

MISSION PERMANENTE  
DE LA RÉPUBLIQUE DU CAMEROUN  
AUPRÈS DES NATIONS-UNIES,  
DE L'ORGANISATION MONDIALE DU COMMERCE  
ET DES AUTRES  
ORGANISATIONS INTERNATIONALES  
GENÈVE



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PERMANENT MISSION  
OF THE REPUBLIC OF CAMEROON  
TO THE UNITED NATIONS OFFICE, THE  
WORLD TRADE ORGANIZATION  
AND TO OTHER  
INTERNATIONAL ORGANIZATIONS  
GENEVA

Genève, le 10 OCT. 2022

N° 311 /NV/MPCG/A/S3

La Mission Permanente de la République du Cameroun auprès de l'Office des Nations Unies, de l'Organisation Mondiale du Commerce et des autres Organisations Internationales à Genève, présente ses compliments au Haut-Commissariat des Nations Unies aux Droits de l'Homme de Genève (Section procédures spéciales) et, en réponse à sa Note Verbale du 22/04/2022,

A l'honneur de lui faire tenir les observations de l'Etat du Cameroun, relatives à la Communication conjointe des titulaires de mandats, relative à l'Affaire Elvis BROWN Luma MUKUNA et Jan Joris CAPELLE.

La Mission Permanente de la République du Cameroun auprès de l'Office des Nations Unies, de l'Organisation Mondiale du Commerce et des autres Organisations Internationales à Genève, saisit cette occasion pour renouveler au Haut-Commissariat des Nations Unies aux Droits de l'Homme, les assurances de sa haute considération.

**P.J. : 01**



Haut-Commissariat des Nations Unies  
aux Droits de l'Homme  
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REPUBLIQUE DU CAMEROUN

*Paix – Travail – Patrie*

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MINISTERE DE LA JUSTICE  
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REPUBLIC OF CAMEROON

*Peace – Work – Fatherland*

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MINISTRY OF JUSTICE  
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**OBSERVATIONS OF THE STATE OF CAMEROON ON  
THE JOINT COMMUNICATION OF MANDATE  
HOLDERS OF SPECIAL PROCEDURES OF THE  
UNITED NATIONS HUMAN RIGHTS COUNCIL  
RELATING TO MR ELVIS BROWN LUMA MUKUNA  
AND MR JAN JORIS CAPELLE.**

**Communication No. CMR 4/2022**

**OBSERVATIONS OF THE STATE OF CAMEROON ON THE JOINT COMMUNICATION  
OF MANDATE HOLDERS OF SPECIAL PROCEDURES OF THE UNITED NATIONS  
HUMAN RIGHTS COUNCIL RELATING TO MR ELVIS BROWN LUMA MUKUNA AND  
MR JAN JORIS CAPELLE .**

By Verbal Note of 20 April 2022, the United Nations High Commissioner for Human Rights forwarded to the Government of Cameroon, the Joint Communication of the following: Special Rapporteur on the Situation of Human Rights Defenders; Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Special Rapporteur on the promotion and protection of the Right to Freedom of Opinion and Expression; and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.

**Summary of the Communication**

It is stated in the Communication that **Mr. Jan Joris CAPELLE** and **Mr. Elvis Brown LUMA MUKUNA**, respectively founder and Counsel for Organic Farming for Gorillas Cameroon (OFFGO) are Human Rights Defenders and that **Mr. Elvis Brown** is a Lawyer at Posterity Law Office which late Barrister **KEMENDE Henry** headed. The Posterity Law Office has represented the people of Tudig in the North West Region and **Mr. Jan Joris CAPELLE** since 2015. The same Office, equally investigated into the expulsion from Cameroon of **Mr. Jan Joris CAPELLE** in 2016.

It is further stated that on 11 January 2021, Barrister **KEMENDE** was assassinated by unidentified armed men in Bamenda. On 16 January 2021, a word was left for **Mr. MUKUNA** who was residing at late Barrister **KEMENDE**'s residence, that it was known that he held the file concerning the expulsion of **Mr. CAPELLE** from Cameroon and must not make it public, if not "he would be the next". On 25 February 2021, **Mr. MUKUNA** was accosted by someone who warned him to stop working with **Mr. CAPELLE** and interacting with the United Nations. On 29 May 2021, he was threatened of death by telephone and told that he and **Mr. CAPELLE** will soon be "retrieved". Furthermore, on 6 November 2021, he survived a kidnapping attempt by 6 armed men at his home in Bamenda.

Cameroon is called upon to make observations on the following:

- any further information in relation to the allegations contained in the Communication;
- immediate measures taken to ensure the physical and moral integrity of Elvis Brown as well as his right to life;
- Information on measures taken to ensure that Human Rights Defenders carry out their activities without fear of intimidation, threats or attacks;



- Measures taken to ensure that Human Rights defenders can freely communicate with United Nations Human Rights mechanisms including independent human Rights experts without fear of intimidation or reprisals.

**Immediate Measures to ensure the Physical and Moral Integrity of Mr. MUKUNA as well as his Right to Life and other relevant Information.**

The guarantee of the right to physical and moral integrity as well as the right to life is provided for by legislation, in particular the Constitution, and the Penal Code which provides for punishment and the Criminal Procedure Code (CPC) which lays down the procedure for prosecution when such a right is violated. Hence, investigations are carried out when these rights are alleged violated and alleged offenders are prosecuted. These laws are applicable to all persons living in Cameroon without distinction.

Attempts were made to have Mr. **MUKUNA** meet and discuss with the Procureur General of the North West Region where the facts of the Communication are alleged to have taken place. This was a measure to get details from him which could better help in ensuring his safety as well as have him assist in the investigations into the allegations made. On the invitation of the said Procureur General, Mr. **MUKUNA** appeared in the former's office on 23 June 2022.

It is worth noting that there are 2 matters before the courts in the North West Region involving Mr. **CAPELLE** as witness. One is pending before the Examining Magistrate of the High Court Momo as HCM/PI/002c/21 concerning the alleged attack on the OFFGO office in Tudig and destruction of property belonging to OFFGO. The matter was called up on 29 June 2022 and adjourned to 12 October 2022. The other matter pending before the Court of First Instance Mbengwi as Suit No. CFIM/5c/22 concerns threats against Mr. **CAPELLE**.

Investigations have been opened into other allegations contained in the present Communication by the Procureur General of the North West Region in accordance with the Criminal Procedure Code. This should permit the gathering of evidence to arrive at an objective conclusion.

**Measures to ensure that Human Rights Defenders carry out their Activities without Fear of Intimidation, Threats or Attacks.**

The preamble of the Cameroon Constitution provides for the guarantee of the security of each individual, subject to respect for the rights of others and the higher interests of the State. The preamble provides *"the freedom of communication, of expression, of the press, of assembly, of association ... shall be guaranteed under the conditions fixed by law"*.

Human Rights defenders freely carry out their activities, so long as they act in accordance with the laws in force. A case for violation of their rights can be brought before judicial authorities for investigation and prosecution pursuant to existing legislation.

It is worth mentioning that there are avenues for collaboration between the Administration and Human Rights defenders. Associations of Human Rights defenders cooperate with State institutions in certain respects. For example, representatives of these associations are important stakeholders in the collection of information for the drafting of the Report of the Ministry of Justice on Human Rights as well as Cameroon's periodic Reports to Human Rights Treaty Bodies and in the validation of the said Reports.

**Measures to ensure that Human Rights defenders freely communicate with United Nations Human Rights mechanisms including independent Human Rights experts without fear of intimidation or reprisals.**

Cameroon cooperates well with United Nations Human Rights mechanisms including independent Human Rights experts. This collaboration includes the submission of periodic reports and responding to various communications. Human Rights defenders and organisations are also free to file communications against the State before Human Rights Bodies and Special Rapporteurs; and have been doing so.

Human Rights organisations have also been submitting shadow reports to these Human Rights Bodies. A recent example of such shadow reports is that submitted to the United Nations Committee on the Elimination of Racial Discrimination on Cameroon's Combined 22<sup>nd</sup> and 23<sup>rd</sup> Reports, by the Cameroon Women's Peace Movement and a coalition of national organisations (Denis Miki Foundation, Human is Right, Association for the Welfare of Women and Indigenous people, Hope Advocates Africa and Rural Women's Development Center). Officials of these organisations reside in Cameroon and are carrying on normally, their activities within the national territory. The said Periodic Reports were examined by the Committee in 2022.

Various national organisations also make declarations on Cameroon during sessions of the Human Rights Council.

**What precedes are the Observations of the State and you are assured of Cameroon's full commitment to collaborate with the United Nations Special Procedures at all times.**