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January 28, 2014

Dear Mr. Kiai, Mr. De Schutter, and Mr. Knox,

The organizations that have signed this letter would like to ask you to investigate and intervene in the case of acts of repression and criminalization of local organizations and activists in Cameroon in the context of peaceful protest against Herakles Farms in the Mundemba, Toko, and Nguti Sub-divisions of South West Cameroon.<sup>1</sup>

### **Herakles Farms**

On September 17th, 2009 SG Sustainable Oils Cameroon PLC (SGSOC) signed a contract with the Cameroonian Government to develop a large industrial palm oil plantation and refinery. SGSOC is 100% owned by the American company Herakles Farms, via a Cayman Islands affiliate<sup>2</sup>, an Africa-focused private investment firm involved in the telecommunications, energy, infrastructure, mining and agro-industrial sectors.<sup>3</sup>

After operating illegally in Cameroon for more than three years<sup>4</sup>, Herakles was granted a land lease by three different Presidential decrees totaling approximately 20,000 hectares of land.<sup>5</sup>

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<sup>1</sup> See GRAIN article at the following link for more detail. <http://www.grain.org/article/entries/4827-cameroon-activist-takes-on-land-grabber-from-wall-street-now-faces-imprisonment>

<sup>2</sup> [http://loophole4all.com/index.php?id\\_i=191672&id\\_e=220358&company=SGSO+CAMEROON+HOLDINGS+LTD](http://loophole4all.com/index.php?id_i=191672&id_e=220358&company=SGSO+CAMEROON+HOLDINGS+LTD).

<sup>3</sup> See <http://heraklesfarms.com/>

<sup>4</sup> See CED/RELUFA Press Release <http://farmlandgrab.org/post/view/22846-apres-4-ans-dilleglite-le-cameroun-octroie-une-concession-provisoire-a-sgsoc>

### **Harassment of Nature Cameroon**

Since last September the local NGO Nature Cameroon (based in Nguti, Cameroon) has in effect been barred from informing residents of the threats posed by the Herakles Farms project to their livelihoods and environment. On September 11, the Divisional Officer of Nguti Sub Division, Kombe Henry Pasang, summarily suspended the group's right of "holding/organizing of any public meeting/manifestation", citing its alleged convening of meetings "not authorized by the Administration" without citing the dates and locations of any of the meetings in question. (Suspension letter attached as Annex 1)

The suspension followed a tour of local villages whereby local chiefs invited Nature Cameroon to sensitization meetings focused on the status of Herakles Farms' application for a land lease. Nature Cameroon invited the Divisional Officer to each gathering well in advance and the Divisional Officer took no act to declare the meetings illegal until Herakles representatives lodged a verbal complaint after the tour was completed.<sup>6</sup>

Additionally, representatives of Nature Cameroon, The Centre for Environment and Development (CED) and Greenpeace were physically assaulted by Herakles employees while visiting Babensi II, at the request of Babensi's chief, in August 2013. The Divisional Officer stated in a meeting with each of the three NGOs that Herakles' attack was another factor that led him to suspend Nature Cameroon's right to organize meetings.

Dominic Ngwesse, CEO of Nature Cameroon, wrote a letter to the Divisional Officer to appeal the suspension order in November 2013. The Divisional Officer responded on December 24<sup>th</sup>, 2013 stating "you should equally know that the peace and tranquillity [sic] prevailing in Nguti Sub Division cannot be compromised with obscure [sic] intentions by your grouping, which on the one hand professes to be development oriented in Nguti Sub Division and on the other hand go about inciting a chunk of the public to rise against development contributions from others." (See full reply in Annex 2).

### **Harassment of Nasako Besingi and SEFE**

On December 31, 2013 the director of the local NGO Struggle to Economise Future Environment (SEFE), Nasako Besingi, was summoned by Lord Sheriff-Bailiff of Mundemba to respond to charges of "participating in an organization and holding of an undeclared public meeting" in relation to SEFE's activities protesting against the presence of Herakles Farms in **July and November of 2012** (see Annex 3). In November 2012, Besingi and four other participants were arrested for distributing anti-Herakles Farms t-shirts<sup>7</sup> out of their office following a private meeting. Mr. Besingi's four colleagues have been charged with the same offense.

In another case, the Lord Sheriff-Bailiff of Mundemba summoned (Summons in Annex 4) Nasako Besingi, at the request of Herakles Farms (Herakles complaint in Annex 5) for "publication of false news via the internet" in **August 2012**. Mr. Besingi wrote in a private email (Annexes 6-7) that he was travelling by motorbike to a village to conduct awareness-raising

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<sup>5</sup> The Decrees are available at: <http://www.journalducameroun.com/files/communiqués/100.pdf> and <http://www.journalducameroun.com/files/communiqués/101.pdf> and <http://www.journalducameroun.com/files/communiqués/102.pdf>

<sup>6</sup> The Divisional Officer informed Nature Cameroon of the complaint in a meeting where representatives of Nature Cameroon, The Centre for Environment and Development, and Greenpeace were present.

<sup>7</sup> See FIDH report on the arrests: <http://www.fidh.org/en/africa/cameroon/Cameroon-Arbitrary-arrest-of-and-12517>

when he was ambushed by a group of men that he recognized as junior managers of Herakles Farms. Herakles Farms claims they were “local service providers”<sup>8</sup> Luckily a team of French journalists of France24 happened to be trailing Nasako that day. When their truck appeared, the men let Besingi go and fled. Images of the attack were broadcast in France24’s documentary on Herakles Farms.

Mr. Besingi filed a complaint against the 4 assailants who assaulted him on October 29<sup>th</sup>, 2012 (Annex 8). The public prosecutor has yet to file charges against the Herakles Farms’ employees concerned. However, the same public prosecutor is pursuing the two cases against Mr. Besingi explained above.

These acts of repression and intimidation are used to silence and punish local organizations and activists that are peacefully and tirelessly fighting for the protection of people’s rights and the preservation of Cameroon’s natural environment and forests.

The UN Special Rapporteur on the Right to Food criticized the Herakles Farms project in his Cameroon report, reminding the Cameroonian authorities of their responsibility “towards the progressive realization of the right to food ‘to the maximum of its available resources’”<sup>9</sup> and calling on the Cameroonian Government to “ensure that defenders of the right to food are protected.”<sup>10</sup> Local NGOs protecting communities’ rights to freedom of speech, assembly, and food are now facing serious threats from Herakles Farms and the Cameroonian Authorities.

Cameroon is obliged to guarantee the fundamental rights in the International Covenant on Civil and Political Rights (ICCPR), such as right to hold opinions without interference (article 19) and the right of peaceful assembly (article 21). With Resolution 24/5 (September 2013), the UN Human Rights Council repeated its commitment to promote and protect the rights to freedom of peaceful assembly and of association, “which is indispensable for building peaceful, prosperous and democratic societies.”

We call on the UN Special Rapporteurs and Independent Experts to intervene urgently to:

- Declare the decision of the Cameroonian authorities in the case of Nature Cameroon in violation of article 21 of the ICCPR and demand the Cameroonian authorities to revoke the order against the activities of Nature Cameroon;
- Take appropriate measures to ensure an end to all forms of judicial harassment against Mr. Besingi for reporting wrongdoings by Herakles Farms, online and offline;
- Remind the Cameroonian authorities to fully respect its obligations under the ICCPR and other relevant international conventions;
- Remind the Cameroonian authorities of their obligation to protect defenders of the right to food, speech, and assembly;
- Take any other action the Special Rapporteurs/Independent Experts deem appropriate.

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<sup>8</sup> See Herakles Farms’ publication:

<http://heraklesfarms.com/docs/ResponsetoReportsAboutCameroonFINAL.pdf>

<sup>9</sup> [http://www.srfood.org/images/stories/pdf/officialreports/20130304\\_cameroonfinal\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20130304_cameroonfinal_en.pdf)

<sup>10</sup> [http://www.srfood.org/images/stories/pdf/officialreports/20130304\\_cameroonfinal\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20130304_cameroonfinal_en.pdf)

We remain at your disposal for any further information.

Best Regards,

The signatory NGOs :

**Africa Faith and Justice Network**

**Environmental Defender Law Center**

**Fern**

**Forest Peoples Programme**

**GRAIN**

**Grassroots International**

**Greenpeace Africa**

**Nature Cameroon**

**Presbyterian Church USA**

**Rainforest Foundation UK**

**Rainforest Rescue**

**SAVE Wildlife Conservation Fund**

**Sciences Po Law School**

**Struggle to Economize Future Environment**

**The Centre for Environment and Development**

**The Network for the Fight Against Hunger**

**The Oakland Institute**

**World Rainforest Movement**