



RIGHT CAUSE, WRONG MEANS:

HUMAN RIGHTS VIOLATED AND JUSTICE DENIED IN
CAMEROON'S FIGHT AGAINST BOKO HARAM

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Cover photo: Defendants accused of belonging to or supporting Boko Haram prosecuted in military court.
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GLOSSARY

ENGLISH

ACHPR African Commission on Human and Peoples' Rights

AU African Union

BIR Bataillon d'Intervention Rapide

DGRE Direction Générale de la Recherche Extérieure

EU European Union

GMI Groupement Mobile d'Intervention

ICCPR International Covenant on Civil and Political Rights

ICRC International Committee of the Red Cross

INGO International Non-Governmental Organization

MNJTF African Union-mandated Multi-National Joint Task Force

UN United Nations

EXECUTIVE SUMMARY

In seeking to protect civilians from brutal attacks that Boko Haram militants have launched in the Far North region of the country, Cameroon's authorities and security forces have committed human rights violations on a significant scale. They have arbitrarily arrested hundreds of individuals accused of supporting Boko Haram, often with little or no evidence, and detained them in inhumane, often life-threatening conditions. Many of the detainees have been held in unofficial detention centers, with no access to a lawyer or their families, and often subjected to torture. Some have died in custody as a result of torture; others have been subjected to enforced disappearance, and their fate remains unknown to date. In cases when authorities bring these detainees to trial, their rights are routinely denied, and the use of anti-terrorist legislation and military courts leaves them with virtually no procedural guarantees. More than 100 people, including women, have been sentenced to death since July 2015 in deeply unfair trials, often based on little evidence.

The context for these violations is a significant growth in brutal attacks on civilians by Boko Haram in the Far North region of Cameroon throughout 2015 and into early 2016. Amnesty International has extensively documented crimes under international law, including international humanitarian law, committed by the armed group throughout this period. In response, the Cameroonian authorities have deployed thousands of security forces aiming to prevent such attacks and, in December 2014, the government passed a new anti-terrorism law.

Between July 2015 and July 2016 Boko Haram conducted at least 200 attacks, including 46 suicide bombings, in the Far North region of Cameroon, killing over 500 civilians. 67 members of the security forces have also been killed since 2014. In over half of these suicide attacks, Boko Haram used girls to carry and detonate the explosives.

Boko Haram has deliberately targeted civilians through attacks on markets, mosques, churches, schools and bus stations. 25 January 2016 saw Cameroon's deadliest suicide attack yet, when 35 civilians were killed and over 65 others injured as four people, recruited by Boko Haram, detonated explosives in the village of Bodo, near the Nigerian border. About a month later, on 25 February 2016, 24 civilians were killed and 112 others injured during a suicide bomb in the town of Mémé, near Mora. Peaking at approximately one attack every three days between November 2015 and January 2016, attacks have reduced since March 2016 but the threat to civilians clearly remains, as shown by the suicide attack in Djakana, near Limani, on 29 June 2016 leading to the killing of at least 11 civilians.

This report is based on more than 200 interviews conducted in 2016, documenting incidents in which more than 160 people have been arrested on accusations that they support Boko Haram, and collecting detailed information on 82 individual cases. Researchers have analysed satellite images of one village in which houses were burnt by security forces, observed trials at Maroua's military court, and consulted court documents. Amnesty International also met government authorities, including the Minister of Justice, the Minister of External Relations and the Minister of Defence, as well as military judges and prosecutors, and prison authorities. The main findings of the report were also sent in writing to the authorities on 7 May 2016, but no response was received.

Security forces carried out hundreds of arrests – there are currently more than 1,000 people accused of supporting Boko Haram in detention - usually without warrants or even explanations, and often using excessive force. In one example, members of the Rapid Intervention Battalion (*Bataillon d'Intervention Rapide* - the BIR) unlawfully killed at least seven unarmed civilians during an operation in the village of Bornori in November 2014, and arrested 15 men, before returning in the following weeks to burn houses. In another example from July

2015, soldiers from the regular army rounded up and assaulted approximately 70 people in Kouyapé, while in the same month a soldier shot a 19 year-old student from Koza in the leg when he could not provide a code for his telephone when stopped by an army patrol one evening.

Security forces frequently appear to rely only on secret and unverifiable denunciations by informants or circumstantial information, such as the lack of an identity card or a recent trip to Nigeria, rather than a reasonable suspicion of the commission of a crime. Such arrests are also often carried out in large groups, rather than targeting individuals. For example in Kossa, in February 2015, 32 men were rounded up and arrested based on accusations that the village was providing food to Boko Haram. While most were released in the following weeks, one man died in custody.

Amnesty International also documented 17 cases of enforced disappearances in which the whereabouts of those arrested remain unknown to their families, despite their relatives' efforts to get information from security forces and prison authorities. Amnesty International has provided the Cameroonian authorities the names of the "disappeared" and details of the cases, requesting their whereabouts be revealed, but has not yet received a response. Additionally, Amnesty International documented 40 cases of people detained incommunicado – held without access to their families or lawyer for periods of time – in unofficial detention sites, most notably BIR military bases.

Enforced disappearance and incommunicado detention greatly increase the risk of torture, and Amnesty International documented 29 cases where people were subjected to torture - primarily while being held at the BIR military base in Salak, near Maroua, but also at the BIR base in Mora and the headquarters of the General Directorate of External Research (*Direction Générale de la Recherche Extérieure* - DGRE) in Yaoundé. For example, Radio France International (RFI) journalist Ahmed Abba was stripped and beaten while detained at the DGRE, with no access to a lawyer or his family for over three months. The Minister of Communications, Issa Tchiroma Bakary, publically claimed that Abba's lack of access to a lawyer was "in conformity with the anti-terrorist law", and that "his lawyer will have access to him when his interrogation is finished."

Torture victims described being beaten for long periods with various objects such as sticks, whips, boots and machetes, often with their hands tied behind their back, as well as being slapped and kicked. Victims were often blindfolded and forced to sit or stand in uncomfortable positions for prolonged periods. Some were beaten until they lost consciousness, and Amnesty International documented the cases of six people who died in custody following such torture.

In one example, the 15 men arrested in Bornori were brought to the BIR base in Salak where they spent approximately 20 days in incommunicado detention. During this time many of them were tortured and one died, before being transferred to the prison in Maroua, where four others later died.

While Amnesty International is not aware of any evidence of torture in official prisons, the conditions of detention often amount to cruel, inhumane or degrading treatment. This is especially the case in the prison in Maroua where prison authorities estimate that an average of between six and eight prisoners die each month as a result of insanitary conditions and extreme over-crowding. Originally built to house 350 people, the prison holds 1,470 – more than 800 of whom are accused of supporting Boko Haram and more than 80% of whom have yet to face trial.

While the government has taken some measures to try and improve conditions, including improving the water supply and beginning construction of 12 new cells, these are yet to be sufficient to resolve the crisis. Conditions at the Prison Principale in Yaoundé are better, but detainees accused of supporting Boko Haram are chained. Access by families is seriously restricted in both prisons, and in July 2015 more than 250 people were arrested and detained for varying periods of time while visiting their families in Maroua's prison.

Those who have been brought to court have faced deeply unfair trials in military courts in which the burden of proof is often effectively reversed and people are convicted on the basis of limited and unverifiable evidence – often statements from single, anonymous informants who cannot be challenged in court, or other circumstantial evidence such as the loss of an identity card. Poorly paid and over-stretched defence lawyers do not have the resources to provide an adequate defence, while allegations of torture are almost never examined or acted upon. The result is that of the cases heard by the military court in Maroua, where the vast majority of trials of people suspected of being members of Boko Haram are held, a large majority have resulted in convictions, and of those convicted almost all – at least 100 people – have been sentenced to death. No-one has yet been executed.

Those tried usually face charges under an anti-terrorism law passed in December 2014 that includes an extremely broad definition of terrorism that could be used to restrict rights to freedom of expression and assembly, provides jurisdiction to military courts, and extends the time in which people can be held without charge to 15 days, renewable indefinitely.

The Cameroonian authorities have the right and obligation to take all lawful and necessary measures to protect civilians from abuses committed by Boko Haram and bring the perpetrators of these abuses to justice, but must do so while respecting the human rights of those it seeks to protect. This would be consistent with commitments made by President Paul Biya to ensure that efforts to combat Boko Haram be carried out in full respect of Cameroon's international human rights obligations. It should also ensure accountability for any violations that have been committed, especially given that there has been no meaningful investigations into the violations highlighted in this report, or previous reports published by Amnesty International.

Amnesty International calls on the Cameroonian authorities include:

- Put in place procedures to ensure that people are only arrested on the basis of a reasonable suspicion of having committed a crime, and are allowed immediate access to a lawyer and to receive family visits once detained;
- End the practice of holding and interrogating people at unofficial detention sites, and provide unhindered access to human rights organisations and the International Committee of the Red Cross (ICRC) to all detention sites, as well as sites such as military bases alleged to be used for unofficial detentions;
- Establish a centralised register of all persons arrested and detained, accessible to family members, to identify the whereabouts of all detainees;
- Improve prison conditions in Maroua, by completing the construction of new cells, improving sanitation conditions, improving nutrition and healthcare, and allowing family members to visit without restriction or payment;
- Open independent investigations into human rights violations, including allegations of unnecessary or excessive use of force, arbitrary arrests and detentions, incommunicado detention, enforced disappearance, cruel inhuman and degrading treatment and torture, and custodial deaths, and ensure those responsible are held accountable in fair trials before civilian courts without recourse to the death penalty;
- Reform the 2014 anti-terrorism law to end the use of military courts and the death penalty, as well as by providing a more precise definition of terrorism consistent with guidelines issued by the UN special rapporteur on human rights and counter-terrorism.

Amnesty International also recommends that Cameroon's international partners ensure that any military co-operation with Cameroon, including training or technical advice, does not contribute to the perpetration of human rights violations, while also supporting the Cameroonian authorities to reform and improve the justice and prison systems and how to conduct operations against Boko Haram in accordance with their international human rights obligations.

METHODOLOGY

This briefing presents the findings of the research carried out by Amnesty International during two missions in Cameroon in February and April 2016 and through dozens of telephone interviews conducted from October 2015 to May 2016. It follows Amnesty International's September 2015 report '*Human rights under fire*' documenting Boko Haram's violent attacks and abuses against the population¹, and the Cameroonian government's response, which included crimes under international law and human rights violations committed by its security forces.²

Amnesty International's delegates visited Maroua, Mora, Yaoundé, and Douala. In addition, Amnesty International's local partners collected information in several cities and villages of the Far North region, including Doublé, Magdeme, Manawatchi, Mokio, Mokolo, Mozogo, Kerawa, Kouyapé.

Over 200 interviews were conducted with victims and witnesses of human rights violations and a wide range of key informants from different sectors, including lawyers, journalists, doctors, teachers, religious and traditional leaders, health and education professionals, academics, human rights defenders, members of the civil society, national and international researchers, United Nations (UN) and International Non-Governmental Organisations (INGOs) staff. Amnesty International collected information on incidents involving the arrests of more than 160 people, and documented in detail 80 of these individual cases.

Amnesty International also met with government representatives, including the Minister of Justice, the Minister of External Relations, the Minister of Defence, military judges and prosecutors, and prison authorities.

Interviews with victims and witnesses were conducted individually, in private homes, in several local languages, including Hausa, Kanuri, Mandara, Arabic Choa, with the help of translators. Amnesty International informed interviewees that their statements would be used in this briefing and redacted their names, as well as other identifying information, to protect them from intimidation and possible threats.

Amnesty International researchers were able to visit the prisons in Maroua and in Yaoundé, although were not allowed to speak privately to detainees in Maroua. Amnesty International also attended hearings involving people accused of supporting Boko Haram at the Military Courts in Maroua, and reviewed court documents.

Findings were shared with government authorities, both verbally and in writing, in advance of publication.³ No response was received before publication.

Amnesty International thanks everyone who agreed to be interviewed and wishes to express its gratitude to the victims and relatives of victims who shared their stories, to the authorities for their collaboration, as well as to its partners, without whose support this briefing could not be published.

¹ Commonly known as Boko Haram, usually translated as "Western education is forbidden", the group is officially called Islamic State's West Africa Province (ISWAP) since it pledged to the extremist group Islamic State. BBC, Nigeria's Boko Haram pledges allegiance to Islamic State, 7 March 2015, <http://www.bbc.com/news/world-africa-31784538>, (accessed 7 July 2016)] and was formerly officially called Jamā'atu Ahlis Sunnah Lādda'awatih wal-Jihad (People Committed to the Propagation of the Prophet's Teachings and Jihad), see Amnesty International, Nigeria: 'Our job is to shoot, slaughter and kill': Boko Haram's reign of terror in north east Nigeria (Index: AFR 44/1360/2015).

² Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/afr17/1991/2015/en/> (accessed 15 March 2016).

³ Findings were shared verbally during meetings with national authorities in Yaoundé and Maroua in February 2016; letters were sent to concerned authorities requesting response in May 2016.

LEGAL FRAMEWORK

ARBITRARY ARRESTS AND DETENTION

International human rights law prohibits arbitrary arrest and detention⁴. Cameroon is a party to the International Covenant on Civil and Political Rights (ICCPR) whose Article 9 prohibits arbitrary arrest, and provides that those arrested shall be informed at the time of arrest of the reasons for their arrest and of any charges against them. Persons charged with a criminal offence "shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release."⁵ These and other rights apply at all times and enable individuals to challenge their detention if they believe it is unlawful or unfounded.

The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa state that "arrest, detention or imprisonment shall only be carried out ... pursuant to a warrant, on reasonable suspicion or for probable cause."⁶

Moreover, international human rights law states that everyone has the right to be presumed innocent, until and unless proved guilty according to law after a fair trial.⁷

The Human Rights Committee has stated that "delays must not exceed a few days" before arrested persons are brought before a judicial body.⁸ The Cameroonian Criminal Procedure Code outlines that defendants should be brought before a court within 48 hours⁹, and provides that the time allowed for remand in custody is 48 hours, renewable twice.¹⁰ For offences covered by the anti-terror law, however, suspects can be held without charge for a period of 15 days, renewable indefinitely. Amnesty International considers that such a long period of police custody violates international standards, and increases the risk of other human rights violations, including torture and ill-treatment.

FREEDOM FROM TORTURE

Cameroon is party to three international treaties that prohibit torture, as well as cruel, inhuman or degrading treatment: the Convention against Torture¹¹, the ICCPR¹², and the African Charter on Human and Peoples'

⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976), 999 UNTS 171, Article 9.

⁶ Principles on Fair Trial in Africa, Section M (1) (b), http://www.achpr.org/files/instruments/principles-guidelines-right-fair-trial/achpr33_guide_fair_trial_legal_assistance_2003_eng.pdf (accessed 15 March 2016).

⁷ Universal Declaration of Human Rights, Article 11, <http://www.un.org/en/documents/udhr/> (accessed 26 August 2015) and ICCPR, Article 14(2), <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed 26 August 2015).

⁸ Human Rights Committee, *General Comment 8*, Article 9 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 8 (1994), para. 2, <https://www1.umn.edu/humanrts/gencomm/hrcom8.htm> (accessed 15 March 2016).

⁹ Cameroon Criminal Procedure Code, Section 119, <http://www.icla.up.ac.za/images/un/use-of-force/africa/Cameroon/Criminal%20Procedure%20Code%20Cameroon%202005.pdf>, (accessed 15 March 2016).

¹⁰ Cameroon Criminal Procedure Code, Section 119.

¹¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with Article 27 (1), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (accessed on 23 March 2016).

¹² ICCPR, Article 7.

Rights (ACHPR)¹³. Moreover, Cameroon's Constitution¹⁴, Penal Code¹⁵, and Criminal Procedure Code¹⁶ forbid the use of torture and other treatment that violates human dignity and integrity. Under the Convention against Torture, a state must "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."¹⁷ The authorities must also regularly oversee interrogation practices and procedures with the aim of preventing torture.¹⁸

Furthermore, the Convention against Torture requires a state party to conduct a prompt and impartial investigation "wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction."¹⁹ A state must also ensure that a victim of torture "obtains redress and has an enforceable right to fair and adequate compensation."²⁰ Cameroon's Constitution provides that "under no circumstances shall any person be subjected to torture, to cruel, inhuman or degrading treatment."²¹ Cameroon's penal code criminalizes the use of torture to induce a person to confess to an offense or to offer statements or related information.²²

INCOMMUNICADO DETENTION AND ENFORCED DISAPPEARANCES

All persons deprived of their liberty have the right to communicate with the outside world, especially with their families, lawyers, medical professionals and other third parties.²³ Although the right to communicate with the outside world might sometimes be reasonably restricted²⁴, the denial of this right may amount to incommunicado detention, which violates the right to liberty and also the right not to be subjected to torture or other ill-treatment. According to Section 122 of the Cameroonian Criminal Procedure Code, while in detention, people may at any time be visited by their counsel, members of their family, and any other person following their treatment while in detention.²⁵

According to the International Convention for the Protection of All Persons from Enforced Disappearance, an "enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."²⁶ Cameroon is a signatory to, but has not yet ratified, the Convention.²⁷

Enforced disappearance is always a crime under international law, even when committed in a random or isolated manner.²⁸ The right not to be subjected to enforced disappearance is also protected under international and regional treaties to which Cameroon is a state party, such as the ICCPR.

¹³ The African Charter on Human and Peoples' Rights (also known as the Banjul Charter), <http://www.achpr.org/instruments/achpr/> (accessed on 15 March 2016).

¹⁴ Cameroon's Constitution of 1972 with Amendments through 2008 http://www.wipo.int/wipolex/fr/text.jsp?file_id=315586 (accessed 23 March 2016).

¹⁵ Journal Officiel de la République du Cameroun, Code Pénal Loi n° 67/LF/1 12 Juin 1967, http://www.geneva-academy.ch/RULAC/pdf_state/CODE-PENAL.pdf (accessed 22 March 2016).

¹⁶ Law n°2005 of 27 July 2005 on the Criminal Procedure Code, Cameroon, <http://www.icla.up.ac.za/images/un/use-of-force/africa/Cameroon/Criminal%20Procedure%20Code%20Cameroon%202005.pdf> (accessed 23 March 2016).

¹⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2(1).

¹⁸ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 11.

¹⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 12.

²⁰ ICCPR, Article 9(5).

²¹ Cameroon's Constitution of 1972 with Amendments through 2008 http://www.wipo.int/wipolex/fr/text.jsp?file_id=315586 (accessed 3 June 2016).

²² Journal Officiel de la République du Cameroun, Code Pénal Loi n° 67/LF/1 12 Juin 1967, http://www.geneva-academy.ch/RULAC/pdf_state/CODE-PENAL.pdf (accessed 3 June 2016).

²³ ICCPR, Article 14(3)(b); Standard Minimum Rules for the treatment of Prisoners, Rules 37 and 79 and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 19.

²⁴ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of 9 December 1988, Principle 19.

²⁵ Cameroon's Criminal Procedure Code, Law n°2005 of 27 July 2005, Section 122.

²⁶ International Convention for the Protection of All Persons from Enforced Disappearance, Article 2, <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx> (accessed 15 March 2016).

²⁷ International Convention for the Protection of All Persons from Enforced Disappearance, <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx> (accessed 15 March 2016). A State that signs a treaty is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. Signature alone does not impose on the State obligations under the treaty.

²⁸ International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

THE RIGHT TO HUMANE DETENTION CONDITIONS

Any person deprived of his or her liberty retains human rights and fundamental freedoms²⁹, except for restrictions required by the very fact of their incarceration. The Human Rights Committee has held that the implementation of this rule "cannot be dependent on the material resources available in the State party."³⁰ Section 122 of the Cameroonian Criminal Procedure Code also provides that "the suspect shall be treated humanely both morally and materially."³¹ Cameroon is under the obligation to ensure the right to the highest attainable standard of physical and mental health³² to everyone, including people in custody. Cameroonian authorities should make sure that all those deprived of their liberty have access to necessities and services that satisfy their basic needs, including adequate and appropriate food, washing and sanitary facilities, and communication with others.³³ The government should also ensure that all inmates are provided with free and adequate medical care in conformity with international standards contained in the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment.³⁴

DEATHS IN CUSTODY

When people are deprived of their liberty, responsibility for their fate rests with the detaining authorities, who must guarantee the physical integrity of each detainee. When a person dies in custody, a prompt, impartial independent investigation must be conducted regardless of the presumed cause of death. State responsibility for deaths in custody arises not only when state actors perpetrate abuses on prisoners that result in death, but also when the state does not respect its positive obligation to protect the rights of detainees, for instance when prisoners die from poor prison conditions or a lack of medical treatment.

The standards contained in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions recall the obligation to ensure "thorough, prompt and impartial investigations" into suspected unnatural deaths.³⁵ Such investigations should collect evidence, conduct an autopsy and collect witness statements to ascertain the cause, manner and time of death and ensure those responsible are held accountable. The results and methodology should be public.

FAIR TRIALS

People held in pre-trial detention have the right to have proceedings against them conducted without undue delay. If a person in detention is not brought to trial within a reasonable time, he or she has the right to be released from detention pending trial.³⁶ This right is based on the presumption of innocence and on the right to liberty, which requires that detention should be an exception and should last no longer than is necessary in a particular case. The Cameroonian Criminal Procedure Code declares that defendants should be tried within six months after their arrest, but this period may be extended for, at most, 12 months.³⁷

According to international standards, fundamental to a fair trial is the right of all people accused of a criminal offence to adequate time and facilities to prepare a defence.³⁸ This right is an important aspect of the principle of "equality of arms": the defence and the prosecution must be treated in a manner that ensures that both parties have an equal opportunity to prepare and present their case.³⁹ This right applies at all stages of the

²⁹ UN Basic Principles for the Treatment of Prisoners, Principle 5, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx> (accessed 15 March 2016).

³⁰ Human Rights Committee, General Comment 21, Article 10 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 33 (1994), para. 4, <https://www1.umn.edu/humanrts/gencomm/hrcom21.htm> (accessed 15 March 2016).

³¹ Cameroon's Criminal Procedure Code, Law n°2005 of 27 July, Section 122.

³² International Covenant on Economic Social and Cultural Rights, Article 12 and ACHPR, Article 16.

³³ UN Special Rapporteur on Torture, *Report A/64/215 (2009)*, para.55, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/No9/437/92/PDF/No943792.pdf?OpenElement> (accessed 7 July 2015); See also the United Nations Standard Minimum Rules for the Treatment of Prisoners, Rules 9-22 and 37-42, <http://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf> (accessed 15 March 2016).

³⁴ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, December 1988, Principle 24, <http://www.un.org/documents/ga/res/43/a43r173.htm> (accessed 15 March 2016). Although these Principles are not binding in the same manner as treaties, they contain authoritative interpretations of states' obligations under international law and include detailed guidance regarding the protection of persons held in any type of detention.

³⁵ The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions, para. 9, at <http://www1.umn.edu/humanrts/instreet/i7pepi.htm> (accessed 15 March 2016).

³⁶ International Covenant on Civil and Political Rights (adopted 16 Dec. 1966, entered into force 23 March 1976), 999 UNTS 171, Article 9.

³⁷ Cameroon's Criminal Procedure Code, Law n°2005 of 27 July, Section 221.

³⁸ ICCPR, Article 14(3)(b).

³⁹ Human Rights Committee, General Comment 32, para. 32.

proceedings, including before trial, during trial and during appeals. It applies irrespective of the seriousness of the charges.⁴⁰

International fair-trial standards provide that those questioned on suspicion of involvement in a criminal offence also have the rights to be presumed innocent, not to be compelled to incriminate themselves, to remain silent and to the presence and assistance of a lawyer.⁴¹ These rights and safeguards apply during questioning by all state agents, including intelligence officers, and when such questioning takes place outside the territory of the state.⁴² Statements and other forms of evidence obtained as a result of torture or other ill-treatment of any person must be excluded from evidence, except at the trial of the alleged perpetrator of the torture.⁴³ Evidence obtained from the accused as a result of other forms of coercion must also be excluded from the proceedings.⁴⁴

Cameroonian law also requires that any suspect "shall not be subjected to any physical or mental constraints, or to torture, violence, threats or any pressure whatsoever, or to deceit, insidious manoeuvres, false proposals, prolonged questioning, hypnosis, the administration of drugs or to any other method which is likely to compromise or limit his freedom of action or decision, or his memory or sense of judgment."⁴⁵

Multiple international human rights treaties provide that all people are entitled to equality before the law and to equal protection of the law.⁴⁶ The right to equal protection of the law prohibits discrimination in law or in practice in the administration of criminal justice.

MILITARY COURTS

Governed by Ordinance n°72/5 of 26 August 1972, as amended by Law n°98-007 of 14 April 1998⁴⁷, military courts are competent to try all persons of over 18 years old in respect of the following offences: a) offences of a purely military nature; b) offences of all sorts committed by soldiers, either inside a military establishment or in the course of service; c) offences relating to firearms legislation; d) terror-related offences.⁴⁸ The standards against which a trial is to be considered fair are set both in the Cameroonian⁴⁹ and international human rights frameworks⁵⁰, and include the right to equality before the law and courts, the right to be tried by a competent, independent and impartial tribunal established by law, the right to a fair and public hearing, exclusion of evidence obtained in violation of international standards, and the right to be tried without undue delay. Amnesty International is concerned that many of these guarantees are undermined by the use of military courts and believes that jurisdiction of military courts should be limited to trials of military personnel for breaches of military discipline. In addition, human rights mechanisms have stated categorically that military courts should not have the authority to impose the death penalty.⁵¹ The UN Human Rights Committee has stated that "in cases of trials leading to the imposition of the death penalty, scrupulous respect of the guarantees of fair trial is particularly important" and that any death penalty imposed after an unfair trial would be a violation of the right to life and to a fair trial.⁵²

⁴⁰ *Galstyan v Armenia* (26986/03), European Court (2007) paras 85-88.

⁴¹ ICCPR, Article 14(3) (g), Section N (6) (d) of the Principles on Fair Trial in Africa.

⁴² Special Rapporteur on human rights and counter-terrorism, UN Doc. A/HRC/14/46 (2010), Practice 29 and para. 43; See Committee Against Torture, Concluding Observations: USA, UN Doc. CAT/C/USA/CO/2 (2006) para. 16.

⁴³ Human Rights Committee, General Comment 32, paras 6, 41 and 60.

⁴⁴ Human Rights Committee, General Comment 32, paras 6, 41 and 60.

⁴⁵ Cameroon's Criminal Procedure Code, Section 122 (2).

⁴⁶ Universal Declaration of Human Rights, Article 7; ICCPR, Articles 2(1), 3 and 26; ACHPR, Articles 2 and 3; Protocol to the African Charter on the Rights of Women in Africa, Articles 2 and 8; International Criminal Court Statute, Article 67.

⁴⁷ Geneva Academy, Ordinance N° 72-5 of 26 August 1972 to establish military judicial organization, as amended by the Law n° 74-2 of 1 July 1974, the Law n° 90-48 of 19 December 1990, the Law n° 97/008 of 10 January 1997 and the Law n° 98-007 of 14 April 1998, http://www.geneva-academy.ch/RULAC/national_legislation.php?id_state=41 (accessed on 12 June 2016).

⁴⁸ Geneva Academy, Ordinance N° 72-5 of 26 August 1972 to establish military judicial organization, as amended by the Law n° 74-2 of 1 July 1974, the Law n° 90-48 of 19 December 1990, the Law n° 97/008 of 10 January 1997 and the Law n° 98-007 of 14 April 1998, http://www.geneva-academy.ch/RULAC/national_legislation.php?id_state=41 (accessed on 12 June 2016).

⁴⁹ Penal Code Law n° 67/LF/1 of 12 June 1967; Cameroon Criminal Procedure Code Law n°2005 of 27 July 2005.

⁵⁰ Core human rights treaties, including the ICCPR, Article 14, and specific Instruments such as the Basic Principles for the Treatment of Prisoners; Standard Minimum Rules for the Treatment of Prisoners, Principles on Fair Trial in Africa.

⁵¹ UN Working Group on arbitrary detention report, UN Doc. E/CN.4/1999/63 (1998) para. 80 (d), <http://www.ohchr.org/EN/Issues/Detention/Pages/Annual.aspx> (accessed 15 March 2016).

⁵² Human Rights Committee, General Comment 32, para.59.

1. BACKGROUND – BOKO HARAM ABUSES AND THE GOVERNMENT’S RESPONSE

1.1 BOKO HARAM ATTACKS ON CIVILIANS

Since at least 2014, the armed group Boko Haram has committed serious human rights abuses and violations of international humanitarian law in Cameroon. Boko Haram fighters killed and abducted hundreds of civilians, attacked and burnt towns and villages.

As a result of Boko Haram’s abuses, over 170,000 people from Cameroon, mostly women and children, have fled their homes and are now internally displaced across the Far North region⁵³. Cameroon also hosts approximately 65,000 refugees who have fled the armed group’s attacks in Nigeria.⁵⁴

Amnesty International has documented and condemned the activities of Boko Haram, whose members have committed human rights abuses and violations of humanitarian law that amount to war crimes. The organization has called for the government to take all lawful measures necessary to protect civilians from these abuses.⁵⁵

To address the threat posed by Boko Haram in the Far North region, Cameroonian security forces have deployed thousands of additional personnel to try to protect civilians from being attacked and territory from being lost. These efforts have been made more difficult by the armed group’s brutal tactics and cross-border operations. It is also difficult to identify its members.

Since 2015 Boko Haram has significantly increased its attacks in Cameroon, including suicide bombings. From July 2015 to July 2016 Boko Haram has conducted at least 200 attacks, including 38 suicide bombings, in the Far

⁵³ OCHA, Cameroon: Humanitarian Overview, 27 June 2016,

https://www.humanitarianresponse.info/en/system/files/documents/files/june2016_minidashboard_cameroon.pdf (accessed on 2 July 2016)

⁵⁴ WFP and UNHCR, *Rapport RRRP*, April-May 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/Cameroon_RRRP_Dashboards_Avril-Mai_2016_SecuriteAlimentaire.pdf (accessed on 1 July 2016).

⁵⁵ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 Sept 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/af17/1991/2015/en/>, (accessed 12 May 2016).

North region of Cameroon, which killed more than 470 people.⁵⁶ Sixty-seven members of the security forces have also been killed since 2014.⁵⁷ The frequency of Boko Haram's attacks in northern Cameroon peaked between November 2015 and the end of January 2016, with a record of one attack every three days.⁵⁸ January 2016 was also the worst month, with at least nine suicide attacks killing over 60 civilians.⁵⁹

Civilians have overwhelmingly borne the brunt of harm caused by suicide bombers and have deliberately been targeted through attacks on markets, mosques, churches, schools and bus stations. For instance, on 10 February 2016 in the town of Nguéchéwé, some 60 km from Maroua, two female suicide bombers blew themselves up at a funeral, killing at least nine civilians, including a child, and injuring more than 40 people.⁶⁰ A few days later, on 19 February 2016, two female suicide bombers killed at least 24 civilians and injured 112 others in a crowded market in the village of Mémé, near Mora.⁶¹

One of the most disturbing aspects of Boko Haram's use of suicide attacks in Cameroon, as well as in Nigeria, Chad, and Niger is the use of children to perpetrate these attacks. The majority of suicide attacks by Boko Haram in Cameroon have involved young women and girls. UNICEF has documented 40 suicide attacks involving one child or more in all Boko Haram affected countries between January 2014 and February 2016. The UN agency found that out of these 40 attacks, 21 occurred in Cameroon.⁶² Cameroonian security forces also told Amnesty International that girls on foot have increasingly been used to carry out attacks in crowded areas, as they can pass through security checks more easily than boys.⁶³

1.2 THE RESPONSE OF CAMEROONIAN AUTHORITIES AND SECURITY FORCES

Cameroonian authorities have responded to the escalation of Boko Haram attacks by strengthening the presence of security forces in the Far North region. At least 2,000 troops of the BIR are currently deployed alongside units of the regular army to protect the border region under operations "Alpha" and "Emergence 4."⁶⁴ Police and gendarmerie units are also active across the region, often deployed alongside BIR or regular army units during operations to search and arrest people suspected of supporting Boko Haram.

The Government of Cameroon also sought the support and cooperation of others. In January 2015 the African Union-mandated Multi-National Joint Task Force (MNJTF)⁶⁵ was revived, with Cameroon pledging 2,650 troops.⁶⁶ Headquartered in Ndjamena, Chad, the force has increased coordination between countries around Lake Chad, although contingents continue to primarily operate in, and report to, their own countries.⁶⁷ The MNJTF has not yet fully mobilized resources for its planned US\$700 million budget (622 million Euros).⁶⁸ Training and other support has also been provided to Cameroon from countries including the United States,

⁵⁶ Amnesty International, Timeline of Boko Haram's attacks in the Far North region from July 2015 to May 2016. Also, Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/af17/1991/2015/en/> (accessed 13/06/2016).

⁵⁷ Camer.be, interview with the Cameroonian Minister of Communication, 15 January 2016, <http://www.camer.be/48701/11:1/issa-tchiroma-bakary-le-cameroun-respecte-les-limites-dans-la-guerre-contre-boko-haram-cameroun.html>, (accessed 23 May 2016).

⁵⁸ Interview with Senior Army Staff, Maroua, 10 February 2016. Key informants Interview n°12.

⁵⁹ Amnesty International, Timeline of Boko Haram's attacks in the Far North region from July 2015 to May 2016.

⁶⁰ Le Parisien, *Cameroon : double attentat-suicide à la frontière nigériane, au moins 6 morts*, 10 February 2016, <http://www.leparisien.fr/international/cameroun-double-attentat-suicide-a-la-frontiere-nigeriane-au-moins-6-morts-10-02-2016-5531617.php#xtref=https%3A%2F%2Fwww.google.com.ng%2F>, (accessed 13 May 2016).

⁶¹ Reuters, *Suicide bombers kill at least 24 in Cameroon market*, 19 February 2016, <http://www.reuters.com/article/us-nigeria-violence-cameroon-idUSKCN0VS16G>, (accessed 19 February 2016).

⁶² UNICEF, *Beyond Chibok*, April 2016, http://files.unicef.org/media/files/Beyond_Chibok.pdf, (accessed 13 May 2016).

⁶³ Interview with Senior Army Staff, Maroua, 10 February 2016. Key informants Interview n°12.

⁶⁴ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 Sept 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/af17/1991/2015/en/> (accessed 13 June 2016).

⁶⁵ The Communiqué of the 484th meeting of the AU Peace and Security Council (PSC) at the level of Heads of State and Government held in Addis Ababa on 29 January 2015, authorised the deployment of the Multi-National Joint Task Force (MNJTF) comprising up to 7,500 military and non-military staff, for an initial period of 12 months, renewable. See more at: <http://www.peaceau.org/uploads/psc-484.com.boko.haram.29.1.2015.pdf>. (accessed 10 June 2016). The PSC's position was endorsed by the AU Assembly at the AU 24th Summit, held in Addis Ababa on 30 and 31 January 2015. MNJTF was established in 1998 to counter transnational crime in the Lake Chad basin region, but was mostly dormant until 2012, when it was re-activated in order to deal with Boko Haram.

⁶⁶ RFI, *Lutte contre Boko Haram: finalisation de la force multinationale mixte*, 23 August 2015, <http://www.rfi.fr/afrique/20150823-fin-reunion-lutte-contre-boko-haram-tchad> (accessed 10 June 2016).

⁶⁷ International Crisis Group, *Boko Haram on the Back Foot?*, Africa Briefing n°120, Dakar/Nairobi/Brussels, 4 May 2016, <http://www.crisisgroup.org/-/media/Files/afica/west-africa/nigeria/b120-boko-haram-on-the-back-foot.pdf> (accessed 10 June 2016).

⁶⁸ Voice of America, *Funding Falls Short for Task Force to Fight Nigeria's Boko Haram*, 3 February 2016, <http://www.voanews.com/content/funding-falls-short-for-task-for-to-fight-nigeria-boko-haram/3175583.html> (accessed 09 June 2016).

France, Israel, Italy, Germany, China and Russia.⁶⁹ In particular, the United States deployed 300 troops to Cameroon as part of the effort to combat Boko Haram, along with drones and armoured vehicles to conduct intelligence, surveillance and reconnaissance operations.⁷⁰

There are 78 prisons under the responsibility of the Ministry of Justice, in addition to other detention sites such as gendarmeries and police stations. The vast majority of detainees accused of supporting Boko Haram are held in the prison in Maroua, although others are held in prisons in other locations including Yaoundé, Garoua and Kousséri. In addition, this report documents the existence of illegal detention facilities, especially military bases run by the BIR in Mora and Salak, near Maroua.

⁶⁹ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 Sept 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/af17/1991/2015/en/> (accessed 10 June 2016).

⁷⁰ BBC, *Boko Haram crisis: US deploys troops in Cameroon*, 14 October 2015, <http://www.bbc.com/news/world-africa-34533820> (accessed 10 June 2016).

2. ARBITRARY ARREST AND EXCESSIVE USE OF FORCE

“The BIR came to Limani and arrested many people in several neighbourhoods. They took all the men with no exception and violently forced us into their vehicles... They [the BIR] took us to their base in Amchide and beat us savagely. They slapped, kicked us and hit us with various objects... We spent one night in Amchide before being transferred to Salak on a military truck which we were forced to board after multiple beatings. On the truck, we were made to lay face down and the BIR loaded up to 10 motorbikes on top of us. The weight was so heavy that one among us died on the way”

A 29 year-old resident of Limani

Under international and regional human rights law, Cameroon is obliged to ensure that those arrested are immediately informed of the reasons for the arrest and any charges against them, have access to a lawyer of their choice, are promptly brought before a judicial body, are arrested only on the basis of information providing reasonable suspicion or probable cause of having committed a crime, and are either brought to trial or released

within a reasonable time. International standards also limit the use of force and firearms in security operations, applying conditions of necessity, proportionality and legality.⁷¹

For the most part, Cameroon's Criminal Procedure Code⁷² reflects these international and regional standards, although the anti-terror law promulgated in December 2014 allows suspects to be held without charge for a period of 15 days, renewable indefinitely, which would exceed international standards regarding the length of detention prior to being brought before a judicial body.⁷³ Section 30 of the Criminal Procedure Code states that "no bodily or psychological harm shall be caused to the person arrested."⁷⁴

Amnesty International's previous research in Cameroon, including the report launched in September 2015 entitled "*Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*", highlighted a significant number of cases in which both international human rights standards and national law were violated in relation to arbitrary arrest and detention. The report highlighted how, between the beginning of 2014 and September 2015, more than 1,000 people had been arrested on suspicion of supporting Boko Haram, including through the use of 'cordon-and-search' operations leading to the arrests of dozens – and in one case, hundreds – of people at a time, often based on little or no evidence and without arrest warrants. Unnecessary or excessive force was used in several of the cases documented in the previous report, including one operation that led to the death of at least seven civilians.⁷⁵

2.1 UNNECESSARY OR EXCESSIVE USE OF FORCE DURING ARRESTS

Excessive or unnecessary force is frequently used by security forces during arrest operations. Amnesty International's previous report on Cameroon in September 2015 highlighted two such examples, both in December 2014. In one operation, security forces assaulted teachers, students and bystanders during a raid on Qur'anic schools in Guirvidig, in the district of Mayo-Danay, Far north region. In another, they unlawfully killed eight civilians, including a child, in the villages of Magdeme and Doublé, in the district of Mayo-Sava, Far north region.

Since then, Amnesty International has documented seven additional cases where security forces used excessive force, including one case in Kouyapé, in July 2015, when soldiers from the regular army rounded up and assaulted approximately 70 people, and another in Bornori in November 2014, in which seven people were unlawfully killed (see boxes below). In addition, Amnesty International documented other attacks on civilians by security forces in Bornori, in November and December 2014, and in Achigachiya (35 km south-west of Limani, on the Nigerian border), where at least 30 people, many of whom elderly, were killed in January 2015 following an operation by the security forces who wanted to recover the bodies of the soldiers killed by Boko Haram on 28 December 2014 and which were abandoned in front of the military base destroyed by the insurgents.⁷⁶

⁷¹ UN, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, adopted by the eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> (accessed 7 June 2016).

⁷² Cameroon's Criminal Procedure Code, <http://www.icla.up.ac.za/images/un/use-of-force/africa/Cameroon/Criminal%20Procedure%20Code%20Cameroon%202005.pdf> (accessed 15 March 2016).

⁷³ The Human Rights Committee has stated that "delays must not exceed a few days" before arrested persons are brought before a judicial body. Human Rights Committee, *General Comment 8*, Article 9 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 8 (1994), para. 2, <https://www1.umn.edu/humanrts/gencomm/hrcom8.htm> (accessed 15 March 2016).

⁷⁴ Cameroon Criminal Procedure Code Law n°2005 of 27 July 2005.

⁷⁵ Amnesty International, "*Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*", 16 Sept 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/afr17/1991/2015/en/> (accessed 15 March 2016).

⁷⁶ A detailed account of these and other sweep operations conducted by the Cameroonian security forces will be provided in a separate Amnesty International report, including satellite imagery.



BORNORI PART I: EXCESSIVE USE OF FORCE AND UNLAWFUL KILLINGS, NOVEMBER 2014

On 19 November 2014, between 5 am and 6 am, the Cameroonian Army, including the BIR, sealed off the village of Bornori in the Mayo-Tsanaga department of the Far North region to conduct a search-and-arrest operation following accusations that there had been a Boko Haram training camp in the village. According to the information collected by Amnesty International, this operation resulted in at least seven unlawful killings, 15 arbitrary arrests, incommunicado detentions and torture.

More than 10 victims and witnesses described to Amnesty International how up to 100 soldiers of both the regular Army and the BIR carried out the sweep operation. Aminata (not her real name), a 30-year-old woman with six children, recalled the first moments of the operation:

"It was about the time to pray, between 5 and 6 am. I was home, preparing fire for my husband. Suddenly I heard gunshots and got really scared. I gathered all my children in the same room and prayed. I didn't know what was about to happen."⁷⁷

During the operation, security forces went house to house, separated the men from the women, children and elderly, and gathered all of them in a grass field located on the road to the city of Kerawa. According to witnesses, they ordered men to undress to their trousers and lay face down in the sun, kicking them intermittently and accusing them of involvement with Boko Haram. A 30-year-old mother of nine children, who used to live in the Malgwa neighbourhood of Bornori, described what she saw and heard at the gathering point:

"When we arrived there, we found so many people, almost the entire village had been assembled there. Men were on one side and women and children on the other. The soldiers were shouting 'If you say you are not Boko Haram, so why did you stay? We are going to kill you all! I was out of my mind, I was so scared that I could only hold my children tight."⁷⁸

Amnesty International received and was able to verify the names of seven men who were shot and killed by security forces - six of them as they were trying to flee, and one man shot in his home as he hid under a bed. In addition, witnesses say that three other men were also killed during the raid, but Amnesty International has not been able to confirm the information.

All of the witnesses confirmed that those killed by the military were unarmed, and were shot in the head, the stomach, legs and the chest.⁷⁹ One 30-year-old woman told Amnesty International that "the soldiers killed people as they tried to flee the soldiers out of fear."⁸⁰

Yagama (not her real name), recovered and buried the body of her husband:

"I found the body of my husband at about 4 pm, when the military had already left. He got one bullet in the head and one in the leg. I carried him with a push cart by myself. I've seen the bodies of five other people ... and all showed gunshot wounds, but I know that at least four more were killed. I buried my husband near the place where he was shot, by the little river of Bornori."⁸¹

Witnesses also reported that, following this security operation, the BIR and the military came back to Bornori on several occasions to burn down the village.

⁷⁷ Amnesty International interview with a 30-year-old woman, Maroua, 13 February 2016. Victims and Witnesses interview n°44.

⁷⁸ Amnesty International interview with a 30-year-old woman, Maroua, 13 February 2016. Victims and Witnesses interview n°45.

⁷⁹ Amnesty International Victims and Witnesses interviews n°44-49, Maroua, February 2016.

⁸⁰ Amnesty International interview with a 30-year-old woman. Victims and Witnesses interviews n° 45, Maroua, 13 February 2016.

⁸¹ Amnesty International interview with a 50-year-old woman, Maroua, 17 February 2016. Victims and Witnesses interview n°46.

Satellite imagery obtained by Amnesty International confirm that, between December 2014 and July 2015, the fields around Bornori have been burned and that over half of the structures in the village were missing roofs, although it is not possible to identify the exact date when this occurred via the images.

According to corroborated lists provided by witnesses, family members and people detained alongside them, at least 15 men, all of whom were between 20 and 45 years old, were arrested during the operation in Bornori.

Those arrested were brought to Salak, where they were tortured and spent approximately 20 days in incommunicado detention, before being transferred to the prison in Maroua. At least five have since died, one in Salak following torture inflicted by the BIR, and four in the Maroua prison, where survivors are still held awaiting trial (see more in Chapter 4). As of April 2016, they had appeared before the Military Court in Maroua twice.



EXCESSIVE USE OF FORCE IN KOUYAPÉ, 15 JULY 2015

On the morning of Thursday 15 July 2015, the day before the end of Ramadan, soldiers from the regular Army conducted a cordon, search and arrest operation in the village of Kouyapé, located some 60 km from Maroua. According to seven witnesses interviewed by Amnesty International, the military surrounded the village, shot in the air, and went house to house to take most of the men and gather them together.⁸²

As Boukar (not his real name), a trader from Kouyapé who witnessed the raid, told Amnesty International: "At least 70 men were rounded up near the residence of the village chief (*lawan*), ordered to lay down, face to the ground and hit with rifles butts".

Boukar added that the *lawan* was beaten up badly and humiliated. "The military threatened him by saying 'we are going to burn you alive' and tried to force him to interrupt his fasting by giving him wine".⁸³

The *lawan* was the only person arrested, and following negotiations carried out by his family, he was eventually released and taken to the hospital.⁸⁴ The other men were held on the ground until the soldiers left.

Excessive force is sometimes used during individual arrests. For example, Mohamed (not his real name), a 30-year-old man who used to collect and sell firewood, was arrested on 3 January 2015 between 8 and 9 pm at his home by the BIR. His wife, Samira (not her real name), who was present at the time of the arrest, and other witnesses told Amnesty International that the soldiers stormed Mohamed's house while he was asleep and beat him because they suspected him of having run away from them. Samira said:

*"They broke into our house, they were about 10, all armed, some were masked. They searched everywhere and displayed no document authorizing the search. They said nothing, except that my husband was running away from them. They grabbed and slapped him violently. I begged the military to let him go and called neighbours for help. But all negotiations failed."*⁸⁵

In another case, Malloum (not his real name), a 36-year-old man working as a trader, was arrested following a raid by security forces in the area of Doualare, Maroua, in October 2015. His wife, Amina (not her real name)

⁸² Amnesty International interviews with partners in Maroua and Kouyapé. Victims and Witnesses interviews n°69-74 and n°79, from 31 January 2016 to 11 February 2016.

⁸³ Amnesty International interview with a 31-year-old man, Maroua, 11 February 2016. Victims and Witnesses interview n°69.

⁸⁴ Amnesty International interviews with partners in Maroua and Kouyapé. Victims and Witnesses interviews n°69-74 and n°79, from 31 January 2016 to 11 February 2016.

⁸⁵ Amnesty International interview with a 28-year-old woman, Maroua, 10 February 2016. Victims and Witnesses interview n°56.

told Amnesty International that the police and gendarmes arrested him at his shop and then brought him to his home for a search operation. Amina told Amnesty International:

"At least 10 gendarmes entered my house. They acted violently and pushed me as they broke in and did the same with my husband. They searched all the rooms. They found nothing but my perfume, which they took away."⁸⁶



SHOT IN THE LEG FOR NOT PROVIDING TELEPHONE CODE, KOZA JULY 2015

Arouna (not his real name) is a 19-year-old student from Koza, a city located about 100 km from Maroua in the Far North region. He was shot in his left leg by a soldier from the regular Army on 17 July 2015 at around 8 pm for having refused to hand over the code for a telephone.

"It was about 8 pm. I was outside my house with a friend when the military stopped by. My friend got scared and ran away. People get always scared when they see the military here. I was stopped. They searched my pockets and seized a phone which they tried to use but couldn't because it was locked. They asked me for the code and I replied that I didn't know it because the telephone belonged to my friend who had just ran away ... I was then jostled into a nearby house."

"The owner of the house and his family came outside, in the courtyard, to see what was going on. The soldiers then told him and his family that I didn't want to hand over the code, and that I was a member of Boko Haram. The owner of the house told the soldiers that he knew me well, that I am just a student. He begged them to let me go and so did his two wives, but the soldiers told them to shut up and threatened them with their guns."

"Four soldiers formed a circle and surrounded me, while the chief stood in the middle besides me. He told me: "I am going to count until five, if you don't give me the code, I am going to shoot you". So, he counted one, two ... until five and shot at my left leg, near the knee. I fell unconscious and I woke up at the hospital⁸⁷."

The soldiers dragged Arouna's body along the ground before throwing him into a nearby sewer. He was later found by neighbours and brought to the local hospital where he received treatment. Medical records show that Arouna suffered a gunshot wound in his left knee, and his doctor confirmed that a bullet had perforated his leg and exited his body.

Local administrative and military authorities were informed about the incident and several of them, including the *Lamido*, the *Sous-prefet*, and senior officers from the local Gendarmerie and national Army visited Arouna at the hospital in the following days. Arouna's mother also submitted a copy of the medical records to the Commander of the Gendarmerie in Koza. Despite widespread knowledge about the incident, however, no one has yet been held accountable.

Arouna was dismissed from the hospital four days after the incident, but had to be re-admitted after following complications with his injury. The doctor had to remove clotted blood and sand that remained in the wound. Arouna explained to Amnesty International how he could "barely walk" for two months, and still struggles as his tendon was affected. He has not yet been able to go back to school, and his mother has paid more than 200,000 CFA (approximately US\$343.351) in medical fees.

⁸⁶ Amnesty International interview with a 28-year-old woman, Maroua, 20 April 2016. Victims and Witnesses interview n°123.

⁸⁷ Amnesty International interview with Arouna (not his real name), Maroua, 11 February 2016. Victims and Witnesses Interviews n°67.

2.2 ARBITRARY ARRESTS AND DETENTIONS

Despite commitments made by the Cameroonian authorities to respect national law and international human rights standards in their operations,⁸⁸ the evidence collected by Amnesty International strongly suggests that arbitrary arrests and detentions continue on a large scale in the Far North region of Cameroon, and even the basic legal safeguards relating to arrest and detention are rarely respected.

Patterns of arbitrary arrest mean that it is likely that hundreds of people have been deprived of their liberty without any evidence that they have committed a crime. Those detained have also been made to live in overcrowded and insanitary conditions, with serious risks to health. While impossible to verify, detainees, former detainees and a prison official in Yaoundé estimated that 'real' Boko Haram supporters or members were likely to be a small minority of those detained.⁸⁹ According to one former detainee in Maroua:

"The majority of prisoners are just random guys who have nothing to do with Boko Haram, they have just been taken at the wrong place at the wrong time. We knew who the real terrorists were. They were just a few and always acted differently from the others. They never mingled with us and rather insulted us, they told us we were not 'authentic' Muslims".⁹⁰

In all of the cases documented, security forces including the military, police and gendarmerie carried out the arrests without warrants, and, with a few exceptions, did not explain the reasons for arrest, beyond the vague accusation of 'supporting Boko Haram'.

Further, in no case documented by Amnesty International did those arrested have lawyers present during questioning, and most of those arrested were unaware that they had the right to legal representation. Most of those arrested would not have the means to afford legal representation, and although national legislation states that lawyers should be provided in all prosecutions with a possible penalty of death or life imprisonment, the government provides pro-bono lawyers only for the trial stage.

The experience of Amina (not her real name), a 40-year-old woman, is typical. She told Amnesty International that her son has been in detention, without access to a lawyer or knowledge of the charges against him since October 2015, when men in plain clothes arrested her son without explanation:

"One of my children was arrested in Kangaroua in October 2015 by two men dressed in civilian clothes. They were not armed. They said nothing, they just took him away. They took him while we were home. Then I saw he was loaded into a BIR vehicle parked near my house."⁹¹

With little official information provided to those detained or their families, it is difficult to judge the validity of the information used to form the basis of an arrest. Interviews with victims, families and witnesses, as well as observation of trials and analysis of court documents, do suggest, however, that many arrests may be based on information that does not support a reasonable suspicion or probable cause of having committed a crime. In practice, it is also extremely difficult for detainees to challenge the basis for their arrest both at the time of arrest and in court.

The reliance on single informants - whose identities are not revealed and whose credibility cannot be challenged - as the basis for arrests is outlined in court documents and detailed in Chapter 5, as are other unsatisfactory bases for arrest such as being unable to adequately explain a missing identity card or a recent trip to Nigeria. Those detained are mostly young men between the ages of 20 and 40, most commonly those who speak Kanuri, Mandara Hausa, Glavda or Arabic.

⁸⁸ Yaounde.info, *Cameroon: Boko Haram: Réaction du gouvernement aux accusations des ONG contre les forces de défense et de sécurité*, 14 January 2016.

⁸⁹ Amnesty International interviews with former detainees and prison officials in Yaoundé and Maroua, February 2016. Although it is impossible to verify these estimations, they are consistent with others interviewed.

⁹⁰ Amnesty International interview with a 36-year-old man, Maroua, 09 February 2016. Victims and Witnesses Interviews n°24.

⁹¹ Amnesty International interview with a 40-year-old woman, Maroua, 10 February 2016. Victims and Witnesses Interview n°89.



MASS ARREST IN KOSSA, FEBRUARY 2015

In Kossa, a city in the province of the Far North region, department of Mayo-Sava, a security operation conducted jointly by the military, the police and the gendarmes in February 2015, resulted in the mass arrest of 32 men, the majority of whom were released a few weeks later.

According to witnesses and victims interviewed by Amnesty International, the security forces mainly targeted men above 17 years old. *"They took all fathers and young men above 17 years old. They said they were looking for food stocks that we were alleged to supply to Boko Haram, but they found nothing and retaliated against the population"*⁹², said one of the witnesses to these arrests.

Abda (not his real name), a 73-year-old man, was among the 32 men arrested in Kossa but was released the same day with eight other elderly men, the eldest of whom was over 80 years old. He told Amnesty International:

"They found me at my place. They were going house to house. They asked me and my son to come out, and my wife to stay inside. They gathered me and others in front of the village chief's residence. They put us in a truck and brought us to Maroua. There were 32 of us. They dropped me off at a crossroads on the way. I didn't know where I was".⁹³

Abda was among a small number of those released before being brought to a detention facility, while 20 others were released in the following three weeks. No explanation was ever provided. Three men remain in detention, and one man died in custody at the prison in Maroua.⁹⁴

Many people interviewed by Amnesty International claimed that denunciations against individuals for supporting Boko Haram were often driven by ulterior motivations, for example to resolve local disputes or for extortion.

In one example, Ramia (not her real name), a 24-year-old woman from Maroua, told Amnesty International how an informant *"told the security forces that my husband, Abou (not his real name) was a terrorist because he wanted to extort money from him and my husband refused."*⁹⁵ One eyewitness explained further:

*"The same day Abou was arrested, I saw the informant coming to Abou's place and heard him threaten him. He said that if Abou didn't give him the money he would denounce him as a Boko Haram [member] to the BIR. And eventually he did, because later in the day he came back on-board a BIR vehicle with four men dressed in civilian clothes and took Abou away."*⁹⁶

Another woman told Amnesty International how her partner, a 36-year-old trader, was arrested by police and gendarmes in October 2015 along with five other men in the area of Maroua known as Doualaré:

*"They were all released 23 days later, except my husband. He remains in detention because a man, who was jealous of his business, denounced him to the security forces as a terrorist. Boko Haram has become an excuse to settle scores."*⁹⁷

⁹² Amnesty International interview with an adult man, Maroua, 9 April 2016. Victims and Witnesses Interview n°124.

⁹³ Amnesty International interview with a 73-year-old man, Maroua, 14 February 2016. Victims and Witnesses interview n°33.

⁹⁴ Amnesty International interviews with partners in Maroua. Victims and Witnesses interviews n°27, 29, 30, 33 and 124.

⁹⁵ Amnesty International interview with a 24-year-old woman, Maroua, 20 April 2016. Victims and Witnesses interview n°122.

⁹⁶ Amnesty International interview with a 34-year-old man, Maroua, 20 April 2016. Victims and Witnesses interview n°130.

⁹⁷ Amnesty International interview with a 28-year-old woman, Maroua, 20 April 2016. Victims and Witnesses interview n°123.

2.3 ARREST AND DETENTION OF FAMILY MEMBERS

Family members of people accused of supporting Boko Haram have also been arrested, prompting many to give up visiting their loved ones in jail. In the most extreme case, this included a mass arrest of more than 250 family members of detainees in July 2015.



DETENTION OF 250 FAMILY MEMBERS OUTSIDE MAROUA PRISON, JULY 2015

In late July 2015, approximately 250 people were arrested in front of the prison in Maroua while visiting their family members. The arrests were carried out on the order of the Governor of the Far North region, following three suicide bombings that had struck the city that month.⁹⁸

Made to wait from the morning until about 5 pm, they were not provided with any explanation and eventually made to board trucks and brought to the Gendarmerie headquarters.⁹⁹ There, they were separated according to their area of residence. Some were released the same day or a few days later. At least two of the women remain in detention, including one - Ramatou (not her real name) a student at the University in Maroua - who was subsequently sentenced to death by a military court in March 2016.

Ramatou told Amnesty International that she had been accused of supporting Boko Haram because military equipment belonging to her husband - a soldier who had been arrested for abandoning his post and violating orders – had been found during a search on her house, and on the basis of two messages found on her telephone. According to Ramatou, *“one SMS came from my sister telling me to always carry my ID because the security forces conduct raids in Maroua; the other came from my cousin in Garoua advising me to avoid crowds because suicide bombers may hide there”*¹⁰⁰.

Another female victim, arrested the same day as Ramatou, interviewed by Amnesty International recalled: *“I was arrested with Amina, the second wife of my husband. The gendarmes took us together and then separated us according to the area of Maroua where we lived. They let me go the same day, after having searched my house, but Amina was kept for five days in a cell at the Gendarmerie, with her little baby. I had no news about her during these five days and was really worried.”*¹⁰¹

Amina, who was 17 years old at the time of her arrest, spent less than a week at the Gendarmerie before spending one day at the BIR military base in Salak and being transferred to the Prison Principale in Yaoundé, where she remained detained as of April 2016.

According to her mother and her husband’s first wife, as of April 2016 Amina had twice appeared before the Military Court in Yaoundé, but had not been sentenced. Her baby is now in the care of her mother.

Another woman arrested during the same raid told Amnesty International that she was detained for three days at the headquarters of the Gendarmerie in a cell with up to 30 people, including men.

⁹⁸ On the day of the mass arrest, the Governor of the Far North region held a security meeting in Maroua with other local authorities. According to several sources who spoke with participants to this meeting, the decision to arrest those who were visiting their relatives in prison was taken following this meeting. Key informants’ interviews n°24, 25 and 40, Maroua, February 2015.

⁹⁹ Amnesty International interviews in Maroua. Victims and Witnesses interviews n° 81 and n° 125-127, from 12 February 2016 to 20 April 2016.

¹⁰⁰ Amnesty International partners’ interview, Maroua, June 2016. Victims and Witnesses interview n° 136

¹⁰¹ Amnesty International interview with a 25-year-old woman, Maroua, 20 April 2016. Victims and Witnesses interview n° 125.

"We were all cramped together in the cell, men and women. The gendarmes didn't provide any document showing they had permission to arrest us and said nothing regarding the reasons of our detention. In return, they asked us many questions. I was interrogated five times by different men, sometimes officials wearing a military uniforms, sometimes men in plain clothes. They wanted to know why I went to the prison, why my husband was arrested and what his links were with Boko Haram. I replied that my husband is not Boko Haram."¹⁰²

In addition to the mass arrests at the prison in Maroua described above, Amnesty International documented four other cases where family members of Boko Haram suspects were arrested while visiting or about to visit their loved ones in prison.

In September 2015, Hadidja (not her real name), a 37-year-old woman, took a bus from Mora to go to Maroua to visit her detained husband, accused of being a Boko Haram member. She was taken off the bus by police at a check-point at the outskirts of Maroua and taken to the *Groupement Mobile d' Intervention* (GMI). Her son, Boukar (not his real name) explained that the police arrested her "because she could not reply to questions asked in French, as she only speaks Mandara."¹⁰³

Boukar said that after he heard about his mother's arrest from friends, he went to visit her in detention, and was himself arrested. Boukar told Amnesty that:

"The police told me that my mother was detained because she's the wife of a Boko Haram member and that I was also a Boko Haram [member]. I was questioned three times by the officers of the Souveraineté Territoriale [police]. Every time, they told me that my father is a Boko Haram member, and I am also a terrorist. I always replied that I am just a student."¹⁰⁴

While Hadidja was released three days later, Boukar was held in the same place for one month and five days before being released.

Boukar had already been arrested in similar circumstances about one year earlier, in August 2014, while visiting his father – who had been arrested outside his shop without explanation - at the Gendarmerie headquarters in Mora. As Boukar arrived at the Gendarmerie to ask information about his father, he said that the Gendarmes arrested him, kept him naked for two days with no food or water, and did not allow him to contact his family. Following his release, Boukar continued to search for his father until, three months later, his father managed to borrow a phone from a prison guard and call him to say he was being held in Yaoundé. Boukar's father was transferred to the prison in Maroua in July 2015 and remains in detention there, without having been sentenced.¹⁰⁵

¹⁰² Amnesty International interview with a 31-year-old woman, Maroua, 20 April 2016. Victims and Witnesses interview n° 126.

¹⁰³ Amnesty International interview with a 23-year-old man, Maroua, 12 February 2016. Victims and Witnesses interview n°81.

¹⁰⁴ Amnesty International interview with a 23-year-old man, Maroua, 12 February 2016. Victims and Witnesses interview n°81.

¹⁰⁵ Amnesty International interview with a 23 year-old man, Maroua, 12 February 2016. Victims and Witnesses interview n°81.

3. ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTION

“Since my father was arrested by the BIR, he’s unaccounted for. I’ve done all I can to find him, I’ve looked everywhere, but all my efforts were vain. This situation is so painful for me. I suffer a lot. I want to see my father, I want to see him alive, and that’s my only wish now.”¹⁰⁶

31-year old man from Maroua.

People accused of supporting Boko Haram are not always brought directly to official detention facilities, and Amnesty International has documented cases of enforced disappearances, in which families have no idea of the whereabouts of their loved ones, and incommunicado detention where people have been detained for periods of time in unofficial detention sites with no access to a lawyer or their families. Both scenarios make those arrested significantly more vulnerable to torture and ill-treatment (see Chapter 4).

¹⁰⁶ Amnesty International interview with a 31 year-old man, Maroua, 20 April 2016. Victims and Witnesses interview n°131.

3.1 ENFORCED DISAPPEARANCES

Amnesty International has previously documented the enforced disappearance of people accused of supporting Boko Haram, including more than 130 people from the villages of Magdeme and Doublé whose whereabouts remain unknown after they had been arrested in December 2014.¹⁰⁷



These men, arrested in Magdeme and Doublé in December 2014, are still unaccounted for. Their fate remains unknown to date.
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In a small number of cases, the locations of other individuals arrested were obtained by Amnesty International following further investigations and visits to detention facilities elsewhere in the country.

For instance, Amnesty International was able to establish the whereabouts of 24 people who had been arrested in Maroua market in June 2014, and whose family members had no news about for more than a year.¹⁰⁸ In July 2015, Amnesty International located them in a prison in the capital city Yaoundé, and they were transferred back to Maroua about two months later.¹⁰⁹

Since then, Amnesty International documented 17 additional cases of suspected enforced disappearances of people accused of supporting Boko Haram, committed by security forces – most often by the BIR - in the Far North region between April 2015 and February 2016. Amnesty International submitted the information about these cases - including the names, circumstances and dates of their arrests - to the Cameroonian authorities and requested information about their whereabouts, but have not received a response.



EXAMPLES OF ENFORCED DISAPPEARANCES

Kousseri, May 2014: Mohamed (not his real name) was arrested by the police along with three other men on 19 May 2014 as he was sitting outside the house where he had organized the wedding of one of his children, in the Madagascar neighbourhood of Kousseri. Mohamed's father explained:

"His wife, who was present at the time of the arrest, told me it was the police who took him. So I went to the local station, but was denied access and information. I went to the police station in Kousseri so many times, as well as to the one in Maroua and Garoua. I also went to all prisons of the North of the country. My son is nowhere to be found... I want to know whether he's dead or alive. If he's dead, I need to see the body to bury him as per our tradition and forget."¹¹⁰

¹⁰⁷ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/afri17/1991/2015/en/> (accessed 15 May 2016).

¹⁰⁸ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/afri17/1991/2015/en/> (accessed 15 May 2016).

¹⁰⁹ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/afri17/1991/2015/en/> (accessed 15 May 2016).

¹¹⁰ Amnesty International interview with a 50-year-old man, Maroua, 14 February 2016. Victims and Witnesses interview n°86.

As of 14 February 2016, the family had still not yet received any official acknowledgement from the police or other security forces regarding Mohamed's whereabouts.

Mozogo bus station, June 2014: Aruna (not his real name), a 25-year-old driver, has also been missing for over two years. His mother and wife told Amnesty International that when he did not call after having left his house in Doudgé to travel to Lagos on Sunday 29 June 2014, they began to worry. The day after, they received a call from a man who said that he had seen Aruna, his cousin Raman (not his real name) and Sali (not his real name), also from Doudgé, arrested by the military at the bus station in Mozogo. Aruna's father has visited the prison in Maroua 11 times "but the prison guards always ask for money and then say the boys aren't there."¹¹¹

Amchide market, June 2014: At least five men who were arrested by the BIR in Amchide on 4 June 2014, following a raid in and around the market, remain unaccounted for. Bachirou (not his real name), the son-in-law of one of those arrested, explained how:

*"In the morning the BIR stormed the town. They were more than 10 soldiers who came with 4x4 vehicles. They were looking for the moneychangers, but also arrested other people at the market. They got at least five people, including my father-in-law. We have no news of him since. There are rumours that he was taken to Salak. His wives and sons have looked for him everywhere."*¹¹²

The son of another of the missing men told Amnesty International:

*"My father was taken away by the BIR at about 1 pm as he was exiting the mosque. He was arrested with more than 2 million francs CFA (approximately US\$3,433.51) in his pockets. Since his arrest, I've looked everywhere to find him. I've asked all the guards of all the prisons and police stations in the region. I was always told my father wasn't there. I am desperate. I want my father back, I want to know where he is. If he's dead I should know."*¹¹³

Other witnesses said that moneychangers were targeted because they were "suspected of having changed the money received as ransom for foreign hostages", but that others were rounded up too.¹¹⁴

Guirvidig, March 2015: Four people, including a husband and wife, their son and their son's friend "disappeared" after being arrested by the military in Guirvidig in March 2015. A friend of the family told Amnesty International that he has "been into all the prisons and police stations in the North" but that his friends "are nowhere to be found."¹¹⁵ Prison and other officials either refused to provide information or said his friends were not there.

Maroua, February 2016: Al Hadji (not his real name), a 65-year-old trader, was arrested in February 2016 by two men dressed in civilian clothes – believed by witnesses to be members of the BIR - at his shop located in the central market of Maroua and made to board a red car.¹¹⁶ His family members continue to search for him, but have no news.¹¹⁷

¹¹¹ Amnesty International interview with a 41-year-old woman, Maroua, 14 February 2016. Victims and Witnesses interview n°91.

¹¹² Amnesty International interview with a man, Maroua, 11 February 2016. Victims and Witnesses interview n°83.

¹¹³ Amnesty International interview with a 31-year-old man, Maroua, 20 April 2016. Victims and Witnesses interview n°131.

¹¹⁴ Amnesty International interview with a 27-year-old man, Maroua, 11 February 2016. Victims and Witnesses interview n°84.

¹¹⁵ Amnesty International interview with a 43-year-old man, Maroua, 11 February 2016. Victims and Witnesses interview n°85.

¹¹⁶ Amnesty International interview with a man, Maroua, 20 April 2016. Victims and Witnesses interview n°121.

¹¹⁷ Amnesty International interviews with the wife and two children of the disappeared, Maroua, 20 April 2016. Victims and Witnesses interviews n°118-120.

3.2 INCOMMUNICADO DETENTION

Accounts by detainees, released detainees, family members, and lawyers consistently confirm the use of incommunicado detention, usually combined with torture, against people suspected of supporting Boko Haram. Such practices appear to be most common at the BIR base in Salak (approximately 15 km from Maroua), as well as the BIR base in Mora and the Directorate General of External Research (*Direction Générale de la Recherche Extérieure* - DGRE) in Yaoundé. Both the BIR, the elite unit of the Cameroonian Army, and the DGRE, one of the several Cameroonian intelligence services, fall under the direct command of the President.

As access to these locations is restricted, it is difficult to know the full scale of violations, but of the 82 cases of arrests which took place between April 2014 and October 2015 documented in detail by Amnesty International for this report, at least 40 people have been held in incommunicado detention, with no ability to contact their family or their lawyer. Of these, at least 27 have been tortured, and six have died in custody. The actual number of cases is likely to be much higher - Amnesty International received credible information about dozens of similar cases which the organisation was unable to fully investigate.

Senior BIR commanders have denied that their military bases are used to detain suspects, telling Amnesty International that anyone arrested by their forces is promptly transferred to the police or the gendarmerie.¹¹⁸ This assurance is contradicted, however, both by the testimonies received by Amnesty International, and testimonies of senior figures from other security forces, including the police.¹¹⁹ The most recent case of incommunicado detention documented by Amnesty International took place between September and October 2015, when a 40-year-old man, arrested by the men in plain clothes at his home in Maroua, was detained for up to two months in Salak before being transferred to the prison in Maroua, where he is currently being held. Amnesty International has spoken with his wife, who confirmed he has never appeared in court.¹²⁰

¹¹⁸ Amnesty International interview with Senior Army staff in Maroua. 22 May 2015.

¹¹⁹ Amnesty International interview with Senior police official in Maroua, May 2015.

¹²⁰ Amnesty International interview with a 24-year-old woman, Maroua, 20 April 2016. Victims and Witnesses interview n°122.

4. TORTURE AND DEATHS IN CUSTODY

“Instead of being transferred to the prison, I was taken directly to the DGRE with two other men. We were asked to remove our clothes and were completely naked... We were beaten up with tools that seemed like a whip and a machete. I was beaten up even on my private parts. They were slapping us with the flat part of the machete and not the sharp one ... Every time they entered in the cell we had to stand, raise our hands and face the wall. And every time, they would beat us.”¹²¹

Male detainee at the DGRE.

Although Amnesty International is not aware of any evidence of torture in official sites of detention such as the prisons in Maroua or Yaoundé, the practice of torture - leading sometimes to death in custody - is frequently used against those individuals who are held incommunicado in unofficial detention sites such as the BIR bases and DGRE headquarters highlighted in Chapters 3 and 4. Amnesty International documented 27 cases of torture, all of which took place during periods of incommunicado detention, as well as six deaths in custody following torture or ill-treatment. The cases of a further four people who died in custody, though not necessarily due to torture, were also documented. Prison conditions that lead to an average of six to eight people dying in Maroua prison each month because of causes linked to illness, malnutrition or insanitary conditions is covered in Chapter 6.

Torture victims interviewed by Amnesty International described being beaten for long periods with various objects such as sticks, whips, boots and machetes, often with their hands tied behind their back, as well as being slapped and kicked. Victims were often blindfolded and forced to sit or stand in uncomfortable positions for prolonged periods. Some were beaten until they lost consciousness. All were deprived of food and water at various points in their detention, and otherwise received inadequate amounts. Victims said that torture was mainly used during interrogations to coerce confessions or denunciations of Boko Haram supporters in their areas, to seek information about Boko Haram activities and leaders, or as punishment.

¹²¹ Amnesty International interview with a man, Prison, Yaoundé, 11 February 2016. Victims and Witnesses interviews n°98.



Some prisoners are beaten for long periods with various objects such as sticks, whip and machetes.
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Several defence lawyers have spoken about their clients' complaints of torture, secret and incommunicado detention at unofficial detention sites. One pro-bono lawyer representing several Boko Haram suspects at the Military Court in Maroua told Amnesty International:

*"Lots of [my clients] are tortured, mainly by the BIR in Salak. They endure all kinds of torture, including severe beatings with sticks. I have seen the marks on the body of one man who sought legal assistance. He undressed and I saw the wounds. He had marks on his back from being badly whipped. He said the BIR did it. I know this type of treatment continues and at hearings, clients sometimes complain of torture. But the judges say nothing."*¹²²

Another lawyer who commented that "naturally, Boko Haram suspects are tortured", told Amnesty International that one of his clients who had been held in Salak "was badly beaten and put in the sun for a long period of time."¹²³ Another lawyer still said that one of his clients, a young man in his twenties, "was so badly beaten that you could see the bone of his leg coming out."¹²⁴

4.1 AT BIR MILITARY CAMPS IN SALAK AND MORA

Amnesty International documented at least 25 cases of torture at the BIR base in Salak, just outside Maroua.

In one example, Malloum (not his real name), a 70-year-old man, was arrested by the BIR in Mora in February 2015 together with his 38-year-old son. Both men were first taken to the BIR base in Mora, then transferred to Salak. The father said he had spent 10 days witnessing his son being tortured, and had seen two prisoners die after being tortured. He told Amnesty International:

"I was shopping at the market in Mora with my son when, at about 3 pm, we were stopped by one soldier, dressed in the BIR uniform, and by another man in civilian clothes. They said we had to go with them and brought us to their base on motorbikes. Once at the military camp, they took 20,000 francs CFA (approximately US\$34,335) from my pocket, our identity papers, and shoes. They put cuffs on our hands and feet and blindfolded us. We slept outside, with no food and no water. The following day, the soldiers loaded us into a truck alongside three other people, and brought us to Salak."

¹²² Amnesty International interview with a lawyer in Maroua on 18 February 2016. Key informants interview n° 13.

¹²³ Amnesty International interview with a lawyer in Maroua on 13 February 2016. Key informants interview n°16.

¹²⁴ Amnesty International interview with a lawyer in Maroua on 12 February 2016. Key informants interview n°14.

My son only speaks Mandara and did not answer the soldier when we were both brought to Salak and made to wait outside. So the soldiers kicked him in the back with their boots and beat him brutally with a stick.... One day, they [the BIR] took me and five other prisoners, including my son, to the interrogation room. Although I was blindfolded, I could still see something from under the piece of cloth covering my eyes, listen and understand what was going on around me.

We were all interrogated in the same room, one by one, by a man dressed with the BIR uniform. Two other men in plain clothes carried out the beatings and other torture. That day, two prisoners were beaten up so badly that they died in front of us. The men in plain clothes kicked them and slapped them violently, and hit them with wooden sticks. The two prisoners did not want to confess they were members of Boko Haram.

I was not beaten because I am old, so I was the one to help carrying the two dead bodies from the interrogation room to the cell. That night we slept in the cell with two dead bodies, and the day after the BIR came, threw plastic bags to us, asked us to put the bodies inside and then came to collect them. I don't know where the bodies were taken and whether they were ever buried."¹²⁵

Malloum was later brought to the prison in Maroua, charged with acts of terrorism, and acquitted in August 2015 after at least seven hearings before the Military Court in Maroua. His son is still in prison and has not yet been sentenced.

Another victim, Madi (not his real name), a 38-year-old trader, was arrested at his home in November 2014, along with three other men. He said that about 10 BIR soldiers, some of whom were masked, took him away at around 6 pm, and seized all his personal belongings, including his ID card, the car and the stock of goods for his business. According to Madi and two other men arrested who were interviewed by Amnesty International, the four men were first held for 48 hours at the BIR base in Mora, and then transferred to Salak where they spent 46 days in incommunicado detention, enduring torture and mistreatment. Madi said that one of the men, his uncle, a 50-year old farmer, died there as a result of torture.¹²⁶

Mahama (not his real name), who was arrested together with Madi, Madi's uncle and another guest, told Amnesty International:

"They [the BIR] broke into the house as we were about to start eating. They shouted, forced the four of us to lie down and started to search everywhere. They said they were looking for weapons, but found nothing. Nevertheless, they ordered us to follow them and shortly after we ended up at their base in Mora."¹²⁷

He explained that the soldiers held the four men in a very small cell at the base in Mora for two days with almost no food, with their hands were tied and eyes blindfolded with their own shirts. On the morning of the third day the soldiers forced them to board a military truck, kicking them forcefully, and took them to Salak.

Madi added:

"While in the truck, I asked the soldiers to give me something to drink. So, one of them opened a bottle, held me by my left ear and poured the liquid inside. He shouted that, if I dared asking for something again, he would beat me hard."¹²⁸

At Salak, the detainees spent the first 20 days in a cell with approximately 80 other people, with too little room to be able to stretch their legs while sleeping. The three former detainees interviewed by Amnesty International said that they spent the remaining 26 days in another, less crowded room, with about 20 detainees.¹²⁹ There was no daylight in either cell, and they were given food just once a day. Detainees spoke of a "disgusting smell" and "degrading treatment" due to the absence of sanitation facilities, with detainees forced to use the same bucket for all their needs.¹³⁰

The three former detainees independently told Amnesty International that they were subjected to regular interrogations to extract confessions that they were members of Boko Haram, and that every time they were

¹²⁵ Amnesty International interview with a 70-year-old man in Maroua on 09 February 2016. Key informants interview n°26.

¹²⁶ The name has been held for security considerations.

¹²⁷ Amnesty International interview with a 52-year-old man, Maroua, 09 February 2016. Victims and Witnesses interview n°18.

¹²⁸ Amnesty International interview with a 38-year-old man, Maroua, 09 February 2016. Victims and Witnesses interview n°15.

¹²⁹ Amnesty International interview with detainees, Maroua, 9-10 February 2016. Victims and Witnesses interviews n°15, 18 and 22.

¹³⁰ Amnesty International interview with a 38-year-old man, Maroua, 09 February 2016. Victims and Witnesses interview n°15.

either beaten or witnessed the beatings of other detainees. They explained how one of the men, Malla (not his real name)¹³¹, died two weeks after he was brought to Salak, after having been severely beaten at least three times. His nephew, Madi told Amnesty International:

"A few days had already elapsed since our arrival in Salak and we were still handcuffed and blindfolded. I managed to get one of the detainees in my cell to take them off. However, when the soldiers saw we were no longer blindfolded and tied, they shouted at us in French: "Who freed these Boko Haram?" I replied that we were not terrorists. Then, they asked the same question to my uncle, but he did not speak French, he only spoke Mandara. As he did not reply, two soldiers started beating, slapping and hitting him with a stick. He fell down and cried."¹³²

Mahama (mentioned above) said that he saw Madi's uncle tortured during an interrogation:

"During an interrogation, I saw how the BIR beat him up with a truncheon; slapped, kicked and left him almost unconscious on the floor. I had to carry him back to the cell with the help of other detainees."¹³³

Madi said that on about two weeks after arrest, his uncle died in the cell:

"He was so weak that he would no longer stand. He was constantly sitting, his legs bent. One morning, about two weeks after we arrived in Salak, we noticed that he was strangely still. We called his name, he did not reply. As we shook him, he fell on the floor. He was unresponsive. We called the soldiers and they gave us a plastic bag to put his body inside and some tape to close the bag. Then, the soldiers made us carry the body outside the cell and loaded it in a vehicle. Finally, they left with it to an unknown destination."¹³⁴

The three survivors were taken to the prison in Maroua in December 2014 and held there for about six months before being informed of any charges against them or interrogated. In June 2015 they were questioned three times at the Military Court in Maroua, charged with being members of an armed gang, murder, and illegal possession of ammunition and "weapons of war" before their charges were dropped and they were released without trial in January 2016.¹³⁵



BORNORI PART II: TORTURE AND DEATH IN CUSTODY

Following the raid in Bornori, 19 November 2014 (see Chapter 2), the 15 men arrested were brought to Salak military base where they were tortured and spent 20 days in incommunicado detention, before being transferred to the prison in Maroua. At least five of them have since died in custody, one in Salak following torture inflicted by the BIR, and four in the Maroua prison, where survivors are still held.

"He was tied up and beaten", a former Salak detainee said about a 35-year-old man from Bornori. "He was also blindfolded during the interrogation. They [BIR] wanted him to agree he was with Boko Haram."¹³⁶ Another witness said that military personnel used sticks and a truncheon to beat the detainees, including those rounded up in Bornori. "They [BIR] would ask questions and beat everyone if they didn't give them the answer they expected."¹³⁷

The wife of one the detainees told Amnesty International how her husband was "severely beaten up several times, and everywhere, by the BIR."¹³⁸ Another woman, Hadja Abba (not her real name) said her son had also been tortured, although he found it difficult to talk about it.

¹³¹ Amnesty International has the name of the man who died in Salak as a result of torture, but doesn't disclose it in this report for security reasons.

¹³² Amnesty International interview with a 38-year-old man, Maroua, 09 February 2016. Victims and Witnesses interview n°15.

¹³³ Amnesty International interview with a 52-year-old man, Maroua, 09 February 2016. Victims and Witnesses interview n°18.

¹³⁴ Amnesty International interview with a 38-year-old man, Maroua, 09 February 2016. Victims and Witnesses interview n°15.

¹³⁵ Reference to the *bulletin de levée d'écrou* provided to Amnesty International by the three survivors.

¹³⁶ Amnesty International interview with a 38-year-old man, Maroua, 9 February 2016. Victims and Witnesses interview n°15.

¹³⁷ Amnesty International interview with a 52-year-old man, Maroua, 9 February 2016. Victims and Witnesses interview n°18.

¹³⁸ Amnesty International interview with a 30-year-old woman, Maroua, 13 February 2016. Victims and Witnesses interview n°45.

"He didn't share much information about his treatment in Salak and I did not ask for more. It's too painful and hard to take it for me. He just said he was beaten up several times by the BIR."¹³⁹

Amnesty International also collected evidence from former Salak detainees that at least one of the 15 men captured in Bornori, Abba (not his real name), died at the BIR military base following torture.¹⁴⁰ A man detained alongside him said *"I am so devastated that he died like this. He did not bear the pain and died following all the beatings. I saw the BIR hitting him with a stick and kicking him. I helped wrapping his body into a plastic bag with other prisoners."¹⁴¹*

Another eyewitness added that Abba was beaten to death by the BIR: *"He was interrogated outside of the cell where he used to be held together. When he was brought back, he was suffering so much. He sat in the corner and said nothing. We all [prisoners in the same cell] tried to sleep and, when we woke up the morning after, Abba wasn't moving. He had remained in his position. We called him, and he didn't respond. We moved him and he fell down. He was dead. We called the BIR and the soldiers gave us a plastic back to wrap up the body."¹⁴²*

In addition, four more of those arrested in Bornori later died in the prison in Maroua between January and December 2015. A fellow detainee told Amnesty International how Mallamou (not his real name)¹⁴³, a 35-year-old farmer, married with six children, died in prison in Maroua just after the celebration of *Tabaski*, in late September 2015:

"When Mallamou arrived in prison, he was already weak, possibly because of the beating in Salak. He tried to hold on, but he was also very fragile psychologically. The conditions in prison in Maroua are very bad. He was always thinking about his family, especially his old mother. He used to tell me: 'Why are we here? Why? They are holding us for nothing. All I have ever wanted in my life was to grow onions in my fields and feed my family."¹⁴⁴

Following the raid, many people abandoned Bornori seeking refuge elsewhere, including in Kerawa, Tolkomari, Mora and Maroua. Witnesses told Amnesty International that a BIR captain from Mora returned to the village about a week later to apologize to the population for killing 'innocent civilians'. Although the captain said that "those who are not guilty will be freed", he refused to disclose the whereabouts of the detainees.¹⁴⁵

As of February 2016, those arrested had been questioned twice by the Military Prosecutor, but they had not yet appeared in court.

4.2 AT THE DGRE IN YAOUNDÉ

Amnesty International also documented two cases of torture at the DGRE, one of the several Cameroonian intelligence services, and was informed about other cases that it was unable to investigate. The DGRE, which reports directly to the President, is made up of gendarmes and policemen and its headquarters are in downtown Yaoundé. Former detainees and other witnesses told Amnesty International that security forces held and tortured detainees at DGRE cells, some of which appear to be underground. A senior prison official in Yaoundé told Amnesty International that several detainees who were brought to his facility displayed eye problems on

¹³⁹ Amnesty International interview with a 50-year-old woman, Maroua, 17 February 2016. Victims and Witnesses interview n°47.

¹⁴⁰ The name has been withheld for security reasons.

¹⁴¹ Amnesty International interview with a man, Maroua, 10 February 2016. Victims and Witnesses interview n°22.

¹⁴² Amnesty International interview with a 38-year-old man, Maroua, 9 February 2016. Victims and Witnesses interview n°15.

¹⁴³ The name has been withheld for security reasons.

¹⁴⁴ Amnesty International interview with a 38-year-old man, Maroua, 9 February 2016. Victims and Witnesses interview n°15.

¹⁴⁵ Amnesty International interviews with eyewitnesses and family members of those arrested in Bornori, Maroua, 13-17 February 2016. Victims and Witnesses interviews n°44-49.

arrival as they had been held in underground cells at the DGRE and were not able to see the light for prolonged periods of time.¹⁴⁶

Ousmane (not his real name), a former DGRE detainee and currently jailed at the prison in Yaoundé, told Amnesty International that, after his arrest in August 2014, he was held incommunicado at the DGRE for almost 50 days, where he was repeatedly beaten and humiliated by security agents. *"I was constantly chained up, with both my hands and feet in cuffs, and often blindfolded. I was tortured several times and witnessed how fellow detainees were also beaten up when my eyes were not covered"*.¹⁴⁷ He reported witnessing one man die following repeated beatings, but Amnesty International was unable to confirm this information.



TORTURE, SECRET AND INCOMMUNICADO DETENTION OF RFI JOURNALIST AHMED ABBA

"Mr Ahmed Abba is still under investigation ... For now, the presumption of innocence is being granted to him ... He will have access to his lawyer when his interrogation is finished. He will be given back to the gendarmerie in conformity with the anti-terrorist law".¹⁴⁸ Cameroonian Minister of Communication, Issa Tchiroma, 31 October 2015.

Ahmed Abba, a Hausa-language correspondent for Radio France Internationale (RFI), was arrested on 30 July 2015 in Maroua by the police while reporting on the Boko Haram conflict in the North of Cameroon. He was held at a police station (*Groupement Mobile d'Intervention*) for 15 days before being transferred to the DGRE in Yaoundé. Despite repeated efforts by his lawyer, RFI and his family, he was denied any contact with the outside world for more than three months, and subjected to torture.¹⁴⁹

On 13 November 2015 he was removed from secret and incommunicado detention and held in custody at the National Gendarmerie headquarters for up to 28 days before being transferred to the prison in Yaoundé.

Ahmed appeared for the first time before the Military Court in Yaoundé on 29 February 2016, charged with complicity and non-denunciation of terrorist acts. He pleaded not guilty. The Military Prosecutor asked for more time to prepare a list of witnesses to bring to the court. The defence lawyers highlighted irregularities in the case and asked the court to drop it. They stressed that Ahmed's rights had been violated as he had been held for up to three months in secret detention and had been tortured.

The second hearing, scheduled for 28 March 2016, was postponed to 25 April 2016 when the Court rejected the requests from the defence lawyers to drop the case and rescheduled another hearing for 8 June 2016. The next hearing, which will be held before a civilian court, is scheduled for 6 July 2016, prolonging Ahmed Abba's detention. Ahmed Abba is awaiting sentence since 10 months.¹⁵⁰

¹⁴⁶ Amnesty International interview with the manager of Prison, Yaoundé, February 2016. Key informants interview n°76.

¹⁴⁷ Amnesty International interview with a detainee (man), Yaoundé, 18 September 2015 and 13 February 2016. Victims and Witnesses interview n°129.

¹⁴⁸ Journal du Cameroun, *Affaire Ahmed Abba: le Mincom explique*, 2 November 2015, <http://journalducameroun.com/article.php?aid=21998>, (accessed on 6 May 2016).

¹⁴⁹ Amnesty International, *Cameroon: Authorities must reveal the whereabouts of a journalist arrested three months ago*, 30 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/cameroonauthorities-must-reveal-the-whereabouts-of-a-journalist-arrested-three-months-ago/>. See also RFI, *Cameroon: RFI toujours sans nouvelles de son correspondant Ahmed Abba*, 30 October 2015, <http://www.rfi.fr/afrique/20151030-cameroon-justice-rfi-arrestation-ahmed-abba-hausa-correspondant-150> RFI, *RFI demande la libération de son correspondant en langue hausa au Cameroun*, 09 June 2016, <http://www.rfi.fr/afrique/20160608-rfi-demande-liberation-son-correspondant-langue-hausa-cameroun> (accessed on 11 June 2016).

5. UNFAIR MILITARY TRIALS AND USE OF THE DEATH PENALTY

“As a lawyer, I realized that [in the cases under the anti-terrorism law] there were real injustices. Sometimes people are arrested simply based on personal grievances... One problem with these cases is that the prosecutor never has to call witnesses. He’ll say that there’s an informant who says the defendant is a Boko Haram, and that’s enough. There’s a lack of evidence”¹⁵¹

A lawyer from Maroua.

5.1 SYSTEMATIC USE OF THE DEATH SENTENCE

More than 100 people accused of belonging to or supporting Boko Haram, including at least five women, have been sentenced to death since June 2015 in military trials which violate fair trial rights. The vast majority of these cases were prosecuted under a deeply problematic anti-terrorism law passed in December 2014. Because of the clear deficiencies of the anti-terrorism law and the drastic shortcomings of the military proceedings mandated under the law, verdicts in these cases raise serious concerns that a significant number of people have been sentenced to death in unfair trials.

The large majority of cases before Maroua’s Military Court, where most people suspected of supporting Boko Haram are tried, result in a conviction, and of those convicted almost all are sentenced to death, though none

¹⁵¹ Amnesty International interview with a lawyer, Maroua, February 2016. Key informants interview n°14.

have yet been executed.¹⁵² Indeed, of the six lawyers and apprentice lawyers whom Amnesty International spoke with in Maroua, only three had won an acquittal in any of these cases, and all of them had several clients who had been sentenced to death.¹⁵³

Amnesty International opposes the death penalty in all cases without exception. Trials for crimes that carry the death penalty must comply with the most rigorous internationally recognized standards for fair trial, which are not met by the Military Court.



THE 2014 ANTI-TERRORISM LAW

Most defendants accused of belonging to or supporting Boko Haram are prosecuted under Law n°2014/028, the 2014 anti-terrorism law. However, there are still some pending cases in which the defendants' alleged illegal activities predate the entry into force of the anti-terrorism law, and under which the defendants are prosecuted in military court for crimes such as espionage and insurrection.¹⁵⁴ Amnesty International was present in court in April 2016 for a verdict issued in one such case, in which four women, alleged Boko Haram spies, were sentenced to death for espionage.

Law n°2014/028 of 23 December 2014 was passed as Cameroon was struggling to respond to the growing threat posed by Boko Haram.¹⁵⁵ At the time of its passage, it was subject to wide criticism from both domestic and international organizations for violating basic rights.¹⁵⁶ In addition, journalists and members of the political opposition were concerned that the law would be employed to repress dissent and limit freedom of expression.¹⁵⁷

Amnesty International's analysis indicates that the Law n°2014/028 restricts basic rights protected under the Cameroonian Constitution and international human rights law. Notably, the law sets out an overbroad definition of terrorism, which could be used to criminalize peaceful political activities and infringes on freedom of association and assembly.¹⁵⁸ It covers acts that do not involve violence, such as property crimes, and also has an overly broad definition of the intent requirement, contrary to recommendations issued by the UN special rapporteur on human rights and counter-terrorism.¹⁵⁹

¹⁵² Estimates of those sentenced to death vary slightly. The Prison Manager in Maroua confirmed to Amnesty International in February 2016 that there were 91 people in the prison on death sentences for links with Boko Haram, all convicted since July 2015, and Amnesty International is aware of at least 10 death sentences since that date. The *Commissaire du Gouvernement* said that 88 people had been sentenced to death in Maroua, and just three acquitted, in the same period. In May 2016, the Minister of Communications said in a press conference that out of 209 cases before Maroua's Military Court, 133 people had been sentenced to death, while 11 had been given life sentences and two people received sentences of 20 years. This figure may, however, include trials other than people suspected of supporting Boko Haram. See also AFP article on 18 March 2016, 'Cameroun: 89 condamnations à mort pour 'terrorisme' depuis un an'. Given that military trials of Boko Haram suspects are also taking place in Yaoundé, it is possible that an additional number of death sentences have been imposed there.

¹⁵³ A lawyer who was representing a total of about 60 Boko Haram suspects said that the military court had reached a verdict for 10 of his clients, all of whom had been found guilty and sentenced to death. "It's discouraging work," he said. Amnesty International interview, Maroua, 20 April 2016.

¹⁵⁴ Most crimes in Cameroon are triable in civilian courts, but civilians can be tried in military courts for a few serious crimes against the state, such as espionage, insurrection, secession and creation of an armed group. Penal Code, Articles 102-116. In addition, purely military offenses, such as disciplinary violations committed by soldiers, are triable in military courts. See generally Jean-Louis Atangana Amougou, *Les tribunaux militaires et juridictions d'exception au Cameroun*, in Elisabeth Lambert-Abdelgawad, ed. *Juridictions militaires et tribunaux d'exception en mutation: Perspectives comparées et internationales* (2007), p. 92.

¹⁵⁵ Law n° 2014/028 of 23 December 2014 repressing acts of terrorism, <http://princekmer.skyrock.com/3240467049-Loi-N-2014-028-du-23-decembre-2014-portant-repression-des-actes-de.html> (accessed 3 May 2016).

¹⁵⁶ See for example, Réseau des Défenseurs des Droits Humains en Afrique Centrale (REDHAC), "La loi portant répression des actes de terrorisme," 4 December 2016; BBC, "Cameroun: une loi anti-terrorisme fait débat," 6 December 2014.

¹⁵⁷ See, for example, Reporters sans frontières, "Loi anti-terrorisme au Cameroun: un régime de sanctions disproportionnées pour la presse," 18 December 2014.

¹⁵⁸ Law n° 2014/028, Article 2.

¹⁵⁹ The law provides, among other things, that a person who commits an action able to cause "material damage, damage to natural resources, to the environment, or to the cultural patrimony," with the intention of "disrupting the functioning of public services, the delivery of essential services to the population, or creating a situation of crisis" commits an act of terrorism punishable by death. Law n° 2014/028, Article 2. The UN special rapporteur on human rights and counter-terrorism has recommended that legal definitions of terrorism cover only those acts or attempted acts that are "intended to cause death or serious bodily injury" or "lethal or serious physical violence" against one or more members of the population, or that constitute "the intentional taking of hostages" for the purpose of "provoking a state of terror in the general public or a segment of it" or "compelling a Government or international organization to do or abstain from doing something." UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Ten areas of best practices in countering terrorism, UN Doc. A/HRC/16/51 (22 December 2010).

The law also limits suspects' procedural rights. Most glaringly, it gives military courts jurisdiction over all terrorism cases.¹⁶⁰ It also allows suspects to be held without charge for a period of 15 days, renewable indefinitely.¹⁶¹

Finally, Law n°2014/028 mandates capital punishment for all those found guilty of carrying out, assisting, or sponsoring acts of terrorism.¹⁶²



STUDENT FACING TERRORIST CHARGES FOR SENDING A SARCASTIC SMS

On 13 December 2014, Fomusoh Ivo Feh, a 27-year old man who was soon to start university, was arrested by six men in plain clothes in Limbe after having forwarded a SMS message to his friends.¹⁶³

Fomusoh had received - and then forwarded - a sarcastic SMS from a friend in the military, joking about the challenges of getting into university or finding a good job without being highly qualified. According to his lawyer, the message said that even "Boko Haram recruits young people from 14 years-old and above. Conditions for recruitment: 4 subjects at GCE, including religion."¹⁶⁴

Fomusoh was arrested after one of his friend's forwarded it to a high school student in Douala, whose teacher saw the message after having confiscated the phone during a class. The teacher showed the message to the police, who first arrested the student and then Fomusoh and his friend.

Fomusoh was first detained in a cell at a police station in Douala, then at the Directorate of Territorial Surveillance in Yaoundé. The police did not provide a warrant for his arrest or allow Fomusoh to contact his family. On 14 January 2015 he was transferred to the Prison in Yaoundé.

All three of those arrested have been charged with 'complicity in a rebellion' and 'non-denunciation', under articles 74, 97, 107, 116 of the Cameroonian Penal Code and article 230 of the Cameroonian Military Code. They face trial in a military court and if convicted they could face the death penalty¹⁶⁵.

Fomusoh so far appeared before the court six times, but has only received the support of a translator on one occasion, on 18 April 2016¹⁶⁶.

5.2 OVERVIEW OF MILITARY TRIALS

Although a few high-profile defendants such as journalists have faced prosecution in military courts, most of the defendants tried on Boko Haram-related charges are rural villagers from border regions of northern Cameroon.¹⁶⁷

¹⁶⁰ Law n° 2014/028, Article 1(3).

¹⁶¹ Law n° 2014/028, Article 11.

¹⁶² Law n° 2014/028, Articles 2-5.

¹⁶³ Amnesty International Victims and Witnesses interviews n°133, Yaoundé, September 2016.

¹⁶⁴ Religion is a subject at GCE.

¹⁶⁵ Amnesty International interview with Fomusoh Ivo Feh's lawyer, Yaoundé, 04 July 2016. Key informants' interview n° 79.

¹⁶⁶ Amnesty International interview with Fomusoh Ivo Feh's lawyer, Yaoundé, 04 July 2016. Key informants' interview n° 79.

¹⁶⁷ The information in this section is based on the observations of Amnesty International delegates who attended military court proceedings in February and April 2016, as well as their interviews with defence counsel.

Few speak French, the language of the military court, and defendants are usually provided with interpreters, although they may be of variable quality.¹⁶⁸ Most defendants cannot afford to pay for a legal counsel.

Most military trials of people accused of supporting Boko Haram are held in Maroua, the capital of the Far North region, but some are transferred for trial in Yaoundé. In addition, the Maroua-based military court sometimes holds hearings in other parts of the Far North region, in particular, the town of Yagoua.

Military trials are public, although at least one journalist has complained of obstacles to attending Boko Haram-related proceedings in Yaoundé.¹⁶⁹

Most cases involve multiple defendants. In both February and April 2016, Amnesty International delegates attending military hearings in Maroua saw hearings in cases in which more than 20 defendants appeared in court together. Sometimes the defendants were arrested together, but sometimes the links between them are more tenuous: they may live in the same village or area.



Defendants accused of belonging to or supporting Boko Haram prosecuted in military court.
©Amnesty International



As mentioned above, defendants frequently spend long periods — often over a year — in military and/or police custody before they are brought to court and assigned legal counsel. Once the actual trial process begins, it can go quickly: trials typically involve only one or two substantive hearings in which testimony is given and the two sides present arguments. A typical case will have an initial hearing in which the lawyer is appointed, then a hearing or two in which the substantive discussion is postponed, then a substantive hearing or two—each of which may last a couple of hours—and finally a hearing in which the verdict is announced. With a gap of a few weeks between hearings, the whole process can take two to three months.

Sometimes, however, trials drag on for purely procedural reasons. One defense lawyer told Amnesty International about a case involving 10 defendants, three of whom he represents. He took the case in July 2015 and as of April 2016 it was still pending, having been postponed eight times because the prosecutor had failed to provide the court with a necessary document attesting to the death in custody of one of the defendants.¹⁷⁰

¹⁶⁸ In trials observed by Amnesty International, interpreters were sometimes provided but in one instance a trial was postponed because an interpreter could not be found, and in another a non-professional found in the courtroom was used.

¹⁶⁹ See Mbom Sixtus, "Justice occulte pour Boko Haram au Cameroun", *Irin*, 5 April 2016.

¹⁷⁰ Amnesty International interviews, Maroua, 12 February 2016 and 17 April 2016.

5.3 FLAWED TRIAL PROCEEDINGS

Military trial proceedings in Boko Haram-related cases are marred by serious substantive and procedural defects in which the presumption of innocence, the right to an adequate defense and the independence of proceedings are all seriously undermined.



Military trial proceedings in Boko Haram-related cases are marred by serious substantive and procedural defects.
©Amnesty International

THIN AND UNRELIABLE EVIDENCE

Perhaps the most serious failing in many of these proceedings is the lack of solid evidence implicating the defendants.¹⁷¹ According to lawyers interviewed by Amnesty International, and in the cases directly observed, the evidence presented by the prosecution is in the form of written affidavits included in the case file, frequently from unnamed—and thus, to the defence, unknown—sources. Sometimes such sources will be identified in generic terms, for example as a “member of the watch committee” of the town or village at issue, but in other cases even that limited amount of identifying information is omitted. Informants are often simply described as “credible sources” (*sources dignes de foi*).¹⁷²

Because the accusers do not appear in court as witnesses, the defence has no opportunity to impeach their credibility or test their claims. “*The prosecution puts on no witnesses in these cases, giving us no meaningful possibility of confronting the evidence,*” a defence lawyer said.¹⁷³ Another lawyer said that when he raised this issue with the government he was told that protecting the anonymity of sources was necessary in order to safeguard their security.

Two defence counsels also said that they had certain clients who had claimed that they made statements contained in the case file under torture and other mistreatment. The lawyers suggested that judges generally responded by telling the defendants that they could now speak freely in court, but that they did not annul the allegedly coerced statements in the case files, nor order an inquiry into the allegations of torture.¹⁷⁴

Statements contained in the case files are also often general in nature, lacking specific detail that might be rebutted or disproved. A case file may claim, for example, that the local watch committee has identified the defendant as a known Boko Haram member without describing any specific actions of the defendant.¹⁷⁵

Finally, the prosecution often relies heavily on circumstantial evidence that might plausibly raise a suspicion of criminal activity, but which should not be sufficient to support a conviction. In hearings that Amnesty

¹⁷¹ The information in this section is based on the observations of Amnesty International delegates who attended military court proceedings in February and April 2016, as well as their interviews with defence counsel. During the three days of hearings that Amnesty International delegates attended, not a single witness testified on behalf of the prosecution; the prosecutor’s arguments were instead based on evidentiary material contained in the written case file.

¹⁷² Amnesty International obtained a copy of one case file and found it filled with such references.

¹⁷³ Amnesty International interview, Maroua, 20 April 2016.

¹⁷⁴ Amnesty International interviews, Maroua, 13 and 18 February 2016.

¹⁷⁵ Amnesty International interviews, Maroua, 12–13 February 2016, 18 February 2016 and 20 April 2016.

International attended, for example, the prosecution seemed to base a couple of cases on the mere fact that the defendants did not have a compelling enough explanation for the loss of a national identification card, or for traveling away from their home villages.¹⁷⁶

One of the defence lawyers interviewed by Amnesty International enumerated the kinds of “suspicious activities” that prosecutors use as proof of Boko Haram affiliation: “He comes home late at night. We’ve seen him with foreigners. He’s gotten rich. He bought a motorcycle.”¹⁷⁷ He said that because such claims are so easy to make, people use terrorism accusations to take revenge on their enemies. “Village feuds end up in court,” he explained.¹⁷⁸

The end result of these questionable evidentiary practices is, in the most extreme cases, the effective reversal of the burden of proof. Instead of prosecutors mustering reliable and convincing evidence to prove the defendants’ guilt, the burden is placed on defendants to demonstrate their innocence.

EXTREMELY LOW COMPENSATION FOR DEFENCE COUNSEL

Under Cameroonian law, defendants have the right to court-appointed counsel in all prosecutions with a possible penalty of death or life imprisonment. However, the lawyers are paid extremely poorly, receiving just 5,000 CFA (approximately 7 Euros) per hearing.¹⁷⁹ A typical case may involve four or five hearings. Moreover, lawyers are not compensated until appeals in a case have terminated and the case is formally closed, even though they will have had to incur certain costs. To date, according to the lawyers Amnesty International interviewed, none of the lawyers and apprentice lawyers interviewed by Amnesty International who represent defendants in Boko Haram-related cases in Maroua have yet received compensation for their work in these cases.

Because of such financial disincentives, defendants in nearly all of these cases are represented by apprentice lawyers who are rarely able to fund a vigorous defence or provide adequate representation. When asked, for example, why he had not contacted a defendant’s home village to try to obtain evidence to support the defendant’s alibi, one apprentice lawyer told Amnesty International that given the low compensation that he would be paid he could not afford to make the phone calls. Many of the apprentice lawyers who take these cases represent large number of defendants simultaneously—one told Amnesty International that he was currently representing more than 50—leaving them little time to do meaningful legal or factual research in any given case.¹⁸⁰

LACK OF INDEPENDENCE OF MILITARY COURTS

Military trials in Cameroon are heard by three people: the tribunal president, who is a military or civilian judge, and two military officers. While the tribunal president is trained in the law, the two military officers lack legal training.

The lack of independence and impartiality of military courts raises serious due process concerns.¹⁸¹ Because such courts belong to the executive rather than the judicial branch of government, and are generally staffed by military officers subservient to the executive, they typically have an institutional tendency to defer to the executive’s dictates. Recognizing military courts’ inherent bias, the Principles on Fair Trial in Africa state that they “should not in any circumstances whatsoever have jurisdiction over civilians.”¹⁸² In addition, human rights mechanisms such as the UN Working Group on Arbitrary Detention have stated categorically that military courts should not be authorized to impose the death penalty.¹⁸³

Amnesty International considers that the jurisdiction of military courts should be limited to trials of military personnel for breaches of military discipline.¹⁸⁴

¹⁷⁶ Military court, Maroua, 16 February 2016.

¹⁷⁷ Amnesty International interview, Maroua, 20 April 2016.

¹⁷⁸ Amnesty International interview, Maroua, 20 April 2016.

¹⁷⁹ Amnesty International interviews with defence counsel, February and April 2016.

¹⁸⁰ Defence counsel pointed out, in addition, that doing the necessary research in Boko Haram-related cases was more onerous than in normal criminal cases. In normal cases lawyers are allowed to photocopy the case files in order to study them at their leisure, but in Boko Haram-related cases they are only allowed to read the files and take notes from them in the court offices.

¹⁸¹ Amnesty International, Fair Trial Manual, Chapter 29.4.2. and 3 (Index: POL 30/002/2014).

¹⁸² The Principles on Fair Trial in Africa, Section L (c).

¹⁸³ Report of the Working group on arbitrary detention, UN Doc E/CN.4/1999/63 (1998), para. 80(d).

¹⁸⁴ Amnesty International, Fair Trial Manual, Chapter 26.6 (Index: POL 30/002/2014).



THE CASE OF FOUR WOMEN SENTENCED TO DEATH ON 18 APRIL 2016

The case of four women who were sentenced to death on 18 April 2016 - Kilanta Dangora, Martha Wetaya, Marie Dawandala and Damaris Doukoya - illustrates the problematic nature of military trials of Boko Haram suspects. Accused of espionage, clandestine immigration, and complicity with an armed group, the four were arrested in October 2014, prior to the passage of the anti-terrorism law; their trial was held in military court because these offenses are considered crimes against the state.¹⁸⁵ Amnesty International attended their sentencing hearing and interviewed their legal counsel, an apprentice lawyer.

The women first saw their lawyer on 5 February 2016, well over a year after their arrest. During a break in court proceedings, and with the assistance of the interpreter who normally does courtroom interpretation, the lawyer briefly interviewed the four women, learning the outlines of their stories. That interview was her only contact with the women outside of formal court proceedings.

The women, who knew each other, had similar stories of leaving Cameroon years ago to work as domestic servants in Nigeria. In October 2014, a couple of months after she and the others returned to Cameroon, one of the women was denounced by a member of the local watch committee as a Boko Haram spy, and was arrested. Under questioning, she apparently implicated the other three women, who were then also arrested.

The second hearing in the case was scheduled for 4 March 2016, but it was cancelled for procedural reasons. On 1 April 2016, the main trial proceeding was held. No outside witnesses appeared, either for the prosecution or the defence; the only people who testified were the women themselves. At the hearing, which lasted something less than three hours, the women denied any connection to Boko Haram.

According to the defence attorney, the only evidence against the four was a written statement from members of the local watch committee and the initial written statement of the first woman. This was enough to satisfy the court of their guilt, and at the fourth hearing in the case, held on 18 April 2016, the four defendants were sentenced to death.

¹⁸⁵ Amnesty International interview with defence counsel, 20 April 2016.

6. PRISON CONDITIONS

“Being held behind bars in Maroua can have life-threatening consequences. Many Boko Haram suspects have recently been sentenced to death. However, for those who received other sentences, it doesn’t really matter ... because to be in this prison is like to be on the death row.”¹⁸⁶

A religious and traditional leader from the Far North region.

Cameroon’s long-standing problem of overcrowded and insanitary prisons has become especially severe in the Far North region because of a major increase in the number of people arrested on accusations of supporting Boko Haram.

In 2015 Amnesty International documented the extremely poor conditions in Maroua’s prison, including overcrowding, inadequate food, lack of drinking water, limited medical care, and insanitary conditions.¹⁸⁷ Such conditions led to serious health problems for detainees, and at least 40 people died in custody as a result between March and May 2015.¹⁸⁸

In February 2016, Amnesty International delegates were able to visit the prison in Maroua, where the majority of Boko Haram suspects are held, and the ‘Prison Principale’ in Yaoundé. However, private interviews with detainees in Maroua were denied by the prison authorities.

¹⁸⁶ Amnesty International interview with a religious authority, Maroua, 14 February 2016. Key informants interview n°25.

¹⁸⁷ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon’s struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/af17/1991/2015/en/>; Amnesty International, *Making love a crime*, (Index: AFR 01/001/2013), <https://www.amnesty.org/en/documents/afro1/001/2013/en/> (accessed 31 August 2015); Amnesty International, *Republic of Cameroon: Make human rights a reality* (Index: AFR 17/001/2013), <https://www.amnesty.org/en/documents/af17/001/2013/en/> (accessed 31 August 2015); Amnesty International, *Cameroon: Only limited progress on human rights despite promises: Amnesty International Submission to the UN Universal Periodic Review, April-May 2013*, (Index: AFR 17/002/2012), <https://www.amnesty.org/en/documents/af17/002/2012/en/> (accessed 31 August 2015); Amnesty International, *Fear of torture or ill-treatment/prisoners of conscience/harsh prison conditions*, (Index: AFR 17/003/2006), 6 July 2006, <https://www.amnesty.org/en/documents/AFR17/003/2006/en/> (accessed 31 August 2015) See also: ACAT, *Report on the situation of prisons in Cameroon*, December 2011, <http://ccfd-terresolidaire.org/IMG/pdf/camerounrapportprison2011.pdf> (accessed 31 August 2015).

¹⁸⁸ Amnesty International, *Human rights under fire: Attacks and violations in Cameroon’s struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/af17/1991/2015/en/> (accessed 31 August 2015).

6.1 PRISON OVERCROWDING

Severe overcrowding is perhaps the most significant problem plaguing the prison in Maroua. As of February 2016, the facility – an old and physically decaying structure built with an intended capacity of 350 people - housed 1,470 people, an increase of 200 inmates compared to the figures collected by Amnesty International during its last visit in May 2015. More than half (813) of these detainees are being held on accusations of supporting Boko Haram. According to penitentiary authorities, the prison population in Maroua reached its peak in December 2015 with about 1,600 detainees.¹⁸⁹ Approximately 80 per cent of those detained were awaiting trial.¹⁹⁰

At the Prison Principale in Yaoundé, which can hold up to 250 people, the situation is better, with 176 detainees, as of 13 February 2016, an increase of about 60 since Amnesty International's last visit in September 2015. Close to three-quarters (129) of these detainees are being held on suspicion of supporting Boko Haram.¹⁹¹ Although in both prisons women and children are kept in separate wings, sentenced prisoners are mixed with those awaiting trial, healthy detainees with those who are sick, and petty offenders with suspected terrorists.

Conditions at the prison in Maroua lag far behind regional and international standards with respect to cells, sleeping facilities, ventilation, space, light, nutrition and sanitation, and amount to cruel, inhumane or degrading treatment.



An average of between 6 and 8 prisoners die each month due to insanitary conditions and extreme over-crowding in the Maroua prison. © Amnesty International

The prison has about 20 cells, the biggest of which confines up to 120 people, sharing a space that measures about 22 meters long and four meters wide, with very small windows.¹⁹² Detainees cannot stretch their legs while sleeping and take turns to do so. Although conditions are better at the Prison Principale in Yaoundé, Amnesty International's delegates were told that there are not enough beds for all prisoners and noticed that almost all Boko Haram suspects are chained. The use of chains either as punishment or as a means of restraint constitutes cruel, inhumane and degrading treatment.

Prison authorities have told Amnesty International that the government is taking steps to remedy the overcrowding crisis in Maroua, through both new constructions and the transfer of inmates to secondary detention facilities located in the Far North region.¹⁹³ Both of these strategies have been in place since 2015, but neither appears to have been sufficient to address the extreme levels of overcrowding. The construction of 12 new cells, ongoing since July 2015, has yet to be completed. The continuation of the growth of the prison population also risks offsetting the expansion in the prison capacity.

¹⁸⁹ Amnesty International interview with the Prison Manager, Maroua, 12 February 2016. Key informants interview n°28.

¹⁹⁰ 1200 out of 1470 prisoners are reported to be in pre-trial detention, according to information provided to Amnesty International by the Prison manager, Maroua, 12 February 2016.

¹⁹¹ Amnesty International interview with the Prison Manager, Yaoundé, 13 February 2016. Key informants interview n° 76.

¹⁹² Amnesty International, *Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram*, 16 September 2015, (Index: AFR 17/1991/2015), <https://www.amnesty.org/en/documents/afr17/1991/2015/en/> (accessed 31 August 2015).

¹⁹³ Amnesty International interview with the Prison Manager, Maroua, 12 February 2016. Key informants interview n°28.

6.2 LACK OF HYGIENE AND SANITATION; MALNUTRITION AND POOR MEDICAL CARE

Hygienic and sanitary conditions at the prison in Yaoundé appear to be adequate, with toilets in every cell and running water, yet those in Maroua continue to pose a serious, even life-threatening, health risks. Running water is sporadic, toilets are insufficient and broken, drains often clogged and there are no showers. Cells lack any sanitation facility, and detainees must relieve themselves in a bucket or by the door when cells are locked between 6 pm and 6 am.

Since Amnesty International's previous visit to the prison in Maroua in May 2015, some measures have been taken to improve the conditions with the support of the International Committee of the Red Cross (ICRC). These include the digging of a borehole, the construction of a water tower, the setting up of a water pump and a new generator.¹⁹⁴ These initiatives provide each prisoner with access to some 15 litres of water per day¹⁹⁵, yet remain insufficient to remedy the system's massive sanitary and hygienic defects.

Malnutrition is also a problem at Maroua prison. Adult male inmates receive only one meal per day, at lunch. Only the most vulnerable and sick – about 450 according to figures provided by prison authorities¹⁹⁶ - are provided with two meals per day. Children and women eat three times per day. Detainees must rely on their families to provide support, although visits have become restricted.

Medical care is rudimentary at best in both Maroua and Yaoundé. Amnesty International representatives received dozens of complaints from former detainees and relatives of detainees about the many deficiencies in medical attention, most frequently that doctors and nurses lacked even the most elementary medical supplies and medicines, that guards did not allow access to medical staff and that medical staff were not available. In Maroua there are two doctors, of whom one was available only part-time, for 1,470 inmates, and the prison pharmacy is understocked.¹⁹⁷ In the Prison Principale in Yaoundé there is no onsite doctor, and although a laboratory technician was hired and equipment purchased in January 2015, the laboratory was not yet operational by February 2016.¹⁹⁸

During their prison visits in Maroua, Amnesty International delegates saw inmates visibly malnourished, and/or displaying wounds and sores. The prison environment in Maroua is conducive to contracting and spreading disease, because of the unhygienic conditions and because overcrowding leads to close physical contact among prisoners. According to one of the two doctors assigned to the prison in Maroua, the most common health issues among detainees are anaemia, scabies, respiratory infections, malnutrition, and tuberculosis.¹⁹⁹ In Yaoundé they are malaria, scabies, diarrhoea and wounds due to prisoner-on-prisoner violence.²⁰⁰ Given the conditions, the high death toll registered in the prison in Maroua is not surprising. In Maroua there are six to eight deaths per month both at the prison and at the section of the hospital where detainees are brought when ill.²⁰¹

6.3 PRISONERS' CONTACTS WITH THE OUTSIDE WORLD

Fears of radicalization, prison breaks, and other security considerations have led the Prison Administrations in both Yaoundé and Maroua to impose restrictions on the extent to which those accused of supporting Boko Haram are allowed to communicate with people outside prison. Prisoner communication with family and friends in both Maroua and Yaoundé is prohibited, unless a formal authorization (*'permis de communiquer'*) is obtained before the military prosecutor. In Maroua only about 100 authorisations have been granted out of 813 requests. Visits to Boko Haram detainees have been banned in Maroua since at least July 2015 following an internal note signed by the Minister of Justice.²⁰²

¹⁹⁴ Amnesty International interview with the Prison Manager, Maroua, 12 February 2016. Key informants interview n°28.

¹⁹⁵ Amnesty International interview with representatives of an international humanitarian organisation, Yaoundé, 19 February 2016. Key informant interview n°58.

¹⁹⁶ Amnesty International interview with the Prison Manager, Maroua, 12 February 2016. Key informants interview n°28.

¹⁹⁷ Visit by Amnesty International to prison, Maroua, May 2015 and February 2016

¹⁹⁸ Amnesty International interview with Prison Manager, Yaoundé, September 2015.

¹⁹⁹ Amnesty International interview with the Doctor at the Prison, Maroua, 12 February 2016. Key informants interview n° 29.

²⁰⁰ Amnesty International interview with the Prison Manager, Yaoundé, 13 February 2016. Key informants interview n° 76.

²⁰¹ Amnesty International interview with the Doctor at the Prison, Maroua, 12 February 2016. Key informants interview n° 29.

²⁰² Amnesty International interview with the Prison Manager, Maroua, 12 February 2016. Key informants interview n°28.

Several detainees are held far from their families, including in Yaoundé, further reducing the possibility of visits²⁰³, because of the cost and also because some may have lost their identity papers, including during Boko Haram attacks in their towns and villages.

The importance detainees place on staying in contact with family and friends cannot be overlooked, particularly as they often rely on them for basic hygienic supplies, clothing and food, in the absence of adequate provision by prison authorities.

Even when visits are allowed, however, visitors are often subjected to humiliating treatment by prison guards in both Maroua and Yaoundé, including insults, threats, financial extortion and even arrest. Amnesty International has received dozens of testimonies from visitors who have been forced to give money to be able to see their incarcerated relative or even just drop off the food that they have prepared for them.²⁰⁴

In at least one case, the prison guards also temporarily held the pregnant wife of a detainee. Fati (not her real name), the wife of a man arrested by the BIR in November 2014, told Amnesty International that she was held by prison guards in Maroua for several hours.

"When I arrived at the prison in Maroua to see my husband, I had already walked for several hours and I was tired because I was pregnant. I got to see my husband and from the little window we were talking through I gave him his ID, which he had left home the day he was arrested. A guard saw me and took me to the entrance of the prison where I was kept for several hours. They didn't want to let me go. I cried and the guards said I had to pay to be freed. I said I had nothing but the money for the transportation to go back home, but they insisted. So I was forced to give 3,000 CFA (approximately US\$5.15027) and beg the bus driver to let me board on credit."²⁰⁵

²⁰³ Amnesty International interview with the Prison Manager, Yaoundé, 13 February 2016. Key informants interview n° 76.

²⁰⁴ Interviews by Amnesty International in Maroua and Yaoundé, February and April 2016. Victims and Witnesses Interviews n° 16, 17, 20, 21, 56, 87, 89, 91, 92, 97, 107, 108, 115, 122.

²⁰⁵ Amnesty International interviews with a woman, Maroua, 09 February 2016. Victims and Witnesses interview n°19.

7. RECOMMENDATIONS

Cameroon has both the right and obligation to take all lawful and necessary measures to protect its population from abuse committed by Boko Haram, but it must do so while respecting the human rights of those it seeks to protect. The findings of this report show that legal safeguards against arbitrary arrest, incommunicado detention, torture, enforced disappearances and unfair trials have been eroded and ignored. As the authorities seek to overcome the challenge posed by Boko Haram once and for all, they should take urgent measures – supported by Cameroon’s international partners – to remedy the human rights violations now prevalent throughout the justice system to ensure that Cameroonians who have been threatened by Boko Haram have their rights upheld, rather than violated, by those aiming to protect them.

TO THE CAMEROONIAN AUTHORITIES

ARBITRARY ARREST AND DETENTION

- Ensure arrests and detentions are conducted in compliance with international human rights and domestic law, and ensure all security forces are trained on and understand these norms;
- Ensure that there are sufficient, recognizable and precise grounds for arrest and that evidence is appropriately gathered. A suspect must only be arrested if there is a reasonable suspicion that he or she may have committed a crime. If there are insufficient grounds for arrest, the person must be immediately released;
- Ensure that detainees are promptly brought before an independent civilian court that upholds international fair-trial standards, are informed of the charges against them, and have knowledge of and access to legal procedures allowing them to challenge the legality of their detention;
- Ensure all detainees have prompt and unhindered access to their families, medical professionals and adequate legal assistance in accordance with international and regional standards;
- Make sure security forces only use force when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life;
- Issue clear orders to the military, the gendarmes and the police commanders to immediately cease the use of excessive force in the context of cordon and search operations and ensure security forces comply with international human rights law and standards on the use of force.

INCOMMUNICADO DETENTION

- End the practice of detaining and interrogating people outside of official detention sites, without access to a lawyer or their family;
- Provide human rights organizations and delegates of the International Committee of the Red Cross (ICRC) unhindered access to all official detention sites and military bases;
- Ensure that all persons deprived of their liberty are able to inform their families about the location and status of their detention, and are able to access a lawyer of their choice at all stages of interrogation.

TORTURE

- Conduct prompt, thorough, independent and impartial investigations into all allegations of torture, and other ill-treatment of people in all places of detention, and ensure that guards, interrogators and other detention officials who are responsible for the torture and ill-treatment of prisoners face disciplinary measures and criminal prosecution in fair trials before civilian courts without recourse to the death penalty;
- Respond quickly to complaints of ill-treatment, and ensure that prisoners have access to medical care on a regular basis;
- Ensure that all interrogators wear identifying uniforms and badges with their names and identification, and all individuals involved in interrogations are visible by the prisoners.

ENFORCED DISAPPEARANCES

- Conduct prompt, impartial and independent investigations into all cases of suspected enforced disappearances including the 24 names provided in writing by Amnesty International in May 2016 to concerned authorities, as well as those provided by Amnesty International in July 2015;
- Bring to justice all those suspected of criminal responsibility for ordering or carrying out enforced disappearances, irrespective of rank and status, in proceedings before civilian courts which uphold international fair trial standards and without recourse to the death penalty;
- Ensure that victims, including their family members, receive reparations, including compensation, restitution, rehabilitation, and guarantees of non-repetition;
- Ratify promptly the Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and inter-state complaints;
- Establish a system for cataloguing all cases of missing persons in Cameroon, with standardized criteria for collection and registration of data, accessible to relatives of the disappeared.

DEATHS IN CUSTODY

- Ensure thorough, prompt, effective, and impartial investigations of all suspected cases of death in custody. The methodology and findings of the investigations should be public, and authorities should ensure that persons identified by the investigation as having participated in an unlawful killing are held accountable;
- Publish official lists of all detainees who have died in Cameroonian detention facilities and prisons, including those operated by intelligence agencies and the military, and provide death certificates and autopsy results to the families.

PRISON CONDITIONS

- Ensure that conditions in detention facilities are humane and preserve prisoners' physical and psychological integrity by providing all detainees with professional medical care, adequate food, water, lighting, cooling, and ventilation, in accordance with international and regional standards;
- Conditions in the prison in Maroua, as well as in the section of the hospital where detainees are brought, should be immediately improved by:
 - Urgently ensuring that all detainees have access to professional medical care, suitable sanitation facilities, adequate food and water, and all other necessities of human survival;
 - Addressing overcrowding by completing projects to build new cells as soon as possible and/or considering viable relocation options for prisoners to other facilities;
 - Fully implementing in practice the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and its Optional Protocol;
- Conditions in the prison in Yaoundé should be improved by ending the use of chains to restrain detainees;
- Ensure that all detention facilities are subjected to unhindered, regular independent inspection by national and international human rights bodies, including the National Human Rights Commission, the ICRC, human rights NGOs and relevant mechanisms of the African Commission on Human and Peoples' Rights (ACHPR) and the United Nations;
- Ensure that an up-to-date, centralized register of all people arrested and detained is maintained and kept accessible to the relatives and lawyers of those arrested and detained, as well as to any other

people who may be concerned. The register must include the personal details of the detainees, the names and places of detention, the names of the individuals responsible for the detention, the date of arrest and detention, all transfers and the grounds for arrest and detention;

- End policies that prohibit family visits for prisoners accused of terrorism offenses and ensure efforts are made to house prisoners as near to their area of habitual residence as possible.

FAIR TRIALS AND MILITARY COURTS

- Bring the anti-terrorism law in line with international human rights standards. This should include:
 - Revoking the death penalty and disproportionate sanctions;
 - Giving civilian courts jurisdiction to adjudicate crimes of terrorism;
 - Amending Articles 2 and 3 by providing a narrower definition of terrorism that is consistent with good practice guidelines issued by the UN special rapporteur on human rights and counter-terrorism;
 - Amending Article 11 on police custody and making sure all individuals are promptly brought before a court and charged with a recognizable criminal offence within 48 hours;
- Ensure that all detainees are charged with a recognizable criminal offence and tried in accordance with international standards, or released;
- Ensure that detainees are brought promptly before a judge and have access to a procedure through which they may challenge the legality of their detention;
- Ensure that all detainees have prompt and ongoing access to their relatives, legal counsel and other third parties in accordance with international standards;
- Raise significantly the compensation paid to defence counsel. In particular, lawyers representing defendants facing a possible death penalty should receive sufficient compensation to fund a full defence, including to be able to investigate the full facts of the cases;
- Make sure that the criminal jurisdiction of military courts is limited to trials of members of the military for breaches of military discipline and does not extend to crimes over which civilian courts have jurisdiction, human rights violations or crimes under international law.

INTERNATIONAL TREATIES AND COOPERATION WITH UN HUMAN RIGHT MECHANISMS

- Ratify and domesticate international human rights treaties:
 - Ratify the Convention for the Protection of All Persons from Enforced Disappearance to receive and consider individual cases and inter-state complaints;
 - Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and establish an official moratorium on executions, with a view to abolishing the death penalty, as called for most recently by UN General Assembly resolution 69/186 of 18 December 2014;
 - Ratify the Rome Statute of the International Criminal Court and make the declaration under Article 12 (3) allowing the Court to exercise jurisdiction over all crimes covered under the Statute committed since it came into force in 2002;
- Cooperate with the UN Treaty Monitoring Bodies, including by submitting outstanding reports and implementing their recommendations;
- Cooperate with the Special Procedures, including by facilitating without delay the visits requested, including by the Special Rapporteurs on internally displaced persons and freedom of opinion and expression.

TO MEMBERS OF THE INTERNATIONAL COMMUNITY

- Provide financial and technical support to the justice sector in Cameroon, especially with a view toward ensuring that human rights are protected during arrests and detention, and to reforming the justice system to provide fair trials;
- Provide financial and technical support to reduce overcrowding and improve food, water and sanitation facilities in the prisons in Cameroon, including in Maroua;

- Urge Cameroonian authorities to investigate the human rights violations outlined in this report and to take the measures outlined to prevent arbitrary and incommunicado detention, torture, enforced disappearances, deaths in custody and inhumane prison conditions, as Cameroon committed to doing during its UPR in 2013;²⁰⁶
- Consider revising assistance and cooperation programs, including training, to Cameroonian security forces until a full, independent and impartial investigation has been undertaken into allegations of human rights violations committed and Cameroonian authorities take appropriate steps to hold perpetrators to account;
- Engage in the Universal Periodic Review of Cameroon when it comes up for its third examination in April-May 2018, including by holding the government accountable for the recommendations it accepted during its previous review in September 2013 and making new recommendations to address the most pressing human rights concerns in the country.
- Ensure appropriate follow up to the resolution adopted by the Human Rights Council Special Session on Atrocities committed by the terrorist group Boko Haram and its effects on human rights in the affected States, including by increasing the collaboration with states affected by the terrorist activities of Boko Haram to monitor and dry up sources of financing, and by bringing the perpetrators of the crimes committed by Boko Haram before competent courts in affected states and ensuring that those responsible for abuses of human rights and violations of international humanitarian law are held accountable.²⁰⁷

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Urge the government of Cameroon to comply with the Commission's 2003 Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa and the 2014 Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa and the 2016 Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa;
- Urgently request a visit to Cameroon to assess and establish the extent of human rights violations and abuses committed in the Far North region of Cameroon by Boko Haram and government security forces.

TO CIVIL SOCIETY ORGANIZATIONS

- Publicly monitor and report on cases of arbitrary arrests, unlawful detentions, torture and disappearances;
- Regularly submit alternative reports on human rights violations in Cameroon to the African Commission on Human and Peoples' Rights and the various UN human rights mechanisms and bodies.

²⁰⁶ Report of the Working Group on the Universal Periodic Review, Cameroon, paragraph 131.30 (Tunisia), 131.98 (Republic of Korea) and 131.106 (USA).

²⁰⁷ Human Rights Council resolution S-23/1, Atrocities committed by the terrorist group Boko Haram and its effects on human rights in the affected States, 1 April 2016.

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RIGHT CAUSE, WRONG MEANS:

HUMAN RIGHTS VIOLATED AND JUSTICE DENIED IN CAMEROON'S FIGHT AGAINST BOKO HARAM

Boko Haram has deliberately targeted civilians in a growing number of attacks on markets, mosques, churches, schools and bus stations in the Far North region of Cameroon.

In seeking to protect civilians from Boko Haram militants, Cameroon's authorities and security forces have committed human rights violations on a significant scale. They have arbitrarily arrested hundreds of individuals accused of supporting Boko Haram, often with little or no evidence, and detained them in inhumane, often life-threatening conditions.

Many detainees have been held in unofficial detention centers, with no access to a lawyer or their families, and often subjected to torture. Some have died in custody as a result of torture; others have been subjected to enforced disappearance, and their fate remains unknown to date.

In cases when authorities bring people to trial, their rights are routinely denied, and the use of anti-terrorist legislation and military courts leaves them with virtually no procedural guarantees. More than 100 people, including women, have been sentenced to death since July 2015 in deeply unfair trials, often based on little evidence.

The Cameroonian authorities have the right and obligation to take all lawful and necessary measures to protect civilians from abuses committed by Boko Haram and bring the perpetrators of these abuses to justice, but must do so while respecting the human rights of those it seeks to protect and ensuring perpetrators of violations are held accountable.