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Cameroon: is torture the new routine to address the anglophone crisis?

Contribution of civil society organizations to the adoption of the List of issues Prior to Reporting (LOIPR) established before the submission of the sixth periodic report of the Republic of Cameroon by the Committee Against Torture.

Report submitted under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Contributing NGOs:

- Center for Human Rights and Democracy in Africa
- Friends of The Press Network, freedom of expression and human rights organization
- Human is Rights
- Mandela Center International
- World Organisation Against Torture

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Presentation of the submitting organisations:

1. **The Centre for Human Rights and Democracy in Africa (hereinafter CHRDA)** is an independent, non-governmental, apolitical and non-profit making organization dedicated to the protection and advancement of human rights and the promotion of democracy as a political culture in Africa. It was founded in 2005 with headquarters in Buea, South West Region of Cameroon.
2. **Friends of The Press Network (FEPNET)**, is a freedom of expression and human rights organization founded in 2001, with head office in Kumba, Southwest, Cameroon. It is a national independent, and non-political organisation. FEPNET is affiliated to the National Commission on Human Rights and Freedoms of Cameroon (NCHRF).
3. **Human Is Right Cameroon (HSR)** is a non-governmental, apolitical and not for profit making organization devoted to the promotion, protection and advancement of human rights, rule of law and access to justice, democracy and peace in Cameroon and across Africa. HSR is engaged in diverse human rights activities through projects and research aimed at building a strong culture of human rights in Cameroon. HSR was created in 2009 and officially registered on August 2012.
4. **Mandela Center International**, is an international independent, apolitical and non-confessional non-governmental organization with a Special Consultative Status with UN (ECOSOC), well-specialized in all human rights defence and legal aid around the World. It was founded in 2015 and its international Permanent Executive Secretariat is based in Yaoundé-Cameroon, with offices in forty (40) countries in the world. Its main field of activities is torture and legal aid.
5. **The OMCT is an international**, independent, apolitical and non-confessional non-governmental organisation, founded in Geneva in 1985. Its international secretariat is based in Geneva, with offices in Brussels and Tunis. The OMCT is a member of the European Human Rights Defenders Protection mechanism and has consultative status before the United Nations Economic and Social Council (ECOSOC).

Introduction

Since its last review before the Committee Against Torture (CAT) in 2017 during the 65th session, Cameroon has faced numerous challenges in implementing the convention against torture. Since 2014 when the Boko haram insurgency erupted, the country has been without rest dealing with a violent security crisis in which mass human rights violations are committed by both government security forces and non-state armed groups. Majority of the Committee concluding observations and recommendations were orientated towards preventing and eliminating the use of torture in the government counter-insurgency operations.

Unfortunately, the outbreak of the so called anglophone crisis since 2016, has completely positioned the use of torture by security forces and armed separatists as an instrument benefiting from mitigating circumstances.

The government has not done a move in addressing the main recommendations of the Committee but has rather adopted a more violent approach trying to justify the use of torture in every circumstance, acting therefore exactly like non state armed groups that threaten, torture and kill civilians.

Our organisations have investigated and registered out of the 99 (ninety-nine) villages affected and 67 (sixty-seven) of there were severely burnt in the South West Region. While out of the 114 (one hundred and fourteen) affected villages in the North West Region, 69 (sixty-eight) were severely affected. The government security forces have adopted a punitive strategy in most communities accused to hide or collaborate with separatist groups. Torture has therefore become a daily routine in the Anglophone crisis as well as in the rest of the country.

The current contribution of civil society organisations aims to provide to the Committee Against Torture a List of (important) Issues Prior to the upcoming reporting process.

The Convention against Torture entered into force on 19th Dec 1986 for Cameroon that recognized the competence of the Committee to receive and consider individual communications under article 22 of the Convention against Torture, on 12th Oct 2000.

I. Definition of torture as a crime and appropriate punishment (arts. 1 and 4).

Despite the recommendations of the Committee following the 2017 review, Cameroon has not modified its criminal law to comply with the convention. The article 277-3 (4) of the new Criminal Code of 2016 does not provide for appropriate punishment inasmuch as, according to the scale of punishments established, the minimum punishment for an act of torture that results in the victim being unable to work for a period of less than 30 days is 2 years of imprisonment. The Committee had already deemed this insufficient since it would mean that the sentence could be suspended¹.

Pursuant to articles 90 and 91 of the Criminal Code, the sentence for an act of torture could be reduced to 1 year of imprisonment in cases where the court acknowledges attenuating circumstances. The Committee was already concerned by this provision and noticed that, most of the sentences handed down for acts of torture were very light.

The case of Ibrahim Bello is highly illustrative of this. In fact, the suspect was brutally interrogated, tortured and cut with a machete and electricity at the Ombessa police station, so that he had to be amputated in both legs. He also lost a paralyzed upper limb. After three years, the Mbam and Inoubou regional court in the Center region sentenced the two accused police officers respectively to 4 years 'imprisonment and to three years' suspended imprisonment². None of the police office officers were detained during the trial. This shows how attenuated are the punishment of torture cases in Cameroon.

Question of the Civil society organizations:

Give a follow up answer on the amendment of article 277-3 of the Criminal Code to make the crime of torture subject to punishment commensurate with the gravity of the offence.

¹ Committee against Torture, Concluding observations on the fifth periodic report of Cameroon, CAT/C/CMR/CO/5, § 21

² La complaisance des tribunaux camerounais décriée dans un cas extrême de brutalité policière, <https://www.voaafrique.com/a/demande-de-justice-pour-ibrahim-bello-torturé-par-la-police-camerounaise/5448950.html>

Give an overview of the sentences given to all public officials condemned for acts of torture and ill treatments.

II. Extrajudicial executions and enforced disappearances during security operations

1. Follow up issues on Boko haram counter-insurgency operations

The Committee had deplored in its Concluding observations on the fifth periodic report of Cameroon (CAT/C/CMR/CO/5, §9) the killing of more than 70 people by Cameroonian defence forces during cordon-and-search operations and disposed of their bodies in a mass grave in Mindif. The committee has also indicated its concerns about the whereabouts of over 100 persons arrested in Doublé and Magdemé on 27 December 2014 and taken to the gendarmerie in Maroua. Questions remain pending about the killing of 7 persons by the rapid intervention battalion during an operation in Bornori in November 2014, and of at least 30 other persons by the army in Achigachiya in January 2015. and that 17 additional enforced disappearances had been reported between April 2015 and February 2016.

Question of the Civil society organizations:

Provide a disaggregated data on persons who have been victims of abuse by Boko Haram, indicating the type of violation, the harm caused

Inform the committee on the whereabouts of the persons reported as missing, in particular those who went missing after their arrest by the security forces

2. Enforced disappearances and summary killings in the case of the anglophone crisis

- The massacre of unarmed civilians in Ngarbuh,

On February 14, 2020, Government forces of the Rapid Intervention Battalion (BIR), the elite unit of the Cameroonian army and armed ethnic Fulani killed between 13 to 21 civilians in

Ngarbuh village, in Donga Mantung division, in the North-West region of Cameroon. Human Rights Watch who investigated the incident, indicates that this included 13 children and 1 pregnant woman. The government in a report published following an investigation prescribed by the President of the republic recognized its implication in the massacre but contested the figures, claiming that only 13 persons were killed. The security forces burned five homes, pillaged scores of other properties, and beat residents. Some of the bodies of the victims were found burned inside their homes. The government denies that its troops have deliberately committed crimes but rather committed a blunder without the knowledge of the hierarchy³.

- The killing of civilians in Menka-Pinyin

On May 25, in Menka-Pinyin, Santa Subdivision of the Northwest Region, elements of the Gendarmerie, the 51st Motorized Infantry Brigade, and the Special Operations Group of the National Police carried out a raid on a location believed to harbor Anglophone activists, killing 27 persons, according to official sources⁴.

In a news release circulated on social media, Cameroon military spokesperson Colonel Didier Badjeck recognized the killings but described the victims as terrorists who had engaged in a fire fight with the military⁵.

- The murder of Florence Ayafor by non-state armed groups

Florence Ayafor was a 46-year-old prison guard at the Bamenda Central Prison who was gruesomely murdered by unidentified persons in the North West Region. The murderers posted on social media the live video of her dismembered parts. She was reportedly abducted and murdered on her way back from a funeral in Pinyin, Santa Subdivision on September 22, 2019. Local sources indicate that the authors of this crimes are members of separatist groups. The Governor of the region visited the family and handed FCFA one million to the family. Although he promised that investigations are on course to find the authors of this crime, no public announcement and prosecution have been done regarding that until now⁶.

³ <https://news.un.org/en/story/2020/04/1062402>

⁴ USA State of Department, 2018 Country Reports on Human Rights Practices: Cameroon, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/cameroon/>

⁵ Moki Edwin Kindzeka, Dozens of Cameroon Youth Killed in South, May 27, 2018, <https://www.voanews.com/africa/dozens-cameroon-youth-killed-south>

⁶ Cameroon: Bamenda - Govt Hunts Florence Ayafor's Murderers, <https://allafrica.com/stories/201910230452.html>, 23rd October 2019

- The murder of Mr. Princely Ojong, Ashu, the new Mayor of Mamfe

Princely Ojong Ashu, the 34 years old, newly elected Mayor of Mamfe, a locality in the Manyu Division, South West region of Cameroon was brutally assassinated on May 10th, 2020 by alleged separatist fighters. According to reports, separatist fighters in Mamfe, called him and claimed they wanted to lay down their arms. He was then shot and killed around Eshobi, some 8 kilometres on his way to Mamfe⁷.

Question of the Civil society organizations:

What steps have been taken to strengthen to exercise strict control over the security forces to prevent them from carrying out extrajudicial executions, enforced disappearances or arbitrary detentions?

What effective redress including fair and appropriate compensation and rehabilitation have been provided to all victims of the anglophone and Boko haram crisis

III. fundamental guarantees: Arbitrary arrest and torture at incommunicado detention centres (arts. 2 and 16).

Local and international NGOs have reported during the last years that the security forces are making widespread use of torture against individuals accused of being or supporting secessionist groups in the anglophones regions of the country. Many individuals, civil society leaders journalist, lawyers and political leaders were held incommunicado by the regular army and by members of the rapid intervention battalion in unofficial detention centres, such as

⁷ Cameroon: Murdered Mamfe Mayor laid to rest, <https://www.journalducameroun.com/en/cameroon-mamfe-mayor-assassinated-in-may-laid-to-rest/>

Military Intelligence Service, (SEMIL), Military Intelligence Center (CRM) at the Mindef Headquarters, Secretariat for State for Defense in charge of the National Gendarmerie (SED), the 21st Motorized Infantry Battalion in Buea, The BIR Camp in Tolè, Buea or the centre operated by the Directorate General of External Research (DGRE), known as DGRE Lac. According to those same reports, the individuals in question were subjected to various forms of torture and inhuman conditions of detention. In the light of such detailed allegations, the Committee is gravely concerned by the fact that the State party did not clarify whether investigations were being or had been launched into these allegations of torture and incommunicado detention, despite the questions asked by the Committee during the dialogue (arts. 2, 12, 13, 15 and 16).

The amendment of the Anti-Terrorism Act (Act No. 2014/028) by Act No. 2017/012 limiting the time a person may be held in police custody, has not sufficiently resolve the problem of abuse detentions on the basis of the terrorist law. There are still violations of the right of individual to notify family members or to see a lawyer and a medical doctor in the first hours of his or her arrest. In many cases, people are not informed of the reasons of their arrest and of any charges, nor do they have a lawyer present as from the moment of detention. In many cases arrests are still being carried out without a warrant, often on the basis of thin evidence.

1. Political leaders: Maurice Kamto, Mamadou Mota and others

According to Human rights watch “Cameroonian authorities held more than 100 people incommunicado and tortured many of them in a detention center in Yaoundé, the capital of Cameroon, between July 23 and August 4, 2019”⁸. The detainees were composed of people suspected of belonging to or supporting armed separatist groups operating in the English-speaking regions of Cameroon and members and supporters of the Movement for the Renaissance of Cameroon (MRC), an opposition party. They have been detained at the State Secretariat for Defense (SED), the following a riot of detainees at the Yaoundé central prison on July 22th, 2019 to protest against overcrowding, the disastrous living conditions and delays in processing cases before the courts. MRC vice-president Mamadou Mota, was part of the detainees and informed the press he was beaten and his hand broken.

⁸ <https://www.hrw.org/fr/news/2019/08/20/cameroun-des-detenus-tortures>

The leader of the Mouvement pour la Renaissance du Cameroun (MRC), Mr. Kamto was also arrested in January 2019 with hundreds of supporters after holding peaceful demonstrations to protest the outcome of the 2018 elections. His arrest and detention were done without a warrant and was qualified by his lawyers as unlawful and degrading. He faced charges of insurrection in a military trial which were then dropped 9 months later following a decision of the president of the Republic⁹.

2. Anglophone citizens accused of secessionism

- Tabassang Augustine

Mr. Tabassang Augustine was arrested by the Military in November 2019 without a warrant in Bepanda in Douala, Littoral Region and detained incommunicado for 7 months in an unknown location where he is alleged to have been subjected to torture.

He was discovered on the 15 June 2020 at the Secretariat of State for Defense in charge of the National Gendarmerie (SED) in Yaoundé, Center region. Mr. Tabassang Augustine has been in detention in SED for 19 days. Before being transferred to the SED, he held at the Military Intelligence Service (SEMIL) where he was detained incommunicado for seven months and allegedly subjected to torture. He was never presented before the State Prosecutor of the Military Tribunal in Littoral Region.

- Mr. Foshi Vitalis

Mr. Foshi Vitalis was arrested by the Military on 3 April 2020 without a warrant at Cape Douala and taken during the night to Yaoundé and detained incommunicado in an unknown location which was later known to be the Military Intelligence Service, (SEMIL) where he was detained for 55 days. He was later transferred to Secretariat for State for Defense in charge of the National Gendarmerie (SED). where he has been detained for 19 days.

He was never presented before the State Prosecutor of the Military Tribunal of the the Littoral.

⁹ <https://news.un.org/en/story/2019/10/1048642>

- Mr. Woyo Marius

Mr. Woyo Marius was arrested by the Military without a warrant on 3 April 2020 at Cape Douala and taken during the night to Yaounde and detained incommunicado in an unknown location which was later known to be the Military Intelligence Service, (SIMIL) where he was detained for 55 days. He was later transferred to the Secretariat For State for Defense Incharge of the National Gendarmerie (SED) Yaoundé where he has been detained for 19 days.

He was never presented before the State Prosecutor of the Military Tribunal of the Littoral.

- Mr. Louis Bonkuyung

Mr. Louis Bonkuyung was arrested by the Military in Fouban on the 11 June 2020 without a warrant and without informing him of the reasons for his arrest and taken to the Gendarmerie Brigade in Bafoussam. He was later transferred to the Secretariat for State for Defense Incharge of the National Gendarmerie (SED) in Yaoundé.

He was never presented before the State Prosecutor of the Military Tribunal of the West Region.

3. Human rights defenders and journalists

- Mr. Kingsley FUMUNYUY NJOKA¹⁰

Mr. Kingsley FUMUNYUY NJOKA, is an English-speaking journalist that has been missing since May 15, 2020, around 6 am. He was found on June 8th, 2020 at the Central Service for Judicial Research (SCRJ) at the Secretariat of Defense (SED) in charge of the national gendarmerie; in Yaoundé. He was arrested in front of his residence at Bonaberi, in the Subdivision of Douala IV, by four (04) incognito security officers amongst them a lady without the knowledge of his family. His home thoroughly, and in forcing his seriously ill wife to assist them during this systematic search. He was taken to the police headquarters in Bonanjo Douala, where he was

¹⁰ Mandela Center International, URGENT ALERT N°64/MCI, A JOURNALIST TORTURED FOR 25 DAYS IN MILITARY FACILITIES IN YAOUNDE

ferried, handcuffed and hooded that same May 15, 2020 to the Center for Military Intelligence (CRM), to the Ministry of Defense in Yaoundé where he suffered serious acts of torture, cruel, inhuman and degrading treatment during incommunicado detention for 23 days before being taken to the Central Judicial Research Service of the SED for "thorough exploitation". During his long incommunicado detention, in addition to severe acts of torture of all kinds, he stayed for several days in inhuman conditions, in a makeshift cell before being transferred to the SED. He was finally presented to a military judge and charge of crime of session and terrorism.

- Mr. Samuel Ajiekah Abuwe, aka Samuel Wazizi¹¹

Mr. Samuel Ajiekah Abuwe was a journalist who has been arbitrarily arrested by security forces on August 3rd, 2019 in Muea, in Buea in the Southwest Region and transferred on the 7th of June 2020, at the 21st Motorized Infantry Battalion in Buea in the Southwest Region, where has been subject to prolonged incommunicado detention. His lawyers, family and doctors never had access to him. According to his lawyer, the Police Commissioner of the 3rd Police District Muea, Mr. Nzemssing David said that Mr. Samuel was detained in connection to offences to the anti-terrorism laws in Cameroon.

The government announced his death from illness while in custody 10 months after his arrest. Despite several habeas corpus filed by his lawyers. The Cameroon National Union of Journalists, (SNJC) alleged that he died from acts of torture while in detention.

- **KOAGNE NYEPO Blaise ELEME, tortured at the Bafoussam Gendarmerie Group**

On May 11, 2020 at 3 pm, KOAGNE NYEPO Blaise ELEME was surrounded and arrested, without an arrest warrant, no justice order and without any prior summons while he was at home. They forcibly deported him, and he did not know the destination until when he was locked up in one of the cells of the Bafoussam Gendarmerie Group.

¹¹ Cameroon: Confirmation of the death while in detention of Mr. Samuel Ajiekah Abuwe, aka Samuel Wazizi, <https://www.omct.org/human-rights-defenders/urgent-interventions/cameroon/2020/06/d25884/>

He spent 72 hours (03 days) under moral and physical torture, cruel, inhuman and degrading treatment and as if that were not enough, they demanded a total of 500,000 FCFA (Five hundred thousand francs) for his release which he paid.

- **Wirba Didymus Nsoseka, Yaounde central prison: tortured to confess**

On the 19/02/18, the young Wirba Didymus Nsoseka was abducted by unidentified gun men in Mankon - Bamenda in Mezam Division of Cameroon that he is a separatist fighter. These gun men under the commands of Commissioner Ade Ernest Ndifor, police officer Yenkong Oseni and Inspector Essomba Mengolu took him to the judicial police and kept him there for 2 days where he was severely tortured, and all his legs and body were swollen, and he had severe fever.

From the judicial police, he was taken to the military camp in Bafut. While there, as the swollen body and legs improved, they tore his dresses and tied his face with so that he could not see, handcuffed him and tied his legs and put him on gravel. They then connected electric pressing iron and ironed him with it.

They later used electric pliers and plie his Penis with it, put on the current and he was under electrocution process, poured salted water on him with the lacerated wounds they inflicted on him. Foams and blood started oozing from his mouth, nose and ears and he defecated on himself unconsciously. His hand and legs got swollen again as torture had continued.

Thereafter, they forced and threaten him to accept that he is a separatist fighter. He was transferred to the DGRE in Yaoundé after refusing to confess. He was kept there in a small tiny cell without water and access to light.

A week later he was visited by the Minister of territorial administration, Mr. Atanga Nji who promised to release him if he confessed. His renewed refusal to admit his belong to separatist groups led him to further torture ordered by the Minister. He was kept there for five months under continuous torture without medication. From DGRE, he was taken again to the judicial police where he made 2 months before being brought to Kondengui Central Prison where he was tortured by gendarmes, police and warders.

Question of the Civil society organizations:

- How many persons received compensation for unlawful detention or police custody?
- Can the government provide information on the numerous cases of people arrested and detained incommunicado?
- Give information on the use of incommunicado detention and the secret or unofficial detention centers, including ungazetted military detention centres.
- Give measures taken to conduct an inquiry into the existence of such places and any persons held there.
- How many persons had been subjected to arbitrary arrest and how many of State officials who had been punished for such acts?

IV. National Commission on Human Rights and Freedoms and prevention of torture

the National Commission on Human Rights and Freedoms has been re-accredited, with A status, to the Global Alliance of National Human Rights Institutions. However, there are reasons to believe that the Commission should not be perceived as a fully independent body and, in particular, about: (a) the process for selecting its members, which is not inclusive or transparent; (b) the fact that the Commission's membership includes members of Parliament and senators, who have voting rights; and (c) reports that the Commission's funding is limited and its access and visit certain places of detention is restricted (art. 2)¹².

In its own 2017 report the NCHRF recognized that certain provisions of Article 2 of the 2004 law *"which state that such visits should be in the presence of the competent state council or his representative could actually obstruct the fulfilment of the Commission's missions of inspecting places of deprivation of liberty. Such requirement actually defeats the element of surprise in such checks and furthermore, the unavailability of the state council or his refusal to collaborate does not authorize the Commission to perform its statutory duty of inspecting. Whereas, in Cameroon, detention centres are unpopular homes par excellence of torture"*¹³.

¹² Human Rights Committee, Concluding observations on the fifth periodic report of Cameroon, CCPR/C/CMR/CO/5, §7

¹³ NCHRF, Report on the state of human right in Cameroon in 2017, p. 15
http://www.cndhl.cm/sites/default/files/NCHRF_EDH_%202017_0.pdf

In the same report, the NCHRF clearly reveals that it was denied access to certain detention facilities where those arrested following upheavals in the Northwest and Southwest Regions are held by the State Prosecutor at the military court who declared that “he could not accompany the NCHRF to the DGRE, the DST and the services of certain special bodies in charge of public security or intelligence, for the reason that the activities of these Services do not fall within his area of competence”¹⁴.

On June 26, 2019, the government submitted a “bill establishing, organizing, and operating the Cameroon Human Rights Commission” at the parliament. The introduction of this text of 68 articles intending to restructure and align the Commission National Commission for Human Rights and Freedoms (NCHRF) with international standards, was done without any previous consultation with human rights civil society organisations¹⁵.

Question of the Civil society organizations:

- The State party should provide information to the CAT on the review process of the Act No. 2004/016 of 22 July 2004 in order to ensure that the process for selecting and appointing the Commission’s members is transparent and independent and to include a provision on the conflict-of-interest rules that apply to those members
- Would the Cameroon government modify the draft law modifying and restructuring the NCHRF to align it with the OPCAT?
- What measures have been taken to establish a national preventive mechanism?
- Modify how members of the National Commission on Human Rights and Freedoms are appointed and make them more independent of the executive branch;
- What are the new measures taken to guarantee the independence of Commission including its financial autonomy?
- Will the new law allow the Commission to conduct regular and unannounced visits to all places of detention, civilian and military alike, including unofficial ones?

¹⁴ Idem

¹⁵ PREOCCUPATIONS SUR LE PROJET DE LOI PORTANT CREATION D’UNE NOUVELLE COMMISSION NATIONALE DES DROITS DE L’HOMME AU CAMEROUN, <http://ndhcam.org/wp-content/uploads/2019/07/Communiqué-de-presse-Projet-de-Loi-Commission-Nationale-DH.pdf>

V. Impunity for acts of torture and ill-treatment (art. 12)

In several cases of torture Cameroon did not carry out an impartial investigation, when there were reasonable grounds to believe that an act of torture had been committed. The impunity is not limited to the violations occurred in the framework of the Anglophone crisis.

The Committee Against Torture during its 44th session in April 2010, referred to a sexual violence case which was more than 10 years, in those 10 years there had been repeated initiatives and requests for investigation and justice¹⁶. On 17 April 1998, members of the 11th Navy Battalion of Ekondo Titi had perpetrated a number of rapes, other torture and looting in Ndian Division, Southwest Province. A number of women had been forced to engage in very degrading acts, beaten and raped, thereby suffering severe injuries and abortions in the case of some pregnant women. Reports on the violence had been sent to the Cameroonian authorities on several occasions, the first time in 1998 to the Prime Minister and Head of Government, Mr. Peter Mafany Musonge. There had been no response. Some of those assaults against civilian women had not only been led high-ranking naval officers but had also been abetted by local authorities.

The Committee Against Torture had also focused on another case of impunity that occurred during the riots of February 2008. The authorities have also failed till to date, to conduct an independent judicial inquiry and prosecute security forces that were involved in the summary killings of almost 100 youths¹⁷.

The United Nations officials have extensively and repetitively invited the Government of Cameroon to investigate and punish human rights violations in the anglophone regions by security forces. This was contained in the statement of UN experts who called the government to *“take effective measures to prosecute and sanction all those responsible for such violations”*¹⁸(Nov, 2017), similarly the United Nations Office of the High Commissioner of Human Rights (UNOHCHR) urged *“the Government to launch independent investigations into*

¹⁶ Consideration of reports submitted by States parties under article 19 of the Convention, CAT/C/SR.930, 44th session Wednesday, 28 April 2010.

¹⁷ Idem

¹⁸ Cameroon: human rights must be respected to end cycle of violence - UN experts, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22409&LangID=E>,

the reports of human rights violations by State security forces as well as abuses by armed elements” (July 2018)¹⁹.

During a visit in Cameroon Mrs Michelle Bachelet the HCHR after meeting the President of the republic also *“raised the issue of lack of access for both international and national human rights workers – including the National Commission on Human Rights and Freedoms – and the humanitarian agencies, to the affected regions”* to investigate human rights violations. *“The lack of access is feeding international and local mistrust: including mistrust of the casualty figures; suspicions and competing narratives about who is responsible for which violations and abuses; and reluctance to give full support to the Government’s efforts to deal with these crises, for fear that the lack of access and lack of clarity is masking something untoward”²⁰*

The government has carried out investigations and published the results of two recent extrajudicial killings by military in 2017 in the far north and in February 2020 in the south west region. Although trials have started against the accused soldiers at the Yaoundé military court, hearings are not public, and the military command has not been accused for its eventual responsibility.

Despite the CAT recommendation, a protection programme for witnesses and victims of torture has still not been implemented and the law does not provide for such a programme.

Question of the Civil society organizations:

- The government should provide statistics on investigations conducted, prosecutions launched, and convictions handed down in cases involving torture or ill-treatment notably in the framework of the anglophone crisis.
- What steps have been taken to establish a protection program for victims and witness?
- Has the government investigated the 17 April 1998 incident in Lobe Town village involving the 11th Navy Battalion and the February 2008 riots to ensure that the perpetrators are prosecuted, and the victims compensated?

¹⁹ UN Human Rights Chief deeply alarmed by reports of serious rights breaches in Cameroon, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23404&LangID=E>

²⁰ Bachelet welcomes Cameroon’s willingness to cooperate to tackle human rights crises, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24565&LangID=E>, GENEVA (6 May 2019)

VI. Competence of military courts to judge civilians (art. 12).

During the last years, the Cameroonian legislation has allowed military court to judge civilians, mainly arrested in the framework of the anglophone crisis and the book-haram counter insurgency. The Act No. 2014/028 on the repression of terrorist acts attributes competence for cases involving such acts to the military courts. The competence of the military courts to try civilians was further broadened by Act No. 2017/12 of 12 July 2017 on the Code of Military Justice. In the last 4 years, almost 1000 anglophone civilians have been arrested on the charges of terrorism and put under the jurisdiction of the military tribunal of Yaoundé.

- **Sisiku Julius Ayuk Tabe and his nine co-defendants**

Sisiku Julius Ayuk Tabe and his nine co-defendants, are leaders of the separatist movements in the two english speaking regions. They have been arrested in Nigeria, where they had applied for refugee status, in January 25th, 2018 and transferred to SED in Yaoundé where they have been in incommunicado detention for up to 6 months. UNHCHR condemned this forced returned of asylum seekers and refugees in a country where they could face torture and death penalty²¹.

They spent between 8 and 12 months at the SED before being transferred to an official prison. Prolonged incommunicado detention is current in Cameroon and is a form of cruel, inhuman, and degrading treatment or punishment.

They were found guilty of apology for acts of terrorism, secession, complicity in acts of terrorism, financing of acts of terrorism, revolution, insurrection, hostility against the fatherland, propagation of false news, attack on the internal and external security of the State, failure to have a national identity Card after an interminable hearing by, the Yaoundé military court. In addition to life imprisonment, they were also fined 250 billion CFA francs (381 million euros)²². Human Rights Watch estimated" that the military court issued a speedy verdict and conviction without giving the accused a meaningful opportunity to defend themselves". The trial that last lasted all the night long was held in French without English translation and in the

²¹ <https://www.unhcr.org/fr/news/press/2018/2/5a74217ea/hcr-condamne-retours-forces-demandeurs-dasile-camerounais-nigeria.html>

²² <https://www.jeuneafrique.com/817996/politique/cameroun-sisiku-ayuk-tabe-et-neuf-autres-separatistes-anglophones-condamnes-a-la-prison-a-vie/>

absence of their lawyers²³. Almost a year after they filed an appeal to the decision of the military court the trial has still not taken place and they have been denied several times to meet their lawyers.

Many other political and civil society leaders have been tried before the military court of Yaoundé

Question of the Civil society organizations:

How does the government guarantee a fair trial of civilians before military courts?

What steps have been taken to amend legislation to revoke the competence of military jurisdictions to try civilians, including in cases involving acts of terrorism and secessionism.

VII. Conditions of detention (arts. 2, 16)

The prison system of Cameroon is marred by chronic overcrowding of prisons, where the occupancy rates vary from region to region from 90% to 294%. The two main prisons of Yaoundé and Douala regions have occupancy rates of respectively 193 and 299% with more than 70% being in pre-trial detention. The situation in other prisons where there are currently army counter-insurgency operations, is not much better. The prison in Maroua, in the Far North region, was designed for 350 detainees but it currently has more than 1,470, of which around 70% are awaiting trial. Buea central prison in the troubled South West region has been built for 700 people. But this prison, but currently has more than 2,000, including a majority in pretrial detention awaiting trial²⁴.

Overcrowding has reportedly lain at the root of several riots including a very violent one that happened in 2019 in Yaoundé prison. Many of people in pretrial detention are not separated from convicted prisoners. Inmates live in deplorable conditions in prisons and inadequate

²³ <https://www.hrw.org/fr/news/2019/09/03/cameroun-les-leaders-separatistes-font-appel-de-leur-condamnation>

²⁴ <https://www.hrw.org/fr/news/2020/03/27/le-cameroun-devrait-protger-la-population-carcerale-contre-le-covid-19>

medical care, owing to very inadequate medical staffing. In Cameroon, according to the health map of Cameroonian penitentiaries, a doctor covers a population of 1,383 detainees.

The government has recently taken steps to avoid the spread of the Covid-19 virus in prisons, but they were proven insufficient and delayed. The government released 1300 persons in April 14th, 2020, more than a month and half after the first case appeared in the country²⁵. Some media have even reported that there have been cases of contamination in the Yaoundé prison which almost provoked a riot²⁶. Although visits have been suspended and prisons equip with hygienic materials and test kits, the risk remain very high²⁷.

Apart from the presidential decree in October 2019 to grant presidential pardon to some categories of inmates and the recent one in April 2020 as a measure to reduce the rate of propagation of Covid19, no other measure has been put in place by the state to reduce prisons overcrowding.

Last, Decree No. 92/052 on the prison system provides for the use of chaining as a disciplinary measure for up to 15 days (arts. 2, 11 and 16).

Question of the Civil society organizations:

What measures have been taken to address the situation of prison overcrowding, and the high number of persons in pre-trial detention?

Can the government provide statistics on the use of alternatives to detention?

VIII. Follow-up to recommendations and/or decisions of international and regional human rights mechanisms;

²⁵ <https://www.lefigaro.fr/international/coronavirus-plus-de-1300-detenus-liberes-au-cameroun-20200423>

²⁶ <https://www.jeuneafrique.com/927891/politique/cameroun-comment-une-rumeur-sur-le-coronavirus-a-failli-embraser-la-prison-de-yaounde/>

²⁷ <http://www.cndhl.cm/?q=fr/content/riposte-contre-le-coronavirus-en-milieu-carcéral%C2%A0remise-de-dons-dans-les-prisons-centrale>

- Case of PHILIP AFUSONNJARU,1353/2005

In 19 March 2007, the Human rights committee found that State of Cameroon has violated articles 7; 9, paragraphs 1, and 2, and 19, paragraph 2, in conjunction with article 2, paragraph 3 of the Covenant and was therefore responsible of Physical and mental torture; arbitrary detention; freedom of expression; security of the person and right to a remedy –

The committee has recommended that the government should ensure that: (a) criminal proceedings are initiated seeking the prompt prosecution and conviction of the persons responsible for the author's arrest and ill-treatment; (b) the author is protected from threats and/or intimidation from members of the security forces; and (c) he is granted effective reparation including full compensation.

But in its last Follow-up Progress Report on Individual Communications, the Human Rights Committee noticed that, despite arrangements made to compensate the author, the government had failed to effectively implement the Views. Until today, the author has not received the compensation he was entitled to²⁸.

Question of the Civil society organizations:

What steps the government has taken to implement the views of the human rights committee in the Philip Njaru case?

²⁸ Follow-up Progress Report on Individual Communications, the Human Rights Committee, CCPR/C/99/3, 2010