialem turned bloody. The phrase “peace mission” indicates a situation of successful dialogue but the word “bloody” therein shows that the “dialogue” indeed was questionable. The word ‘bloody’ produces the imagery of ungenue dialogue that can lead to bloodshed. This suggests insufficient interest on the part of the government to embark on genuine dialogue with Anglophones over the crisis, hence, no hope for the proper resolution of the crisis.

The Biya regime now finds it difficult stabilising the NW/SW regions through a military response alone, and even the very costly, hard-fought and expensive counter-insurgency war has proven futile. However, the escalation in the separatist violence plays into the hands of powerful members of government and military elite, whom, it seems, have been waiting precisely for this to happen to reduce the Anglophone crisis to a simple question of insurrection and therefore justify a purely military response. This radical wing of government was highly convinced that the uprising was going to be so swiftly suppressed before the 2017/2018 electoral year. But this has proven, to have been a hazardous calculation. It is not easy to put down even a small-scale insurrection, especially when this is supported by a section of the population. The insurrection, only notable in Manyu division at its start, later extended to other divisions in the South West, and even to the North West, where separatist feelings had already been running high, and hence spiraled out of control. Violent separatists simply needed more resources to raise an army. They are being supported by a section of the radicalised population with manpower readily available in Cameroon and from the refugees. This is not without repercussions in Nigeria where Anglophone militants undoubtedly have local backing. Southeast Nigeria has long been a centre of various irredentist or secessionist disputes and has several ethnic and political affinities with the South West region of Cameroon.

As the crisis continues, gaining momentum, there is real danger of it affecting the Francophone regions, especially as many of the separatists keep threatening to expand violence around the whole country. Such expansion could destabilise Cameroon so deeply, and for a very long time. The financial and humanitarian costs are hectic. Cameroonian Minister of Finance announced a drop

¹⁴⁶ The Horizon No 346 Monday September 18, 2017, p. 1

¹⁴⁷ The Guardian Post No 1276, Tuesday, October 17, 2017, p. 1

in the predicted 6-per-cent growth in the country's GDP that ended up dwindling to 3.7 per cent at the close of the 2017 financial year. The Anglophone crisis, not being the sole cause of the economy's weaker-than-expected performance, certainly plays its part in that. Cameroon only finds itself facing an increasingly delicate economic and security situation unless a political dialogue begins soon. The gradual formation of an armed insurrection, although requiring military reaction, must remain proportional and respect human rights, giving top priority to the political solution. Ideal opportunities have come and gone since the escalation of the crisis for the Cameroonian president to send out messages to calm situations, adopt measures to reduce tensions and announce the commencement of dialogue. The backings of the international partners are still welcome to such initiatives as will prevent Cameroon getting trapped in a long fratricidal conflict which has already lasted six years and counting. Until date they have been content in doing the bare minimum, erroneously concealing threats the crisis is posing to the economy, political and security interests. Whereas the destabilisation necessarily has sub-regional consequences both in Central Africa and in Nigeria and has also likely weakened the fight against Boko Haram. The stakes are high, and all parties must focus on finding a political solution to the crisis, as well as offer mediation as a destabilised Cameroon can be damaging for everyone. The UN and the African Union should seize this opportunity to restore the reputation of their early-warning systems already being concluded a failure because of their inability to prevent this crisis from evolving into an insurrection and becoming a dangerous conflagration.

3.3.3. Grand (Major) National Dialogue.

The President of Cameroon, Paul Biya on September 10, 2019, announced "a major national dialogue" over state media in a bid to resolve the conflict between pro-independence groups from Cameroon's North West and South West regions and the government. At the time of this announcement, the conflict had claimed the lives of over 3,000 people¹⁴⁸ and displaced another 680,000.¹⁴⁹ About 60,000 others have sought refuge in neighbouring Nigeria.¹⁵⁰ In the two English-Speaking regions, an estimated 2 million people depend solely on humanitarian aid, while

¹⁴⁸ Human Rights Watch 2020

¹⁴⁹ UNHCR Cameroon 2020

¹⁵⁰ UNHCR Nigeria 2020

approximately 850,000 children go without schooling.¹⁵¹ The President of the republic, Paul Biya, “Appealing to the patriotism and sense of responsibility of all our compatriots,” called upon all Cameroonians to “seize this historic opportunity to help to steer our country on the path of peace, harmony, security and progress.” presenting dialogue as an opportunity for citizens in the Anglophone Regions to “close this particularly painful chapter, to forget their suffering and to return to normal life”¹⁵².

Tongues wagged, fingers were crossed, and expectations rose to a crescendo pitch depicting the atmosphere of uncertainty that engulfed the entire nation as the much awaited “Major National Dialogue” kicked off in the Nation’s capital Yaounde on September 30, 2019. President Paul Biya is quoted to have said: “The entire national community has high expectations for the dialogue I have just announced and hopes that this will be an opportunity for our brothers and sisters in the North West and South West to close this particularly painful chapter, to forget their suffering and to return to normal life.”¹⁵³. The dialogue that ran from 30 September to 04 October 2019 was largely welcomed, as it was billed to finding solutions to the crisis, among other issues. Some analysts however saw this as a plausible political move, while national stakeholders and international partners emphasised the need for frank talk with readiness for concessions from both sides.¹⁵⁴

Engaging to invite a wide range of political and social players, the government represented the dialogue as an all-inclusive undertaking, even though the conditions and circumstances did not, de facto, permit as much. Participants were invited by the government under obscure criteria, mostly representatives of political parties (*AFP, CPP, MN, MRC, PAL, PCRN, PU, PURS, RDPC, SDF, UDC, UNDP, UPC*),¹⁵⁵ civil society, religious authorities (*Conférence Episcopale, Conseil de*

¹⁵¹ UN 2020 & UN 2019

¹⁵² Biya 2019

¹⁵³ Mehler, A. (2021). Dialogue as the new mantra in responding to political crisis in Africa?: the cases of Mali and Cameroon. Presidency of the Republic of Cameroon 2019

¹⁵⁴ EDEN Newspaper of Monday, 30 September 2019 (www.edennewspaper.net).

¹⁵⁵ AFP= Alliance des Forces Progressistes; CPP= Cameroon People Party; MN= Movement Now; MRC= Mouvement pour la Renaissance du Cameroun; PAL= Parti de l’Alliance Libérale; PCRN= Parti Camerounais pour la Réconciliation Nationale; PU= Parti Univers ; PURS = Peuple Uni pour la Rénovation Sociale; RDPC= Rassemblement Démocratique du Peuple Camerounais; SDF= Social Democratic Front; UDC= Union Démocratique du Cameroun; UNDP= Union Nationale pour la Démocratie et le Progrès; UPC= Union des Populations du Cameroun. All major parties, as well as some minor ones, were therefore invited.

l'Église Protestante, Conseil des Imams et Dignitaires Musulmans), traditional authorities, the Cameroonian diaspora and 16 exiled leaders of Anglophone separatist groups.¹⁵⁶ 400 (four hundred) out of the 600 invited participants finally attended. Two thirds of this number, according to the government, came from the Anglophone regions with 5% from the diaspora.¹⁵⁷ The ruling CPDM party, some opposition parties (PCRN, PU, PURS, SDF, UDC, UPC) and many civil society organisations, even though at times quite cautiously, supported the dialogue in principle¹⁵⁸. Boycotts and opting-out were predictable due to the limited inclusiveness of the dialogue. Maurice Kamto's MRC (the main opposition party) refused to participate if its leader was not released from prison. The AFP, CPP, MN and PAL among other smaller opposition parties withdrew after the first day of the event. AFP leader Alice Sadio considered the dialogue a "hypocritical monologue" dominated and stage-managed by the ruling CPDM party¹⁵⁹. The event was further described by others as a "congress of the ruling party", an impression reinforced by the fact that the dialogue took place at "Palais de Congrès" in Yaounde. The Yaounde Conference Centre, while alongside being a venue for public events, is also the site of the CPDM headquarters where it has held its party congresses for over three decades.¹⁶⁰ The CPP denounced it as "a show", meant to assuage the concerns of the international community. Akere Muna (MN) expressed worries about the pre-selection criteria of speakers and also on the agenda¹⁶¹. Christopher Fomunyoh, one of Anglophone Cameroon diaspora intellectual, was offered to chair one of the committees which he turned down¹⁶². Despite the President's promise to pardon Anglophone separatists who would lay down their arms and participate, many separatist movements (AGC, SCLC, SOCADEF)¹⁶³ rejected the dialogue as their leaders were still in prison and/or on exile. The SCLC considered the liberation of all Anglophone prisoners including their leader, Sisiku Ayuk Tabe, and the withdrawal of the

¹⁵⁶Some separatist leaders (e.g., Ebenezer Akwanga) contradicted the government's claim to have invited them (VOA Afrique 2019). Other important leaders were not "officially" invited at all, e.g., Ayuk Tabe, who was sentenced to life imprisonment in August 2019.

¹⁵⁷ Grand Dialogue National 2019: 4

¹⁵⁸SDF chairman John Fru Ndi called for a reintroduction of federalism and threatened the audience with a walkout should his party's voiced concerns not be addressed (Agence Cameroun Presse 2020).

¹⁵⁹ Mehler, A. (2021). Dialogue as the new mantra in responding to political crisis in Africa?: the cases of Mali and Cameroon.

¹⁶⁰ Lassaad, 2019

¹⁶¹ Journal du Cameroun 2019b.

¹⁶² [Newsday Cameroon https://newdaycameroon.wordpress.com](https://newdaycameroon.wordpress.com).

¹⁶³ AGC= Ambazonia Governing Council, SCLC=Southern Cameroon Liberation Council; SOCADEF=Southern Cameroon Defence Forces.

army from the Anglophone regions a precondition for the dialogue¹⁶⁴. It also rejected participation because core demands such as federalism, let alone Anglophone independence, were not on the agenda of discussions. Moreover, it argued that the dialogue should not be a “circus [...] to lure the international community”. Ebenezer Akwanga, leader of SOCADEF separatist movement made it clear it was too late for reforms and dialogue. He rather called for a “comprehensive negotiated settlement on the terms of separation”¹⁶⁵. To other groups they would participate only if the dialogue took place out of Cameroon, with the assistance of an impartial mediator. The initiative was endorsed by the EU, France, the AU, and the UN Secretary-General Guterres who, however, called on the government to make sure the process was inclusive and geared towards addressing the country’s challenges¹⁶⁶. This skepticism was amply justified as the dialogue was clearly a top-down mechanism, announced and organised by the government. Biya appointed his Prime Minister Joseph Dion Ngute to chair the event. Likewise, he had decided beforehand the agenda and the dialogue’s red lines, stating that “the future of our compatriots in the North West and South West Regions lies within our Republic. Cameroon will remain one and indivisible”, stressing that the form of the state (federalism, or even separation) would not be debated. Only decentralisation, concerning the form of the state, was included on the agenda. Nevertheless, participation mechanisms for opposition parties were created by the government¹⁶⁷ while an Internet site was set up for the interested public. The criteria for enlisting items on the agenda were unclear, so the chances to influence the agenda by these mechanisms were limited if not non-existent. At the opening of the national dialogue on 30 September 2019, Ibrahim Mbombo Njoya, the sultan of Bamoun; a traditional leader and heavyweight of the regime, attracted attention when he advocated for the limitation of presidential terms¹⁶⁸, an unexpected proposition that could have triggered the expansion of the agenda to more fundamental issues. However, the following day the working groups started their discussions in accordance with the preconceived agenda previously announced by the government. The eight working groups were on (1) multiculturalism and bilingualism, (2) the education system, (3) the judicial system, (4) return of refugees, (5) reconstruction and

¹⁶⁴ Le Monde 2019

¹⁶⁵ Journal du Cameroun 2020

¹⁶⁶ Le Monde 2019

¹⁶⁷ Services du Premier Ministre 2020

¹⁶⁸ Pigeaud 2020 : 211

development of Anglophone regions, (6) disarmament and reintegration of separatists, (7) the diaspora and (8) decentralisation and local development, all pressing topics not only for the Anglophone regions, but for the country as a whole. Recommendations were drawn up and subsequently submitted to the Prime Minister.¹⁶⁹ The most important of these recommendations, which also constitute the dialogue's principal output were accelerated decentralisation, greater local autonomy, and a special status for the two Anglophone regions; some 10–15% of the state budget to be allocated to decentralised collectivities¹⁷⁰, regional governors to be directly elected, and Cameroon's official name rebranded as "République Unie du Cameroun"¹⁷¹. Bilingualism in general would have to be promoted and access to public office distributed according to a regional balance¹⁷². The Common law with its origin from British tradition, and better adaptable to the Anglophone regions would be recognised, and a separate chamber in the Supreme Court devoted to it. The Anglo-Saxon education system would be promoted in its present form¹⁷³. The conclusions, though many of them just reaffirmed previous commitments or even regulations and institutions that should, in theory (and law), already be in existence, were more far-reaching than expected. President Biya, following his re-election in 2018, already announced deeper decentralisation and the promotion of bilingualism and multiculturalism: "A good number of these concerns and aspirations will be addressed as part of current efforts to accelerate the decentralisation process" and "bilingualism and multiculturalism will continue to be promoted by the commission set up to that end",¹⁷⁴ he had said. Thus, the dialogue's recommendations on

¹⁶⁹ Grand Dialogue National 2019 : 9

¹⁷⁰ Grand Dialogue National 2019 : 16

¹⁷¹ In 1972, president Ahidjo changed the constitution, abandoning federalism by establishing a unitary state (République Unie du Cameroun). Anglophone elites decried francophone imperialism already at this point (Nach Mback 2003: 142). In 1984 Biya unilaterally removed "Unie" (united) which was the last reminiscence of a separate history, an act again strongly resented within the Anglophone elite.

¹⁷² Grand Dialogue National 2019: 10–11

¹⁷³ Grand Dialogue National 2019: 12. This is particularly important as the Anglophone conflict escalated in 2016, when francophone lawyers and teachers were deployed in both Anglophone Regions without respecting Anglophone legal and educational systems. Demonstrations were suppressed in a brutal way by governmental forces (Petrih 2019: 12).

¹⁷⁴ Mehler, A. (2021). Dialogue as the new mantra in responding to political crisis in Africa?: the cases of Mali and Cameroon.

bilingualism¹⁷⁵ and decentralisation¹⁷⁶ incorporated issues that were already on the agenda before, even though without much ceremony or concrete implementation, hence making them less novel and innovative than they appeared.¹⁷⁷ While the dialogue was being concluded on 4 October, the final resolutions were read out. Tellingly, president Biya was absent. He assured Cameroonians in a press release that all the recommendations were going to “be considered attentively and diligently with a view to implementing them, taking into account their relevance and feasibility, as well as the capacities of our country”¹⁷⁸. President Biya had on the previous day, and ostensibly as a sign of good will, announced the release of 333 Anglophone activists from prison. He equally ordered that the opposition leader Maurice Kamto and numerous of his MRC supporters be released too.¹⁷⁹ Kamto’s late release was criticised by the Biya regime opponents, as this prevented him (Maurice Kamto) from participating in the dialogue.¹⁸⁰ Expectedly, and in their usual way, Prime Minister Joseph Dion Ngute, the dialogue’s chairman, as well as the ruling CPDM party and state-owned media described the dialogue as being successful.¹⁸¹ With respect to the envisaged extended autonomy of the regions, relatively positive reactions came from the AGC (Anglophone General Conference) representatives; an inter-religious body that had sought to mediate between the separatists and the government. Following the promised special status for the Anglophone regions and further decentralisation, feelings of satisfaction were expressed by moderate Anglophones like the SDF chairman Ni John Fru Ndi, well-known opinion leaders like Cabral Libii and church dignitaries who however cautioned on the prospects of implementation.¹⁸² President Biya in the month of December 2019, in what could be termed the outcome dimension, signed several laws

¹⁷⁵ The National Commission on the Promotion of Bilingualism and Multiculturalism was established by a decree in January 2017. Its role is to ensure social peace and national unity and to promote national integration and Cameroonian “vivre ensemble” not only in the public service but also in private organisations that receive state subsidies (Presidency of the Republic of Cameroon 2017).

¹⁷⁶ Biya established the Ministry of Decentralisation and Local Development in 2018.

¹⁷⁷ International Crisis Group 2019: 10

¹⁷⁸ Mehler, A. (2021). Dialogue as the new mantra in responding to political crisis in Africa?: the cases of Mali and Cameroon.

¹⁷⁹ They had been arrested on charges of insurrection during peaceful demonstrations in January 2019 against the results of the presidential election in October 2018 and transferred to a military tribunal.

¹⁸⁰ Kouagheu, 2020.

¹⁸¹ Major National Dialogue: Prime Minister Joseph Dion Ngute says time for peace is now - Cameroon Radio Television (crtv.cm)

¹⁸² RFI 2019a

that took up the dialogue's recommendations, including laws promoting bilingualism¹⁸³ and decentralisation.¹⁸⁴ However, criticisms did not stop as the two regions continued to depend on the national government. This new law to many actors and observers was a reminder of the never implemented decentralisation enshrined and guaranteed by the 1996 Constitution¹⁸⁵. Nevertheless, archbishop emeritus, Cardinal Christian Tumi as well as some high-profile politicians from the two English-speaking regions had positive comments about the law. As for the impact of the dialogue on the violent conflict, it had no discernible effect, as violence in the two regions has not decreased but keeps intensifying.¹⁸⁶ Only a few separatist fighters laid their weapons down, as their leaders considered the concessions insufficient and vowed to intensify their struggle.¹⁸⁷ The government has, on its part, formed local defense forces to combat the "terrorists", which in turn means intensification of the conflict.

3.3.4. The role of non-state actors in efforts to initiate Transitional Justice in Cameroon.

3.3.4.1. Civil Society.

From the heat of the warning manifestations to the start of what many have termed "Paul Biya's dirty war against Anglophones", declared by President Biya in November of 2017, several civil society groups have formed over the years in this resistance movement with initial aim to call for an end to the crisis through sustainable dialogue. The SCNC (Southern Cameroons National Council) led by Nfor Ngala Nfor, formed after the All-Anglophone Conferences of the 90s,

¹⁸³The two official languages are equivalent (Art. 2). Therefore, all legislative texts must be published in both languages (Art. 24) and every citizen has the right to communicate and receive documents in both languages in all public administrations (Art. 15) (Presidency of the Republic of Cameroon 2019a).

¹⁸⁴The law on decentralisation confers a special status on the North-West and South-West regions based on their linguistic specificity and their historical heritage. This status includes recognition of the specific features of the Anglophone educational and legal system (Art. 3). The regions are governed by elected governments (Art.6) and enjoy administrative and financial autonomy in local and regional matters (Art.8). They receive financial resources from the state. The regions are granted competences in the fields of economic, social, health, education, culture and sport (Art. 17) (Presidency of the Republic of Cameroon 2019b).

¹⁸⁵ RFI 2019b; Among other things, this concerns the senate representing the regions, which was legally introduced by a revision of the constitution in 1996. The first senate was established only 17 years later in 2013, but de facto its impact is minimal as it just rubber-stamps governmental decisions (Gatsi 2015: 1630).

¹⁸⁶Some experts attribute this to the fact that the most important separatist leaders did not take part in the dialogue, as many are in diaspora or in exile (Kouagheu 2020).

¹⁸⁷ Foute 2019b.

Southern Cameroons Youth League (SCYL) led by Akwanga Ebenezer, the Ambazonia Governing Council (AGC) led by Cho Ayaba, the outlawed Consortium led by Tassang Wilfred and Movement for the Restoration of the Independence of Southern Cameroons (MoRISC) with Boh Herbert as the spokesperson, have been very active. The Southern Cameroons Ambazonia Consortium United Front (SCACUF) formed in 2017 was initiated as a governing body to unite organisations fighting for independence. The group adopted the roadmap for independence developed by MoRISC. Although some groups like MoRISC, ADC and SCYL left SCACUF in late 2017, it (SCACUF) transitioned into an Interim Government of Ambazonia under Interim President Sissiku Ayuk Tabe Julius. On October 1st Ayuk Tabe declared the restoration of the independence of Ambazonia.¹⁸⁸

Despite all their efforts and attempts to initiate transitional justice in a bid to evade the ongoing crisis, the state of Cameroon seems to have misconstrued their intentions and instead declared most of these groups illegal and their leaders wanted. International warrants of arrest were issued against them and their followers. Most were arrested, while others went into exile, thus thwarting the efforts towards peace talks.

3.3.4.2. International and National Governmental and Non-Governmental Organisations.

On 17 November 2017 six UN Special Reporters issued a joint statement urging the Cameroon government to engage in meaningful dialogue and stop the violence in the Anglophone regions.¹⁸⁹ Since then, the UN has been mute. In June, the European Union called upon the government of Cameroon to allow UN bodies access to the anglophone regions. The UNSG Mr. Guterres visited Cameroon in November 2017 and called for a halt to the violence and dialogue to solve the root causes. The Secretary General of the Commonwealth also visited and called for an end to the violence and dialogue to solve the root causes of the crisis. The European Union condemned the escalation of the violence and called on President Biya to protect civilians and to undertake every

¹⁸⁸ Ngo, M. B. E. (2019). Human Rights Issues in Cameroon in the Case of the Independentists Arrested in Nigeria and Extradited to Cameroon. *Human Rights Issues in Cameroon in the Case of the Independentists Arrested in Nigeria and Extradited to Cameroon (October 21, 2019)*.

¹⁸⁹ Asanga, N. N., & Achiri, E. (2021). Engaging Both Sides: Dual Track Diplomacy and Dialogue in Cameroon. *African Studies Quarterly*, 20(2), 80-94.

effort to resolve the conflict. It also demanded unrestricted access for human rights organisations in the embattled regions and an independent investigation into alleged human rights violations. Günter Nooke, personal advisor to German Chancellor Angela Merkel, held talks with President Biya and the governor of the South West region and emphasised the responsibility of the government of Cameroon to uphold the significance of human rights standards. To date, efforts towards the resolution of the conflict have centered predominantly on putting pressure on the government to engage in dialogue towards a sustainable solution that tackles the root causes. At the level of the African Union (AU), there has been an apparent unwillingness to intervene in the conflict. At the early stage of the crisis in January 2017, AU Commission chairperson Nkosazana Dlamini Zuma issued a statement calling for restraint and encouraging the continuation of government-initiated dialogue to find a solution to what were a series of minor protests at the time.¹⁹⁰ Her successor Moussa Mahamat Faki paid a visit to Cameroon in July 2019 and called for an inclusive dialogue involving all stakeholders and "based on national leadership and ownership."¹⁹¹ The efforts of the AU to handle the conflict have been sharply criticised by human rights groups and other observers. International Crisis Group pointed out that the AU has been "surprisingly reserved" on this crisis, evident by its absence on the agenda of the Peace and Security Council (PSC) and being perceived as an "internal matter."¹⁹² Amnesty International Africa Director, Netsanet Belay, blames the conflict on "the persistent inability of the AU to marshal the determination, political will and courage to hold member states to account for clear violations of AU principles, values and standards on especially human rights."¹⁹³ Not surprisingly then, most African countries have either remained silent or taken stances against UN intervention. African non-permanent members of the UN Security Council (Equatorial Guinea, Ethiopia, Cote D'Ivoire, and South Africa) all voted against attempts to bring the crisis up for discussion.¹⁹⁴ Nigeria clearly expressed its support for the government in its fight against the separatists. President Muhammadu Buhari stated unequivocally "Nigeria will take necessary measures within

¹⁹⁰ African Union, 2017

¹⁹¹ African Union, 2019

¹⁹² International Crisis Group 2019

¹⁹³ Asanga, N. N., & Achiri, E. (2021). Engaging Both Sides: Dual Track Diplomacy and Dialogue in Cameroon. *African Studies Quarterly*, 20(2), 80-94.

¹⁹⁴ International Crisis Group, 2019 b; Segun 2019

the ambit of the law to ensure that its territory is not used as a staging area to destabilise another friendly sovereign country."¹⁹⁵ In contrast, the European Parliament adopted a resolution in April 2019 which "calls in particular for the Government to organise an inclusive political dialogue aimed at finding a peaceful and lasting solution to the crisis in the Anglophone regions" and "urges the African Union and the Economic Community of the Central African States to push for the organisation of such talks and calls for the EU to stand ready to support this process."¹⁹⁶ The United States has also been involved in some track one diplomacy. In March 2019, the U.S. Undersecretary of State for African Affairs, Tibor Nagy, visited Cameroon and held talks with President Paul Biya. In an interview with RFI, Mr. Nagy underscored that the government needed to be "more serious in their management of the Anglophone crisis."¹⁹⁷ Meanwhile, in July 2019 the U.S. House of Representatives passed Resolution 358 calling on the belligerent parties 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 North West and South West regions."¹⁹⁸

All calls to solve the issue through dialogue were rejected by the government, preferring to use military force as a solution to the crisis. Despite overwhelming evidence of crimes against humanity, the UN Security Council has not even discussed the matter, nor has it condemned it.

The US instead provided two war planes to the Cameroon military in June 2017. The US has also invested in training and providing arms and funds to a special unit of the military (the BIR). Although well intended for the fight against Boko Haram, the Biya regime is using these soldiers and equipment provided to commit genocide in Southern Cameroons.

3.3.4.3. The Clergy (The Bishops' Letters).

Since the beginning of the ongoing crisis in the North West and South West Regions of Cameroon, both the Catholic Church, the Presbyterian Church in Cameroon (PCC), The Cameroon Baptist

¹⁹⁵ Journal du Cameroun, 2019; Daily Trust, 2018

¹⁹⁶ European Parliament, 2019

¹⁹⁷ Asanga, N. N., & Achiri, E. (2021). Engaging Both Sides: Dual Track Diplomacy and Dialogue in Cameroon. *African Studies Quarterly*, 20(2), 80-94.

¹⁹⁸ Asanga, N. N., & Achiri, E. (2021). Engaging Both Sides: Dual Track Diplomacy and Dialogue in Cameroon. *African Studies Quarterly*, 20(2), 80-94.

Convention (CBC), The Full Gospel Mission (FGM) and the Apostolic Church have prayed. The PCC, CBC and the Catholic churches have raised funds in their various congregations to support the refugees, the internally displaced persons (IDPs) and the hundreds of Anglophones imprisoned because of the crisis. The churches have made calls for dialogue and expressed their willingness to mediate. But the government party remains reluctant and has ignored those calls entirely. The church leaders have made several attempts to meet with the President over the crisis to no avail. The churches have condemned the killings and called for the demilitarisation of the Anglophone regions. When the crisis started even the missions' educational institutions were disrupted¹⁹⁹. Some church schools were also burned. All the churches called for prayers and dialogue as a way out of the crisis. Their calls fell on deaf ears and the government paid no attention to them. The Catholic Bishops of the Bamenda Ecclesiastical Province that covers the Anglophone regions, presented a memorandum to the President. The memorandum was an elaborate presentation of the Anglophone problem, its origins and impact on the Anglophone community. The church called for respect of human dignity, justice for all and constructive dialogue that addressed the root causes of the crisis as a way out of the crisis. The Council of Protestant Churches in Cameroon (the CPCC) also put out a document outlining the history and root causes of the problem. They called for dialogue but have been ignored by the government. Instead, a lawsuit was filed against the denomination leaders of the Anglophone regions by a certain consortium of parents, seen to intimidate the church leaders. After several months of hearings and adjournments, the matter was finally thrown out of the Case List. Various denominational leaders in the country including Cardinal Christian Tumi (of blessed memory), The President of the Council of Protestant Churches, the then PCC Moderator Rev. Fonki, the President of the Cameroon Baptist Convention, Rev. Ncham and Archbishop Kleda, President of the Episcopal Conference of the Catholic Church, have on several mediatic outings interpreted in very clear and understandable terms, the role of the church in resolving the crisis. They were clear that the church has made clear its position as to the outcome of the crisis. Both sides need to sit at the same table and come to an agreement for a way forward. As to the role of the church in mediating the conflict, no one has approached the church and the church cannot force itself to be a mediator if they have not been invited. However, the church continues to seek to meet

¹⁹⁹ Amin, J. A. (2021). President Paul Biya and Cameroon's Anglophone Crisis: A Catalog of Miscalculations. *Africa Today*, 68(1), 95-122.

with President Paul Biya. The bottom line is that a third party needs to oversee the process of mediation, and discussions must take place on neutral grounds. This huge humanitarian crisis going on in the two English speaking regions of Cameroon gets worse as time passes by, especially as the people, who are subsistent agriculturalists have not worked in their fields sustainably for the past six years to prepare enough harvest.

3.4 Conclusion.

The international community cannot afford to play bystander to gruesome atrocities, genocide and crimes against humanity that are being committed even with hundreds of horrifying and shocking testimonies from victims, eyewitnesses, visual and audio-visual evidence being brought to its attention on a regular basis. The cruelty of these atrocities is indescribable and undeniable. The theoretical and legal framework on the duty to prosecute perpetrators of gross human rights violations in the Anglophone Cameroon crisis cannot and has so far not in itself, made accountability happen. Neither has the incarceration of the Ambazonian leaders and the military crack-down brought about peace, democracy, and the respect of the rule of law. The zeal to achieve sustainable peace, democracy, respect for the rule of law and human rights and the ends of justice, must accompany these normative and legal apparatuses in order for these to attain justice for the victims of those violations; justice for the perpetrators themselves; justice for the communities and country whose laws have been breached; and justice for the international community whose norms, laws and standards have been violated. By going through the trajectory herein above delineated, the Cameroon government should ensure respect for the rule of law; put in place measures that set the tone for a Cameroonian society that recognises the sacredness of human rights; ensure that violations thereof are met with accountability, that the culture of impunity is wiped out, and that both state and non-state actors responsible for human rights violations are brought to justice. One task will already be accomplished with a strong normative, theoretical, and legal framework. The other tasks involving the building of a post-crisis society, transitional justice and accountability, sustainable peace, democracy, and the respect for the rule of law, will require the flesh and blood of the Cameroonian Government to bring to fruition.

CHAPTER 4

MEMORY AND TRUTH: THE IDEAL APPROACH TO TRANSITIONAL JUSTICE IN CAMEROON.

4.1. Introduction.

Despite attempts to resolve the crisis in the English-speaking regions of Cameroon using the judicial and non-judicial transitional justice mechanisms so far adopted, extrajudicial killings, torture, destruction and looting of properties, arbitrary arrests and illegal detentions have continued unabated even after the Major National Dialogue that ran from September 30, 2019, to October 4, 2019, ended in Yaounde. International investigations and prosecutions are long over delayed, and procedures have gone mute with no assurances of follow-up or certainty of continuity. National Criminal investigations pitting the government of Cameroon against the Ambazonia leaders and other activists only seem to be fanning more flames to the conflict. Calls by the international Community, including the United Nations Organisation (U.N.O.), international Non-Governmental Organisations and diplomatic missions, as well as from the civil society, the clergy, and others within Cameroon to end the conflict and resort to dialogue and negotiations seem to fall on deaf ears. Even the Major National Dialogue has been described by many as a one-man show organised by the ruling CPDM party and hence, the implementation of the resolutions from the dialogue are yet to be seen.²⁰⁰

Memory and truth as transitional justice are therefore the tried and tested approaches in post-conflict peacebuilding which need to be adopted as non-judicial transitional justice in Cameroon. In their functions, motives, applicability, and the actors to be implicated in the process, there is every hope that Cameroon can, through the adoption of these TJMs, return to peace and normalcy. These, however, present challenges and opportunities in regions plagued by violent extremism, such as Cameroon. The allure, duration, and scale of abuses in the ongoing conflict in Cameroon, call for an exploration of how these transitional justice measures of Memory and truth could contribute to national and even regional approaches to restoring peace. Olojo, A., & Mahdi, M.

²⁰⁰ Fondong, J. (2022). *Renewing the Promise: A Treatise on the Refoundation of the Cameroon Nation*. Spears Books.

state as a confirmation, that: “Transitional justice [memory and truth] is a tried and tested approach in post-conflict peacebuilding. It presents challenges and opportunities in regions plagued by violent extremism, such as the Lake Chad Basin. The duration and scale of abuses call for an exploration of how transitional justice could contribute to national and regional approaches to restoring peace. ... the role and importance of timing, awareness, context, and stakeholders for implementing transitional justice tools.”²⁰¹ This chapter assesses memory and truth, stating why these two could be ideal measures in the non-judicial approach to transitional justice in Cameroon.

The four traditional elements of transitional justice (truth, justice, reparation and guarantees of non-recurrence) are interrelated areas of action that may and must reinforce each other. Isolated and fragmentary efforts of indictment do not silence the demands of larger forms of justice. How do memory and truth, then, fit into this panoply? So far, memory initiatives are not regarded as one of the four foundations of transitional justice. Memory initiatives are often understood as elements outside the political process, since they are relegated to the “soft” cultural sphere –as art objects to be placed in a museum or a simple monument–, to the private field as a personal mourning, or to a simple historical, almost archaeological, activity. As a result, memory initiatives are rarely integrated into wider strategies of democracy building and are diluted or made invisible in the transitional justice processes. However, millions of people visit memorials, participate in memory activities, read documents, books or testimonies or watch television documentaries.

4.2. Memory, Memorials and Memorialisation: One Ideal TJM in Cameroon.

Memorials are material or virtual objects which serve to represent events or persons who should not be forgotten. In the context of transitional justice, the latter mainly refers to victims of human rights abuses during wars, ethno-political conflicts, repressive dictatorships, terrorist attacks, and apartheid, as well as genocides. Their main objectives are based on a number of political and ethical assumptions, such as providing an adequate site for mourning, holding perpetrators accountable, vindicating the dignity of victims, putting past wrongs right and contributing to reconciliation. The memory of the victims and the abuses from the past, both as a concept and

²⁰¹Olojo, A., & Mahdi, M. (2022). Transitional justice Testing the waters in the Lake Chad Basin. *ISS West Africa Report*, 2022(39), 1-12.

dynamics, has multiple components. It includes social, political, anthropological, philosophical, cultural, psychological, urban, and archaeological elements, among others.²⁰² Memory is expressed through a huge variety of media, such as places, monuments, urban marks, testimonies, events, texts, and audio-visual media. Those violations that are remembered are not something that just happened to the surviving victims, their relatives or even their ancestors, but they may as well manifest themselves nowadays or occur in the future. Memorising past human rights violations and abuses allows us to identify current problems such as police abuse, prison overcrowding, marginalisation, exclusion, discrimination, or an abusive exercising of power. Conceived as such, memory initiatives are an integral part of any strategies to promote and guarantee human rights and further democracy.

The root causes of the ongoing crisis in the English-speaking regions of Cameroon, the acts of war and the crimes and atrocities committed need therefore to be memorialised to be remembered in form of memorials. These will portray both the figurative and abstract pain and suffering the victims of the crisis have been through and are currently going through. Places for public commemorations and quiet mourning need to be provided, seeking to link the past to the present through continuously retelling of what is happening right into the future. These memorials will serve as a reminder of people lost and pain endured. Deeper meaning is embedded and conveyed through post-conflict memory landscapes which are also inexorably linked to the legacy of the conflict, to struggles over interpretations of the violent past and to the sites where remembrance takes place. An important aspect of coming to terms with atrocities which also forms a central component of transitional justice is to construct memorials after atrocities. This section, therefore, looks at how memorials function and how they will apply in the Cameroonian context. In contrast to measures such as tribunals, memorials, and commemoration more generally, are a more recent acquisition in the repertoire of dealing with the past. Even though memorials have been around for a long time, connecting them to more constructive ways of coming to terms with the past and promoting their establishment as part of transitional justice processes in post-violence societies is a relatively new phenomenon. Thus, questions such as: what functions memorials will play in the transitional justice, who to engage with commemoration at memorials and for what ends, and the

²⁰² Dulitzky, A. (2014). Memory, an essential element of transitional justice. *Peace in Progress*, 20, 1-5.

ways in which memorials are going to work in the Cameroonian transitional justice have been looked at.

4.2.1. Functions of memorials.

Memorials fulfil different functions which – at the far end of the spectrum – may lead to a better understanding between the parties to the conflict and an increase of knowledge about and acknowledgement of the crimes committed on one side, or a perpetuation of the division between the parties and a politicisation of remembrance on the other.²⁰³ Regarding their positive impact, first, they will serve to re-establish the dignity of the English-speaking Cameroonians who believe for over fifty years of reunification have been relegated to third class citizens, and other victims through offering a gesture of symbolic reparation. This will be indicative of the fact that individuals or groups of South Western and North Western Cameroonian origin are now accepted and respected by the society. Given that the victims were persecuted due to their faith, race or ethnicity, cultural orientation, or political views, publicly acknowledging this aspect will affirm this part of their identity.

Second, memorials will potentially stimulate public debates about the crimes committed, including discussions about their causes and consequences, and in some cases also about the conditions to which victims of these human rights abuses are subjected at present, such as continued discrimination and marginalisation which has been the outcry of anglophone Cameroonians since October 1961. The memorialisation centres may obviously turn into sites of conscience at which various interest groups can influence ongoing discussions and stimulate civil engagement to prevent similar atrocities being committed in the future.²⁰⁴ This will be of vital importance and great significance for the Cameroonian nation in transition.

Third, from the perspective of transforming the conflict that has caused and is causing these grievous human rights abuses and heinous crimes of international law in Cameroonian, memorials will improve the relationship between the parties to the conflict and to arrive at some form of

²⁰³ Buckley-Zistel, S., & Björkdahl, A. (2016). Memorials and transitional justice. *An Introduction to Transitional Justice*. London: Routledge, 249-267.

²⁰⁴ Brett, S., Bickford, L., Ševčenko, L., & Rios, M. (2007). Memorialization and democracy: State policy and civic action. *New York: International Center for Transitional Justice*.

rapprochement between Southern Cameroonians and La Republique du Cameroun. Some memorials provide spaces where people affected can share their experiences and views about past events. This will aid in reducing divisions, and hence, strengthen commonalities. This is sometimes linked to promoting a form of memory which contributes to nation-building.²⁰⁵

So far, the function of memorials in the context of transitional justice has been portrayed in a rather positive way. Yet, regarding the situation in which the sufferings of victims of human rights abuses is not publicly known or is even subject to denial, memorials will serve as sites of resistance to a culture of impunity and function to draw attention to what has been silenced. For affected groups, this is often a very vital, and an important element in times of transition. Moreover, since the interpretation of the past may be contested by the parties to the conflict, memorials may turn into sites at or about which this contestation is fought out. The example of the memorial in Srebrenica is glaring.²⁰⁶ In addition to public functions of memorials, they also serve a deeply private purpose as sites of bereavement and reflection.²⁰⁷ For those left behind, memorials may turn into spaces where they feel close to their deceased or disappeared loved ones. Taking care of commemoration sites may then turn into a ritual which helps with the personal grieving process, like looking after the grave of a loved one.

4.2.2. Actors to engage in the memorialisation process in the Cameroonian crisis.

The politicisation of participants in the 2019 Major National Dialogue as well as the limited number of participants in other efforts taken to end the ongoing crisis in the two English-speaking regions of Cameroon have been widely criticised as being biased and a CPDM one man show.²⁰⁸ Albeit memory, memorials, and memorialisation process get involved, all the parties in the conflict, giving priority to victims. It is not surprising that memorials have entered the field of transitional justice as potential mechanisms to deal with the legacy of a violent past. Since 1970 and 1980 there

²⁰⁵ Ashplant, T. G., Dawson, G., & Roper, M. (Eds.). (2000). *Commemorating war: The politics of memory*. Transaction Publishers.

²⁰⁶ Jacobs, J. (2017). The memorial at Srebrenica: gender and the social meanings of collective memory in Bosnia-Herzegovina. *Memory Studies*, 10(4), 423-439.

²⁰⁷ Winter, J. (1998). *Sites of memory, sites of mourning: The Great War in European cultural history* (Vol. 1). Cambridge University Press.

²⁰⁸ Major National Dialogue – Living Together in Peace <https://www.nationaldialogue.cm>

has been a memory boom,²⁰⁹ particularly regarding the commemoration of the Holocaust and World War II, leading to what Daniel Levy has termed the memory imperative.²¹⁰ Remembering has become a duty. This coincides with an important shift in the culture of remembrance away from commemorating war heroes who supposedly testify to a nation's strength and invincibility, such as depicted in memorials to fallen soldiers or to veterans. More recently, victims – chief carriers of the moral weight regarding the atrocities committed – have become the focus of attention of commemorations.²¹¹ This is, for instance, central to the rising number of memorials built in the shape of so-called walls of names, such as at the Potočari Memorial in Srebrenica, Bosnia, or walls with photographs, such as at the Kigali Memorial Center, Rwanda, or the Tuol Sleng Genocide Museum, Cambodia. Naming or depicting victims identifies them as individuals, preventing their submersion in an anonymous and amorphous mass of people killed, and gives them back some dignity. Transitional justice, too, has in recent years strengthened its focus on victims, leading to its almost natural intersection with the field of memory studies.²¹² In its initial phase, the focus was mainly on perpetrators in order to identify and hold them accountable, not at least due to a strong focus on criminal prosecution. At present, victims are increasingly identified as target audiences of transitional justice, as well as its agents. The notion of agency is apparent in the context of retributive justice whereby victims now participate in criminal proceedings at the International Criminal Court, of restorative justice due to their active role in truth commissions, as well as in the design and organisation of memorials and memorial sites.²¹³

Alongside including victims in memorial processes, the aesthetic form of some memorials has changed, making room for a new memorial culture. There has been a shift away from figurative depictions of strong heroic persons or national symbols – set in solid stone such as marble or

²⁰⁹ Bell, D. (Ed.). (2006). *Memory, trauma and world politics: Reflections on the relationship between past and present*. Springer. (Palgrave Macmillan) 61

²¹⁰ Gutman, Y., Brown, A. D., & Sodaro, A. (2010). *Memory and the future: Transnational politics, ethics and society*. Springer (Palgrave Macmillan, 2010) 18.

²¹¹ Gutman, Y., Brown, A. D., & Sodaro, A. (2010). *Memory and the future: Transnational politics, ethics and society*. Springer (Palgrave Macmillan, 2010) 62.

²¹² Reiter, A. G. (2016). The development of transitional justice. In *An Introduction to Transitional Justice* (pp. 29-46). Routledge.

²¹³ Bonacker, T., Oettler, A., & Safferling, C. (2013). Valorising Victims' Ambivalences in Contemporary Trends in Transitional Justice. In *Victims of International Crimes: An Interdisciplinary Discourse* (pp. 279-296). TMC Asser Press, The Hague, The Netherlands.

granite and leaving no room for interpretation – to more conceptual sites which encourage onlookers to think and reflect. Instead of dictating one interpretation of past events, they invite viewers to form their own opinion, in a sense liberating and democratising remembrance. It is no longer the initiators or artists who dictate memory; rather, visitors may draw on their own personal experience to create meaning. Considering that memorials often refer to repressive dictatorships, this form of liberating the mind is an important symbolic, yet highly political, step. These more recent sites avoid sculptural structures. Some, such as the State War Memorial in Perth, employ water features, with still water reflecting visitors and the sky, or running water, pointing to the moving of time, such as the 9/11 Memorial in New York. Others take the form of gardens serving as places for reclusion and reflection (for example, the Sharpeville Memorial Garden or the Kigali Memorial Center in Rwanda), open spaces inviting opening minds, or narrow spaces transmitting the claustrophobic experience of death and destruction. Maya Lin's Vietnam Veterans Memorial in Washington, a gap in the ground reminiscent of an open wound, or Peter Eisenman's Memorial to the Murdered Jews of Europe in Berlin, which consists of 2,711 narrowly assembled stelae (concrete blocks), serve to illustrate this trend. In and of themselves, these sights have no symbolic significance to link them to the atrocities; it is the personal experience and interpretation of the visitor that matters.

It is important to note, however, that despite this recent trend, memorials with more imposing interpretations of the past abound, such as the Memorial in Commemoration of Famines' Victims in Ukraine. The above examples suggest memory culture should thus be read as a comment on and criticism of authoritative memorials of past and present, which is why they are often referred to as counter-memorials.

4.2.3. Applicability of Memorials in the Cameroonian Transitional Justice

To effectively implement the memorialisation process in Cameroon, a call to end the war and the withdrawal of the military is impediment. A peace accord, like The Dayton Peace Accord that marked the end of the war in Bosnia-Herzegovina (BiH) and the beginning of a transition to peace and justice is vital. How to deal with the atrocities committed during the crisis and how to address calls for justice might be contested in the deeply divided society of Cameroon. To acknowledge past sufferings, rehabilitate the dignity of victims and support personal grieving processes, several memorials must be erected to that effect. The memorials will address the absences brought about

by sudden and violent killings, disappearances, arbitrary arrests – the losses of the embodied presence, participation in everyday life and relationships, emotional equilibrium among bereaved people and, ultimately, the memory of someone who once lived. Memorial sites, and/or towns could have other functions. Due to imminent threats against its population, they could be designated by the UN as ‘safe areas’ and protected by UN or other peacekeepers.

4.3. Truth and Truth Commissions; the other ideal TJM in the Cameroon Conflict.

4.3.1. Definition and Key Concepts [Truth/Reconciliation/Commission].

The three main elements of truth, reconciliation, and commission carry broad responsibilities and expectations. Priscilla Hayner in her study on truth commissions, notes that a truth commission:

- focuses on the past, rather than ongoing events;
- investigates a pattern of events that took place over a period of time;
- engages directly and broadly with the affected population, gathering information on their experiences;
- is a temporary body, with the aim of concluding a final report; and,
- is officially authorised or empowered by the state under review.²¹⁴

She further suggests, rightly too, how vital it is not to limit or narrow down the definition of truth and reconciliation commissions. It is also immediately apparent that a commission is distinct and differs from a governmental human rights body or from a judicial commission of inquiry. In fact, truth commissions have been created under many names with given purpose of these bodies. A better understanding of these key components arises with a closer look at the criteria needed for a commission’s actual operation. Key questions concerning the work of Truth and Reconciliation Commissions (TRCs) and a reference to some important examples in relation to the ongoing crisis in the two English-speaking regions of Cameroon will be the focus of this section.

The first truth commission known as the National Commission on the Disappeared (CONADEP), was established in Argentina in 1981, with the term ‘truth commission’ emerging way later.

²¹⁴ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 1

CONADEP was created in response to the individuals who disappeared following an intense and brutal government campaign perceived subversives. Thus, Argentina arguably paved the way for such commissions.

The next important example is Chile, where one sees ‘truth commission’ appear as part of the name of the body itself: National Commission on Truth and Reconciliation. The military coup in Chile in September 1973 characterised 17 years of dictatorial rule under General Augusto Pinochet. During this time, independent organisations challenged almost every case of illegal detention or disappearance in court. The national courts rarely supported claims against the regime’s actions. Yet the work of the independent organisations was invaluable, as they kept clear records of the individuals detained or disappeared. Despite the repressive rule, it is important to note that Pinochet was a popular figure in a conservative, right-wing Chilean society.

Uruguay offers a different trajectory to Argentina and Chile in its confrontation with the past. In April 1985, after 11 years of military rule, Uruguay established the Investigative Commission on the Situation of the ‘Disappeared’ People and Its Causes. The commission faced resistance on the part of the state authorities, namely the president, Julio María Sanguinetti, who ruled Uruguay from 1985 to 1990 and again from 1995 to 2000, and who refused to cooperate with the investigations, or to disseminate or publish the commission’s findings, or to launch any official investigations further to the commission’s work.²¹⁵ A National Repatriation Commission was also created to help exiles who wished to return home.²¹⁶

The events in Argentina and Chile did not go unnoticed by Uruguayan society and state authorities. The Law of Expiry was challenged unsuccessfully by supporters of civil society and human rights,²¹⁷ despite slow progress being made in revealing the scale of human rights violations and creating meaningful dialogues across various sectors of society, including state actors who

²¹⁵ Hayner, P. B. (1994). Fifteen truth commissions-1974 to 1994: A comparative study. *Hum. Rts. Q.*, 16, 597.

²¹⁶ Roniger, L. (2011). Transitional justice and protracted accountability in re-democratised Uruguay, 1985–2011. *Journal of Latin American Studies*, 43(4), 693-724.

²¹⁷ Skaar, E. (2015). Uruguay: reconstructing peace and democracy through transitional justice. In *After Violence* (pp. 81-107). Routledge.

admitted their involvement in these abuses.²¹⁸ The lack of progress in holding perpetrators of human rights violations accountable for their actions, as well as the absence of details about the victims and the fate of the disappeared, meant that the question of dissent and discussions about the future shifted into the ‘realm of public debate and culture’.²¹⁹ A 1992 report written by the Inter-American Commission on Human Rights found that the Law of Expiry violated key provisions of the American Convention on Human Rights. The law was eventually repealed, in 2011, under then President José Mujica, creating the possibility of criminal prosecutions. In May 2019, the state prosecutor brought charges of torture against seven members of the national air force.²²⁰ However, a 2019 report issued by Amnesty International shows that impunity for crimes against humanity and for human rights violations committed between 1975 and 1985 continues to be largely ignored by the state authorities.²²¹

4.3.2. The motive behind Truth and Reconciliation Commissions (TRCs).

A truth commission is a specific category for dealing with the past. Although meant to be independent, truth commissions can have an uneasy relationship with the law, particularly criminal justice. Several important questions about operations and management that determine a commission’s competence and ultimately its effectiveness abound. Many commissions have been created by presidential decree. The executive arm of government selects its members and sets the commission’s mandate. The classic examples are that of Argentina and Chile. One argument for this way of establishing a commission is that it is less time consuming than relying on a parliament to pass the relevant legislation. Ideally, a commission should see public engagement and debate as part of the transitioning process and ownership. This latter element refers to individual or collective ownership over the process of revisiting the past; it is also about being involved in how this past

²¹⁸ Roniger, L. (2011). Transitional justice and protracted accountability in re-democratised Uruguay, 1985–2011. *Journal of Latin American Studies*, 43(4), 698.

²¹⁹ Roniger, L. (2011). Transitional justice and protracted accountability in re-democratised Uruguay, 1985–2011. *Journal of Latin American Studies*, 43(4), 699; and, De Brito, A. B. (1997). *Human rights and democratization in Latin America: Uruguay and Chile*. Oxford University Press.

²²⁰ ‘Uruguay: 7 Military Prosecuted for Torture during Dictatorship’, Telesur, 11 May 2019. (www.telesurenglish.net/news/Uruguay-7-Military-Prosecuted-for-Torture-During-Dictatorship-20190511-0014.html).

²²¹ Amnesty International, ‘Uruguay: Time to Address Impunity for Crimes against Humanity’, 4 July 2019. (www.amnesty.org/download/Documents/AMR5207702019ENGLISH.PDF).

(or predecessor state's history) should form part of the transitioning state's future. Examples of commissions set up through presidential actions are Argentina, Chad, Chile, Haiti, Sri Lanka, and Uganda. Except for Argentina and Chile, where the civilian presidents took advantage of public support, the remainder of examples had little public debate on the commission's terms.

Other truth commissions are created through peace accord. One important example is that of Sierra Leone. Other examples include El Salvador, Guatemala, Liberia, the Democratic Republic of Congo, and Kenya. The El Salvadoran and Guatemalan commissions were administered by a UN office and had members appointed by the UN, but did not operate as UN bodies per se. For example, in terms of identity, the Guatemalan Commission was 'located in a no man's land between domestic and international law'.²²² In most cases the terms of agreement were outlined in the national legislation.

Many commissions suffer from weak management. The head of the commission is an important post and one that should be headed by a respected and impartial individual. The selection of the members of the commission is an underappreciated process. In many cases the selection of members has been done too hastily, and with little consultation. One of the best examples of a strong commission recommendable for Cameron, based on the independence and knowledge of its members, is in Ecuador, where several commissioners came from non-governmental organisations, in a bid to ensure that human rights activists worked with military representatives on the commissions.²²³ In Guatemala, members were selected from a list proposed by presidents of national universities.²²⁴

Commissions can be international, in both commission members and staff. In El Salvador, for example, the three commissioners and 25 staff members were all foreign.²²⁵ As noted above, the commission was set up under UN administration. The commission tried to avoid hiring anyone

²²² Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer, UN Doc A/48/954/S/1994/751, Annex II (23 June 1994).

²²³ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 68-69

²²⁴ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 32-35

²²⁵ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge 32-35.

with previous experience of working on El Salvadoran human rights issues, as such familiarity might have suggested a bias that could have affected the neutrality of the commission. Importantly, most El Salvadorans agreed that an El Salvadoran-staffed truth commission was not possible. They insisted that there were no El Salvadorans with the authority and political neutrality needed for the job. It was unlikely that a national commission would have been able to function otherwise. Witnesses would have perhaps been intimidated into giving testimony to fellow El Salvadorans because of their inability to trust the confidentiality of the process. This was evidenced in events that transpired after the creation of the follow-up commission looking into death squads.²²⁶ The commission recommended the removal of members of the armed forces from their positions because of human rights abuses. In addition, the confidential report recommended that more than 100 persons should be removed from the service. The members of the commission received death threats, and two of the three left the country.

Other truth commissions have created a mixed model of national and international staff, while some countries exclude foreigners because the situation under investigation is too complex for outsiders, or also because the national pool from which to select staff is sufficient. Funds are relevant to the kind of commission that is set up. Where resources, in the form of individuals with the requisite knowledge as well as the physical space, are not available nationally, financial support from an international organisation is critical. It does not, however, produce effective results. One of the most important questions about commission work is when it should start. A quick start has its advantages. The political momentum and popular support for such an initiative are highest at the point of transition or initially, when a new government takes power, or an armed conflict has ended. An early start can also hold off on immediate reforms and other measures of accountability, providing the government with time to reflect, plan, and strengthen institutions integral to the transitional justice initiative. For example, one of the main contributions of the Chilean commission was giving President Aylwin a year of grace. In certain contexts, this time is needed to ensure measures are in place for the transitional justice mechanism to work. This allowed democratic institutions adequate space to work for one year before having to deal with past crimes

²²⁶ Doggett, M. (1993). *Death foretold: the Jesuit murders in El Salvador*. Georgetown Univ. Press. (Also, Whitfield, T. (1994). *Paying the price: Ignacio Ellacuría and the murdered Jesuits of El Salvador*. Temple University Press.)

and human rights violations. As noted by some scholars, a quickly created commission can be the ‘centerpiece of a newfound peace’ and one that ‘often tests the boundaries of the new regime’ and the willingness of authorities to cooperate with an independent investigation.²²⁷

It is vital to keep the tenure of the truth commission short. Very few are longer than two years. Extending the tenure runs the risk of losing momentum, focus, and both political and public attention. Outlining a work plan, collecting and organising the documents, receiving and processing testimony from thousands of victims, selecting representative cases, completing investigations, and finalising a report in a two-year period is undoubtedly a challenge. However, it is useful if the report comes out when there is still the momentum of transition, and reconciliation is a real prospect. This can occur when there are public calls for change and a public trust in this transitional justice measure. This way, the recommendations made by the commission stand a better chance of being implemented. For example, the Commission of Inquiry for Uganda created in 1986 was given no time limit and, as a result, it only concluded its work nine years later.²²⁸ By then the public had lost interest in the commission’s work.

Most truth commissions base their work on testimonies gathered from thousands of victims, witnesses, and perpetrators. The findings can be standardised to reveal trends and patterns that would otherwise be unknown. If resulting in no fine, imprisonment, or other judicially imposed punishment, a truth commission’s findings may negatively affect the persons and institutions named as responsible for abuses. To assign responsibility for killings or torture to one sector of the military or police might or should have implications for the future of the force and the culpability of the commanding officer. Reparations or other initiatives will be affected by the commission’s conclusions about who the victims were, whether they were apolitical citizens caught up in the repression, or politicised supporters of armed rebels, or members of certain ethnic, regional, or political groups. The standard of proof of past commissions has varied considerably. For instance, the El Salvadoran Commission created a table setting out standards of proof for its individual

²²⁷ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 215.

²²⁸ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 95-97.

findings. They identified levels of overwhelming evidence, or conclusive evidence to support its findings; substantial evidence, or very solid evidence to support the commission's findings; and sufficient evidence, or more evidence to support the commission's findings.²²⁹ Many truth commissions are established with or after a reparations programme. Even when quite substantial, many reparations programmes alone do not generally satisfy the victims' needs for a wider understanding of the events in question. Some individuals understandably might feel a lack of respect in the presumption that a cash payment might be sufficient in compensating for their pain. The way the programme is executed helps determine how it is received.

In Brazil, the government set up a reparations programme in 1995, a decade after the end of military rule. The commission was to provide approximately US\$100,000 to each family in some 135 cases of disappearances. In the case of Velásquez Rodríguez,²³⁰ the Inter-American Court of Human Rights awarded a lump sum to the next of kin of the victim or to the family. The commission also had powers to conduct investigations into these cases, and this included exhumations. The result was an acknowledgement of the facts, and 'rescuing historical truths and collective memory was deemed by many as the most relevant contributions of the process[es]'.²³¹ However, with full disclosure of the truth not forthcoming, owing to the lack of political will, there has been continued pressure to establish a follow-up commission to fulfil the task that many families are still yearning for – to establish where the remains of the disappeared can be found. These two examples point to the complexities underpinning the design of a reparations commission – and, again, a universal design is simply not feasible for the same reasons as discussed in relation to truth commissions.

4.4. Actors to be implicated in the Memory & Truth in Cameroon.

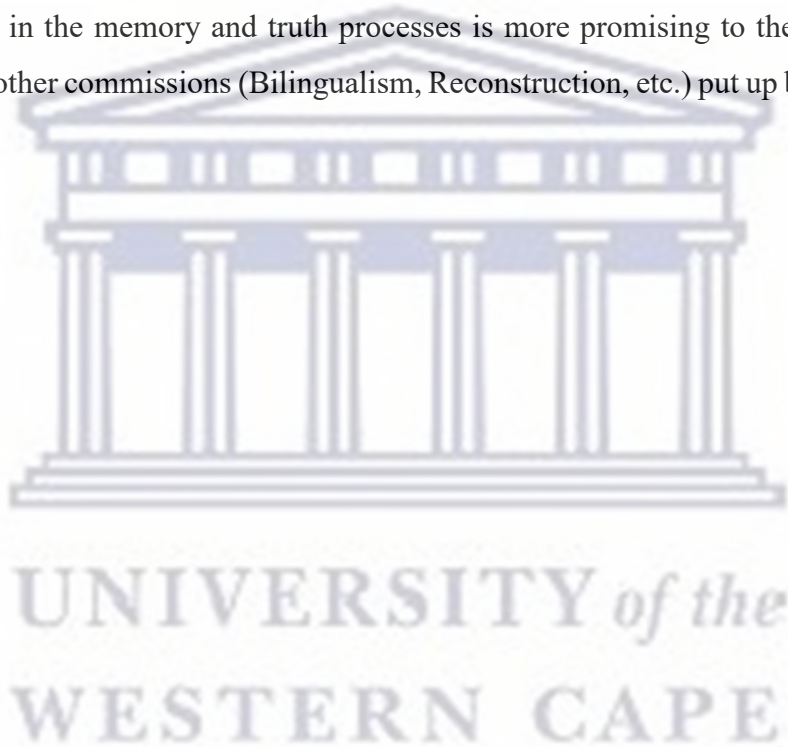
It is common practice that most commissions and the constitution of actors to take part in memory processes and truth commissions are created by the government, which could still be the government in power as is the case with Cameroon. In this, as has been criticised in other efforts

²²⁹ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 222

²³⁰ Velásquez Rodríguez, decision from 29 July 1988, Inter-Am Ct HR (ser C) No 4 (1988).

²³¹ Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge; 178

intended by the government to resolve the ongoing crisis, the government is bound to not only add participants from its wing, members of government, members of the ruling party, while excluding crucial actors behind the Anglophone crisis. That there be acceptability and subsequent return to peace and stability in Cameroon, Memory and Truth are vital and should be implemented in its fullness. While the memory process gets involved all the parties in the conflict, giving priority to victims, truth and truth commissions engage directly and broadly with the affected population, gathering information on their experiences. Hence, engaging both perpetrators and victims in the ongoing conflict, as well as the detainees and the imprisoned and all other actors involved, both home and abroad in the memory and truth processes is more promising to the resolution of the crisis than all the other commissions (Bilingualism, Reconstruction, etc.) put up by the government in power.



CHAPTER 5

CONCLUSION AND RECOMMENDATIONS.

5.1. Introduction

More than six years of conflict in Cameroon's North West and South West regions have resulted in significant socioeconomic disruption. As of September 2019, the crisis had claimed over 3,000 lives, destroyed over 170 villages, and displaced more than half a million people.²³² The humanitarian emergency is severe and growing. Service delivery capacity and systems have been overwhelmed by displacement, and humanitarian access has been severely constrained. The impact of the crisis on economic and social outcomes is also being felt in the neighbouring regions of the Center, Littoral and West, and at the national level and internationally too, especially in neighbouring Nigeria. The current crisis began with peaceful protests in 2016 and quickly escalated into a full-scale armed conflict with clear secessionist and criminal elements. The conflict has featured repeated and deliberate attacks against symbols of the state and the boycotting of national institutions, reflecting a deep rejection of state legitimacy and a sense that the way of life in the North West and South West regions is under threat.

The intensity and impact of the conflict has been severe in the North West and South West regions as in other parts of Cameroon. The impact on human lives and displacement have been the most dramatic and visible. The violence has triggered a large and growing humanitarian crisis, while the food situation in these two regions is alarming. Access remains a particular concern: about 1.3 million people affected by the violence remain beyond the reach of humanitarian agencies. The conflict has also triggered a serious internal displacement crisis. Over 680,000 persons, or close to 15 percent of the precrisis population, was internally displaced from their homes in the North West and South West as of December 2019²³³. In addition, the conflict has resulted in the significant destruction of critical assets; schools, health facilities, and productive infrastructure have been deliberately targeted and destroyed. The crisis has increased poverty levels and damaged livelihoods and human capital conditions in both affected and neighbouring regions. The education

²³² International Crisis Group 2019b

²³³ United Nations Office for the Coordination of Humanitarian Affairs (UN/OCHA) 2019d

system has been especially impacted: teachers and students have been forced to flee, which has caused a dramatic fall in enrolment rates in NWSW and an increase in demand for education in the neighbouring regions. This influx of students has significantly increased the pressure on these schools, which have in turn compromised the quality of education. The closure or limited functioning of health facilities has also strained essential health services, including for reproductive and maternal health and immunisations. Health professionals have been targeted by the military for attending to wounded soldiers and separatists and accused of hiding fighters in hospitals and health centers. Population displacement within NWSW, combined with food insecurity and poor living conditions, has increased the risk of disease, including waterborne diseases and outbreaks. Beyond NWSW, the arrival of internally displaced persons (IDPs) in the West and Littoral regions has overstrained a health sector that was already lacking in adequate workforce, supplies, and services. The crisis has caused a significant contraction of the North West and South West regions' economies. The NWSW crisis has prevented the Cameroonian economy from taking full advantage of the relatively favourable global context preceding the COVID-19 outbreak, which included a moderate rise in global prices for some of Cameroon's key agricultural exports, including cocoa, coffee, and bananas. Tax revenue trends confirm this decline in economic activities, and the crisis has affected the implementation of public investments. The financial sector has also been impacted by the disruption and insecurity, and employment fell because of the violence and the collapse of economic activity. The tax revenue collected by the government in 2019 was 4.8 percent lower than it would have been without the crisis. The combined effects of lower income (due to reduced employment) and higher consumer prices (due to supply chain disruptions) have inflicted a heavy toll on household welfare. Though the conflict has not triggered wider social tensions between population groups at the national level, there are, however, growing signs that the country's social cohesion is being tested, as host community resources and public services elsewhere in Cameroon are being stretched to the limit. There is a risk that prolonged displacement and a protracted crisis will strain national cohesion along several vectors, including by accentuating differences between Francophones and Anglophones at the national level²³⁴ and highlighting the deep-rooted divisions over fundamental questions related to governance and

²³⁴ International Crisis Group, 2017

identity. The conflict is still active, and there are indications that it may be escalating. Attempts to find a solution to the conflict, including the judicial and non-judicial transitional justice measures so far employed, have generated proposed actions and steps designed to decrease tensions and address Anglophone grievances. These have however been deemed insufficient as many of these ended up fanning the flames of the crisis, hence the continuation of the abuses of human rights and the commission of grievous crimes of international concern which need to be attended to, in a bid to bring an end to the conflict, thus a return to lasting peace and unity. It is in this light that the following recommendations are being suggested by the author of this Mini-Thesis, in addition to the transitional justice measures of memory and truth, who deems that if they are implemented, can bring a lasting solution to the crisis, restoring peace and the unity in diversity craved for in Cameroon. These recommendations will concern the root causes of the crisis, as well as the other unsuccessful/failed measures adopted by the parties in resolving the crisis and the international community at large.

5.2. On the root causes of the crisis.

The 2016 crisis in the two English-speaking regions of Cameroon began with the military crackdown and molestation of teachers and Lawyers reclaiming for better reforms in the exercise of their functions which were already under threat of being assimilated. Teachers needed reforms upholding the Anglo-Saxon system of education practised in the North West and South West Regions currently being adulterated and being derailed with the French system and language. Lawyers requested the upholding and respect for the rules and procedures of the Common Law that obtains and is practised in the Cameroon's Anglophone regions.

On the educational system, Cameroon has long been hailed and envied for its bilingualism because of the two educational systems that ensued and were inherited from the former colonial masters of the two Cameroons -England and France. Writing from the standpoint of a student of both systems, it will be of interest to the government, except a secret agenda of complete assimilation, to allow the two systems of education to co-exist, leaving room for the citizens' choice on which to follow. Purely Anglo-Saxon educational institutions as well as the French educational institutions can coexist, while allowing the teaching of the French language and the English language respectively as subjects under the sub-systems. Also, more Anglophone teachers should be trained and sent to teach in Anglo-Saxon institutions, and vice versa, except for the language teachers who must also

be bilingual, rather than allowing for purely francophones and French education system's teachers to teach in the Anglo-Saxon Educational institutions.

Regarding the practice of the Common Law and the upholding of its procedures and rules of practice, the bi-jurial nature of the state can be protected and jealously preserved. The government can accentuate the efforts in constructing or creating both Common Law and Continental Law Courts in every jurisdiction where citizens will have to turn to in case of need, rather than always returning to their regions of origin. Judges and Magistrates should be trained accordingly and appointed as such. Allowing purely French legal systems magistrates and/or Judges to preside and sit in Courts practicing the Common Law system, with no knowledge of how it obtains, can be cumbersome. This can further be worsened where the Judge, who neither understands the English Language nor the Common Law procedures obliges lawyers to do their submissions in French. Bilingualism, coupled with the bi-jurial nature of the state has portrayed it to the international community and eases the integration and functioning of Cameroonians in many fields of life at the international scale.

5.3. Unsuccessful/failed measures adopted so far in resolving the crisis.

The measures so far initiated and/or adopted by the Cameroonian government in a bid to resolve the crisis in the two English-speaking regions have not yielded any fruits. These have been criticised in their manner and approach. The arrests, trials and sentencing of the Ambazonia leaders and many others have only flamed the conflict the more. Attempts of negotiation, dialogue, and even the Major national dialogue failed because they are said to be a CPDM thing and not all inclusive. Even the resolutions of the Major National Dialogue are still to see its phase of implementation carried out. The accelerated decentralisation has been described as acting as councils are still lamenting that Yaounde through FEICOM, the Ministry of Finance and the Ministry in charge of Decentralisation and Local Development still have an influence and total control on their finances. The elected Regional Councils which are supposed to be vested with such financial autonomy and be stronger than the governors are yet to see these in practice. Hence, the people see these as a sham, and another means by the government to use its 'promise and fail' tactics, and that of documenting things they never practised. The example of the decentralisation that was enshrined in the 1996 Constitution of the Republic of Cameroon, but only came to see its institutions after the Major National Dialogue of 2019, twenty-three years later, is glaring.

To these, the author of this mini thesis observes and suggests that only measures that will be all inclusive in the management of the conflict, and requiring the truth be told can help resolve the conflict and see peace restored to the nation of Cameroon. Hence, adopting the non-judicial transitional justice measures of memory and truth is ideal. These measures will constantly remind whoever is administering or governing of the past, especially the causes of the conflict and the atrocities committed, thus instilling in them the obligation to avoid such in the future. Memory and truth will impose on the government the obligation to keep to their words and to choose the state over politics, hence engaging in the realisation of earmarked projects.

5.4. The international community.

The economic and social impacts of the conflict in Cameroon's North West and South West regions is immense. The human, physical, and developmental impact on the populations of the two regions, as well as the growing pressure that the conflict has placed on Cameroonians outside the two regions is overwhelming. The conflict has already caused permanent damage to the economies of NWSW; even if it ended tomorrow, the two regions will only be able to recover three-quarters of their precrisis productivity level due to lasting damage inflicted by the disruption of infrastructure and the destruction of human capital through death and displacement. While the impact is most acutely felt in the two English-speaking regions, it is increasingly affecting the country as a whole, including through a drop in both national GDP and household welfare.

The conflict is largely rooted in a breakdown in trust in government institutions and a perception among Anglophone residents that their way of life is under threat. This grievance—and the dynamics created by the conflict itself, including an increasingly polarised debate, a rejection of public services, and a fragmentation of the Anglophone leadership—has made it difficult finding a solution. With a protracted crisis unfolding, and the growing pressure being felt outside the two regions, is indicative that the impacts will continue to grow; the conflict is likely to generate new dynamics that in turn will determine the prospects for peace and stability. The longer the conflict lasts, the more severe and permanent the impact is likely to be, and the longer-term effects could be devastating. Regional GDP is likely to drop by 60 percent in NW and 50 percent in SW by 2030,

and national household welfare would drop by more than 5 percent.²³⁵ Experiences from other protracted conflicts illustrate the secondary effects in terms of growing tensions between communities and the strain placed on government services from longer-term displacement. The long-term effects of the lost years of schooling induced by the crisis show that the impacts on the livelihood prospects of affected youth are also likely to be irreversible, with significant lifetime losses in income. There is therefore an urgent need for the Government of Cameroon to find an end to the violence, support the population to recover, and address the conflict's impacts however challenging this will be, given the growing pressure on human capital, the large-scale displacement of people, and the destruction of both physical assets and public sector capacity in the two regions. As the government starts to consider options for a future recovery effort, it will be important to ensure that recovery planning, coordination, and implementation arrangements reflect the dual challenges of providing immediate peace dividends and humanitarian support to those in need, while also addressing the underlying root causes of the conflict and supporting the capacities of local and national government systems to eliminate poverty, promote development objectives, and implement the special status for the North West and South West regions. These recognitions will also have important implications for the support provided by Cameroon's international partners, including how to prioritise such support and which modalities would be most effective. Three categories of implications should guide the international community's further support, to wit: (1) rethinking the delivery of assistance in response to conflict dynamics, (2) investing in data collection to inform policy, and (3) moving beyond development financing to address underlying grievances and support peace.

The drivers and dynamics of Cameroon's Anglophone crisis pitting part of the English-speaking population against the national government and a growing fragmentation and criminalisation of Anglophone groups make a protracted crisis likely. Until a solution is found, the government will not be able to effectively support the population, and its legitimacy is likely to be further impacted. International actors, including the humanitarian community, have limited access, and the growing levels of attacks on NGOs and UN staff are of particular concern.²³⁶

²³⁵The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon: Assessing the Economic and Social Impacts, World Bank Group (WBG) January 2021

²³⁶ United Nations Office for the Coordination of Humanitarian Affairs (UN/OCHA) 2020f.

These dynamics have serious implications for the international community at large, hence the need to reconsider options to support the conflict-affected population. The international community should tailor its support to specific activities in the two regions to ensure it does no harm, and in parallel support the conflict-affected population elsewhere in the country. This requires introducing the following systems to strengthen overall approaches to the crisis:

First, establish a dedicated multisectoral task force on the NWSW crisis. The need to ensure conflict sensitivity and to adhere to the principle of “do no harm” are universally applicable and will guide IC’s (International Community’s) (re-)engagement. A dedicated multisectoral team should encourage brainstorming on options and innovation to discuss the need for conflict sensitivity and how future engagements could be selected. It must ensure that ideas are communicated, challenged, and improved upon from different perspectives, that principles for re-engagement are discussed and agreed, and that approaches are properly tested before being implemented.

Secondly, develop a conflict filter to guide selectivity and conflict sensitivity for the IC’s operations in NWSW. This filter could be applied to both existing and new operations to identify the minimum operating conditions as well as the heightened risks of doing harm in a politically sensitive environment. Such filters have proven particularly useful in contexts of frozen and subnational conflicts, including in Colombia, Nepal, the Philippines, and Myanmar, where dynamics might be difficult to fully assess and understand, and where a broader understanding of how the context and risks are evolving is critical before deciding whether to proceed with projects, and how to design projects that “do no harm.” These experiences suggest that the filter should be developed based on inclusive consultation with a broad range of stakeholders to ensure that it reflects local conditions, and an adaptable and living instrument, to be fine-tuned based on knowledge products and lessons from its application to operations.

Thirdly, engagements in the two English-speaking regions should support de-escalation and resilience. It is important to think through the process of engagement in the North West and South West regions. The proposed task force and conflict filter are important tools for this process, and principles should be agreed up front regarding the enabling conditions for engagement (e.g.,

credible commitments to de-escalate and address grievances), as well as modalities to ensure the strict selectivity of activities, based on addressing the drivers of conflict and building trust.

Fourthly, support the affected population outside the two regions. While engagement would be challenging inside NWSW, there are opportunities to support those who are affected in neighbouring regions like the West and the Littoral regions, and in the cities of Douala and Yaounde too. A large degree of sensitivity will be required during the design and targeting of such operations: providing support to both displaced and host communities should be considered to avoid fueling local potential tensions. This might require the design of new multisector operations to ensure that a range of support services—health, education, water, livelihoods, housing, etc.—can be provided to these populations while aligning behind an overall conflict-sensitive development objective and implementation modalities, focusing on promoting social cohesion and inclusive targeting to avoid creating additional tensions among the different communities.

Fifthly, consider third-party implementation. Given the limited level of trust in government bodies including at the community level, working through a third party should be considered. The UN or other NGO implementation has been used in active conflicts in other countries to overcome challenges of government presence and access, and to ensure that institutional capacities to deliver services are sustained throughout the conflict. The World Bank Group (WBG), and/or the International Monetary Fund (IMF) or any such other could be allowed to build on humanitarian engagements and to allow humanitarian actors to simultaneously focus on the sustainability of their interventions.

Given the shortcomings in information and data regarding the Anglophone crisis, which have often led to misinformation, and hence fueled more hate and disdain, the international community could invest more on data collection in a bid to inform policy dialogue. It is difficult to find localised information and, hence, in-depth sectoral analysis of the impact of the conflict. To overcome this constraint, the IC can build structured mechanisms to collect and disseminate information and data, including through both dedicated data collection tools and agreements with other actors that are active in NWSW to access their data. One way to ensure that access to information remains constant and consistent is by building a network of actors at different levels (local governmental bodies, civil society, clergy, humanitarian actors, and other development actors) that would

constitute a platform of exchange and reflection and could even propose common response approaches. The following data gaps could be of particularly critical interest to address going forward:

- Surveys and polls to collect household data to understand the impact of the conflict at the individual level. Such surveys have been successfully used in other active conflicts, including in Somalia and South Sudan, and permit a disaggregated understanding of the evolving impact of the conflict, how needs and priorities might differ between population groups and geographic areas, and how poverty and vulnerability might evolve. In the case of Cameroon, the survey should also be disaggregated between displaced and non-displaced populations.
- Conflict tracking. Obtaining data on the development of the conflict itself will be critical to help the IC and other actors identify opportunities for engagement. Such systems have been developed in response to subnational conflicts in Indonesia, Myanmar, and the Philippines, and allow for more disaggregated understanding of the evolution of the conflict, access to specific areas, and possible openings for peace. This system could be developed with other humanitarian and development agencies to increase credibility and facilitate a collective discussion of the findings with government officials.
- Understanding physical impact and damage. Evidence to highlight the physical destruction that has taken place in the North West and South West regions through the European Space Agency as circulated on social media channels, as well as some TV stations is glaring. A more detailed mapping of the damage could be undertaken using satellite images to provide additional details on the impact to date, and a baseline for monitoring the future impact of a protracted conflict. The availability of such data would also be helpful to inform a future reconstruction effort.

With the current spate of events, and the conflict still ongoing, investments in the two Anglophone regions pose significant risks of doing harm, given the specific conflict dynamics. These dynamics have important and direct implications for the international community, hence the need to rethink its support to the people of Cameroon. The IC should therefore move beyond development financing to address underlying grievances and support peace. Importantly, opportunities for the IC to support reforms and trust-building efforts to help de-escalate the conflict and address the underlying grievances and drivers of the conflict abound. In addition, tackling the crisis in NWSW

and its consequences calls for greater coordination between humanitarian and development actors, as well as between development actors. A key challenge in Cameroon is the divide between the government position and that of members of the Anglophone population. Examples from elsewhere show how fact based and developmentally focused data can support the development of a common narrative and understanding of the main challenges that will need to be overcome, as well as the roadmap ahead. The IC should promote genuine and inclusive dialogue and hold such discussions with the government on what credible commitment to conflict prevention looks like to generate eligibility for additional support and resources under the Prevention and Resilience Allocation. The IC should also look for opportunities to support reform efforts at the national level to tackle Anglophone grievances regarding their language, culture, and institutional traditions. The Grand National Dialogue reached agreement on a number of these initiatives, and the government has already started implementing specific recommendations, including the bilingualism law and the law on decentralised local authorities, which provides a special status for NWSW, although these are yet to be effectively applicable. However, the special status was already written into the 1996 constitution; a critical challenge for the government will be to move from good ideas to rapid and visible implementation. The IC can contribute international experiences and analysis to encourage honest and fact-based dialogue on the main obstacles to implementing the Grand National Dialogue recommendations. Support should aim to generate agreement on the roadmaps that would be followed for implementation and the specific communication and consultation mechanisms required to ensure that the process contributes to the general trust-building process going forward, including with a broader set of stakeholders in the Northwest and Southwest regions. This process could include technical discussions to help reach agreement on a transparent and open process, which could be implemented through community-based organisations and civil society and allow for the design of community-based selection processes and strong monitoring mechanisms to follow the implementation of activities. It is critical to empower these actors to serve as aggregators and articulators of citizens' voice and to create capacities to respond to their needs and concerns. The international community should step in to play the important role to support better development partner coordination related to the conflict. This will serve as basis for improved humanitarian-development-peace coordination and regular discussion, among key international actors, possibly as part of a Pathways for Peace initiative. This could be supported by an effort to develop joint operating principles for how humanitarian, development, and peace

actors might engage with and support the population in the North West and South West regions, how risks are managed, and the conditions required for a scale-up or shift in engagement. Such principles would be critical to ensure that all support is structured in ways that are conflict sensitive, and that contribute toward rebuilding trust and confidence at the community level.

5.5. Conclusion.

A roadmap toward a mediated peace has, however, yet to materialise, and the impact of the conflict is likely to grow exponentially the longer it takes to find a solution. The long-term decline in gross domestic product (GDP) could have a catastrophic impact on household welfare in the two affected regions. A protracted conflict is also likely to have dire consequences for the financial sector and could lead to drawn-out displacement. The impact of the crisis on school participation is expected to be reflected in measures of human capital, which can be assessed by examining infant and maternal mortality and the impact on future production. The recovery process will also be more time-consuming and complicated the longer it takes to find a solution. In addition, a protracted conflict is likely to affect Cameroon's international reputation as well as its long-term development prospects. The conflict has already caused permanent damage to the economies of NWSW, and the impact will grow the longer it lasts. Even if the conflict were to end tomorrow, the two regions will only be able to recover three-quarters of their precrisis productivity level due to the disruption of infrastructure and the destruction of human capital through death and displacement. While the impact is most acutely felt in the two English-speaking regions, it is increasingly affecting the whole country, including through a drop in both national GDP and household welfare. Simulations developed in a World Bank report²³⁷ on the crisis suggest that national GDP will drop by 9 percent if the conflict lasts until 2025. The longer-term effects would be devastating by 2030, regional GDP would drop by 60 percent in both NW and SW, and national household welfare would drop by more than 5 percent.²³⁸ These results underline the urgent need to find an end to the violence, support the population to recover, and address the conflict's causes and impacts. It is therefore in this light that the following recommendations are elaborated.

²³⁷ The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon: Assessing the Economic and Social Impacts: [The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon | Social Analysis \(worldbank.org\)](http://www.worldbank.org)

²³⁸ [The Socio-Political Crisis in the Northwest and Southwest Regions of Cameroon | Social Analysis \(worldbank.org\)](http://www.worldbank.org)

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