



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Sixth periodic report submitted by Cameroon  
under article 19 of the Convention pursuant to the  
simplified reporting procedure, due in 2021\*, \*\***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## List of acronyms and abbreviations

CAT	Committee against Torture
CFI	Court of First Instance
CHRC	Cameroon Human Rights Commission
CMJ	Code of Military Justice
CNHRO	Cameroon Network of Human Rights Organisations
CPC	Criminal Procedure Code
CRC	Cameroon Red Cross
CSO	Civil Society Organisation
DGSN	General Delegation for National Security
DSF	Defence and Security Forces
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GESP	Growth and Employment Strategy Paper
HC	High Court
HCR	United Nations High Commissioner for Refugees
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
JPO	Judicial Police Officer
LD	Legal Department
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MINAS	Ministry of Social Affairs
MINDEF	Ministry of Defence
MINJUSTICE	Ministry of Justice
MINPROFF	Ministry of Women's Empowerment and the Family
NCHRF	National Commission on Human Rights and Freedoms
NDS-30	National Development Strategy 2020-2030
NGO	Non-governmental Organisation
NGP	National Gender Policy
NMPT	National Mechanism for the Prevention of Torture
OVC	Orphans and Vulnerable Children
PC	Penal Code
REDHAC	Central African Human Rights Defenders Network
UNCHRD-CA	United Nations Centre for Human Rights and Democracy in Central Africa
UNICEF	United Nations Children's Fund

## Introduction

1. After the review of the 5<sup>th</sup> Periodic Report of the State of Cameroon under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 8 and 9 November 2017, the Committee against Torture (the Committee) adopted its concluding observations on 29 November 2017. In the said concluding observations, the Committee highlighted some positive aspects of the State's implementation of the Treaty, relating to the ratification of some international instruments, preparation of strategy tools, adoption of laws and regulations, putting in place of some institutions and all other efforts deployed by the State by way of implementing the Convention in its territory.

2. The Committee also noted some concerns and made recommendations thereto. In 2019, the State submitted a Follow-up report in response to some concerns considered a priority by the Committee relating to the fight against the *Boko Haram* terrorist group in the Far North Region (Recommendation 12), the humanitarian crisis relating to the influx of refugees and displaced persons in the said Region (Recommendation 18), the socio-political crisis in the North West and South West Regions (Recommendation 20) and the submission of instruments of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommendation 40).

3. It is worth noting that on 1 April 2014, the State of Cameroon accepted the simplified reporting procedure instituted by the Committee. Within this context therefore, on 2 December 2020, during the recess, the Committee adopted a List of Issues to be considered which was communicated to the State. The responses given to the concerns therein make up the 6<sup>th</sup> Periodic Report of the State of Cameroon pursuant to Article 19 of the Convention.

4. As usual, the Report was drafted following a participatory and an inclusive approach which involved public administrations, the Cameroon Human Rights Commission (CHRC) and Civil Society Organisations (CSOs). It covers the period from 2017 to 2021.

5. This 6<sup>th</sup> Periodic Report which has to be read in conjunction with the Common Core Document contains specific information on the implementation of Articles 1 to 16 of the Convention (I), information on other issues (II) and information on new measures and developments relating to the implementation of the Convention (III).

## I. Specific information on the implementation of articles 1 to 16 of the Convention, notably as regards previous recommendations of the Committee

### 1. Information on the follow-up of some recommendations which appear in previous concluding observations

#### (a) Regarding the issue of widespread use of torture in incommunicado detention centres

6. The State of Cameroon is not aware of the existence of secret detention centres in its territory. Official detention centres include Police and Gendarmerie Units as well as officially established prisons, set up pursuant to Decree No. 92/52 of 27 March 1992 on the prison system in Cameroon. Moreover, cases of torture, /as well as cases of cruel, inhuman or degrading treatments, remain scarce in detention centres.

7. Besides, the response found in the Follow-up Report (CAT/C/CMR/FCO/5) is still pertinent, that is to say/, in order to uphold its international commitments, the State Party has, through Circular Letter No. 190256/DV/MINDEF/1 of 18 January 2019 of the Minister of Defence, communicated by Note No. 153/MRP/GN/244 of 23 January 2019 of the Secretary of State to the Minister of Defence in charge of the National Gendarmerie, reminded the Defence and Security Forces (DSF) of the absolute prohibition of torture and warned that any public official who acts contrary shall be held personally liable.

8. During the period under review, allegations of torture and ill treatment as well as suspicious death in prison led to the opening of investigations, and where necessary to judicial proceedings against those concerned without prejudice to disciplinary sanctions. For

example, following allegations of assault occasioning death and torture on 18 May 2021 at the Koumtchoum checkpoint (in the Adamawa Region) against J.P., an investigation was opened against Private First Class L.B.D and 2 civilians. At the end of the investigation, the investigation report was submitted to the State Prosecutor at the Ngaoundere Military Tribunal. Preliminary inquiry was ongoing in the matter. Furthermore, following judgement No. 42/CRIM of 1 November 2017, the Kadey High Court (HC) in the East Region sentenced E.J.B, H.O. and A.M all police officers to 10 years imprisonment and a fine of CFAF 100,000 each for torture committed with co-offenders, on M.A., N.H. and I.F.

9. Relating to discipline, sanctions were imposed on law enforcement officials for offences, such as torture or inhuman treatment. Thus, in 2018, 26 Police Officers and 2 Warders were sanctioned, about 150 Police Officers, Gendarmes and Warders in 2019 and 9 Police Officers in 2020.

10. Regarding judicial proceedings, a Gendarme was sanctioned in 2018 for torture and proceedings were initiated against 4 Warders following inhuman treatment of detainees. In 2019, judicial proceedings were initiated against 2 Police Officers for illegal use of firearm and violence against a person in police custody. On 6 May 2020, the Mbam and Inoubou High Court, passing judgement in the Ibrahim BELLO case declared the two Police Officers concerned guilty of torture and grievous harm. First Grade Police Inspector D.S.J. was sentenced to an imprisonment term of 4 years while Judicial Police Officer B.N. was sentenced to a suspended 3 years imprisonment term. Both were ordered to pay the sum of CFAF 50,000,000 to the victim as damages. An appeal against the matter by the Legal Department and the accused was pending before the Centre Court of Appeal.

11. Registers for detainees and persons remanded in police custody are kept in all prisons and all judicial police units. Moreover, in conformity with the law, Human Rights observers are authorised to have access to these places of detention. This is the case with the Cameroon Human Rights Commission (CHRC),<sup>1</sup> the International Committee of the Red Cross (ICRC), the Cameroon Red Cross (CRC) and many other Non-Governmental Organisations (NGOs) and Human Rights associations.

12. In 2018, the National Commission on Human Rights and Freedoms (NCHRF) visited 19 central and main prisons across the nation to evaluate the detention conditions of inmates. In 2019, this institution visited 15 prisons and 36 gendarmerie brigades and police stations in 6 Regions of the country namely the Adamawa, North, Far North, Littoral, North West and Centre. For the visits carried out in 2021, refer to Point 6 (c), §60. Since 2017, the CRC has made about 10 visits to places of detention. On 18, 19, and 24 January 2018, the association called "*Protection Africaine des Droits de l'Homme et des Libertés*" (PADHL) visited the Monatelé and Sa'a Main Prisons as well as the police stations and Gendarmerie brigades of the Lekie Division<sup>2</sup> in the Centre Region.

13. In addition, the Department of Human Rights and International Cooperation and the Inspectorate General of Penitentiary Administration of the Ministry of Justice, and Legal Departments also conducted visits and controls of places of detention.

**(b) Regarding the issue of forced return in the Far North Region of Cameroon**

14. Contrary to some allegations, the State reiterates that firm instructions were given to military staff and police officers deployed to the Far North Region of Cameroon not to carry out forced return of Nigerian asylum seekers in compliance with the principle of non-refoulement. Following Circular Letter No. 190256/DV/MINDEF/01 of 18 January 2019 referred to above, the Minister of Defence reminded military officials of this principle.

15. Furthermore, the implementation of the process of voluntary repatriation of Nigerian refugees was carried out pursuant to the Tripartite Agreement signed on 2 March 2017 between the Republic of Cameroon, the Federal Republic of Nigeria and the High Commissioner for Refugees (HCR). This process, which began in 2019, slowed down in 2020 due to the closing of borders imposed by the Covid-19 pandemic. At the end of the said

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<sup>1</sup> Previously the National Commission on Human Rights and Freedoms (NCHRF).

<sup>2</sup> That is 4 Police stations, 1 police post and 7 Gendarmerie Brigades.

year, Cameroon was still playing host to a total of 117,422 Nigerian refugees settled in the Far North Region at the Minawao site and in Communities across several localities.

16. Generally, asylum seekers are identified and registered by Services of the General Delegation for National Security (DGSN) in partnership with the HCR. Since 2016, asylum seekers and refugees have been undergoing a biometric registration process and in 2020, they were 436,397.

**(c) Regarding the social crisis in the North West and South West Regions**

17. Given that all persons are subject to the criminal law according to Section 1 of the Penal Code, State employees sent to the North West and South West Regions are not exempted. In addition, allegations of excessive use of force, extrajudicial killings, ill-treatment and arbitrary arrests which they are accused of, led to the opening of objective investigations and where necessary to judicial proceedings.

18. In 2019, 31 military staff involved in 10 proceedings were prosecuted before the Bamenda Military Tribunal. Among the matters judged, sentences ranging from 12 months to 7 years imprisonment were passed for breach of rules, kidnapping with fraud, abuse of function, rape, conditional threats and capital murder, among others. By the end of 2019, 19 proceedings were pending before other trial courts within the jurisdiction of the North West Court of Appeal for various Human Rights violations.

19. On 7 November 2019, 48 proceedings were pending before the Buea Military Tribunal against 88 members of the DSF prosecuted for various offences committed against individuals notably breach of rules, capital murder, abuse of function, attempted murder, slight and simple harm, conditional threats, trespassing, indecency to a 16 years-old minor followed by rape, false arrest.

20. Furthermore, the State continued to make efforts for persons in detention to be tried without delay pursuant to section 114 of the Criminal Procedure Code (CPC), to inform them of the charges against them (sections 116, 119 and 359 of CPC), and that they have access to the courts to challenge the infringement of their rights. They could also at take advantage of the provisions of the CPC on habeas corpus (section 584 et seq of CPC) and application for release on bail (section 222 et seq of CPC). For example, in 2020, the High Courts in Cameroon granted 36 applications for immediate release. Concerning preliminary inquiry in the same year, Examining Magistrates granted 347 applications for release on bail.

21. The State of Cameroon reiterates that Law No. 2014/28 of 23 December 2014 on the suppression of acts of terrorism does not apply to persons who peacefully exercise their right to demonstrate following Law No. 90/53 of 19 December 1990 relating to freedom of association.

22. Pursuant to Law No. 90/54 of 19 December 1990 relating to the maintenance of law and order, Decree No. 2008/377 of 12 November 2008 to lay down the powers and duties of Heads of administrative units as well as the organisation and functioning of their services, and Decree No. 2019/30 of 23 January 2019 to organise the Ministry of Territorial Administration, administrative authorities are in charge of maintaining law and order. At operational level, the first and second categories of law enforcement officers who are Police officers and Gendarmes ensure the maintenance of law and order under the supervision of the said authorities.

**(d) Regarding the submission of instruments for the ratification of the optional protocol to the Convention**

23. The procedure for the submission of ratification instruments is ongoing.

## **Articles 1 and 4**

**2. Regarding the amendment of Section 277-3 of the Penal Code relating to torture**

24. Cameroon has laid down very severe and proportionate sentences taking into consideration the gravity of torture. Thus, this offence is punishable with life imprisonment,

should the victim die. The sentences range from 10 to 20 years imprisonment where torture causes a permanent deprivation of the use of all or part of the body, of a limb, organ or sense. The penalty shall be imprisonment for from 5 to 10 years with a fine of CFAF 100,000 to CFAF 1,000,000 where torture leads to illness or incapacity to work of more than 30 days. Finally, the penalty shall be imprisonment for from 2 to 5 years with fine of from CFAF 50,000 to CFAF 200,000 where torture leads to illness or incapacity to work of up to 30 days, pain or mental or psychological injury.

25. When cases of torture are referred to the courts, Section 277-3 of the Penal Code is applied. However, it should be indicated that Sections 90 et seq. of this Code give the Judge the power to assess the quantum of the sentence taking into consideration the circumstances of the commission of the offence.

26. Cameroon has taken note of the reforms suggested by the Committee relating to prescription and mitigating circumstances.

## **Article 2**

### **3. Implementation of rights of persons deprived of liberty**

#### **(a) Respect of fundamental legal safeguards of persons deprived of liberty**

27. Persons deprived of liberty enjoy rights recognised by the CPC, among which are the right to information, health and to be assisted by Counsel.

28. To guarantee the respect of these rights, controls are undertaken by Heads of police and gendarmerie units (who are expected to report to their hierarchy on the situation of persons in custody), State Counsel, Procureurs General and by the CHRC. These controls can even be organised following denunciations by third parties and on non-working days.

29. In any event, the non-respect of provisions that protect the rights of persons deprived of liberty by law enforcement officials is punishable by disciplinary and judicial sanctions (Section 122 (5) of the CPC, Decree No. 2012/546 of 19 November 2012 on the code of conduct of police officers, Decree No. 2007/199 of 7 July 2007 to lay down the general disciplinary regulations of the armed forces).

30. It should be noted that the Project named *Strengthening the Capacity of Cameroonian Civil Society for Access to Justice for Persons in Detention* (RECAJUD) implemented by the Cameroon Network of Human Rights Organizations (CNHRO) between November 2020 and October 2021 in prisons in Yaounde, Buea and Bamenda led to the granting of free legal consultations to 2,500 detainees, legal assistance to 100 others including vulnerable detainees such as women, minors and the sick. It also led to the organisation of several round table discussions on the application of alternative sanctions. The project, implemented with the support of the NGO *Avocats sans Frontière* (Lawyers without Borders) France and the participation of the CHRC resulted in the release of 50 persons held in unlawful pre-trial detention.

#### **(b) Regarding the harmonisation of registers and creation of a central register for detainees**

31. The Ministry of Defence was in the process of brainstorming on the establishment of a central register for persons in police custody and/or in prison which can be consulted by their families. In practice, at all gendarmerie and police units as well as in prisons, registers of persons deprived of liberty are kept. They contain all information concerning such persons in compliance with provisions of the CPC, of Decree No. 92/52 of 27 March 1992 on the prison system in Cameroon, of Decree No. 2012/540 of 19 November 2012 to organise the General Delegation for National Security as amended and supplemented by Decree No. 2016/372 of 4 August 2016, and Decree No. 2014/309 of 14 August 2014 to amend Decree No. 2001/181 of 25 July 2001 to organise the National Gendarmerie. The headings of these registers (serial number, name, first name, age, date and time of entry, reason, authority who passed the sanction, date of cessation of the sanction, solution, remarks, etc.) are almost the same in all Units.

**(c) Regarding resources allocated for legal aid**

32. Legal aid is borne by the Public Treasury. Information relating to legal aid revealed significant improvement. Thus, in 2017, before Courts of First Instance (CFI), out of 30 applications for legal aid registered, 16 were granted; before High Courts (HC), 110 applications were registered and 62 were granted; before Courts of Appeal, 60 applications were made and 9 granted and before the Supreme Court, 30 applications were made and 22 granted.

33. In 2020, legal aid commissions rendered 163 decisions granting legal aid in full or in part as against 126 in 2019.

**4. Clarification on the system of questioning and police custody****(a) Regarding the deadline and competent authorities to order police custody**

34. The CPC only allows arrest and deprivation of liberty of suspects in the case of police custody carried out in judicial police premises for a duration of no more than 48 hours renewable once by the Judicial Police Officer (JPO) and exceptionally twice, subject to the authorisation of the State Counsel (Section 119 (2) of the CPC).

35. Judicial custody can be ordered by a JPO, the State Counsel or by the State Prosecutor (Sections 118 et seq. of the CPC, Code of Military Justice (CMJ) and Law No. 2014/28 of 23 December 2014 on the suppression of acts of terrorism).

**(b) Investigations of cases of incommunicado detention**

36. Persons are arrested and remanded in custody in relation to proceedings initiated against them in compliance with the provisions of Sections 218 et seq. of the CPC or of Law No. 2017/12 of 12 July 2017 to lay down the CMJ. They are thus detained in one of the functional prisons in Cameroon.

37. Allegations of incommunicado detention can be due to the ignorance and hasty conclusions of families, notably as concerns detainees who were transferred from the Regions to the Yaounde Military Tribunal which has, pursuant to the provisions of Section 4 of the CMJ, nationwide jurisdiction to try some types of offences.

**(c) Information on some allegations of arrests reported by the Committee**

38. Pursuant to Decision No. 186575/DM/MINDEF/01 of 13 December 2018, the Ministry of Defence ordered the stay of some judicial proceedings before the Bafoussam, Bamenda, Buea, Douala and Yaounde Military Tribunals. Following this Decision, 289 persons held for questioning within the framework of the so-called Anglophone crisis, among which 174 detainees mentioned by the Committee, were released. In 2019, following Ministerial Decision No. 196663/DM/MINDEF/01 of 3 October 2019 by the Minister of Defence ordering the stay of some judicial proceedings pending before the Bafoussam, Bamenda, Buea, Douala and Yaounde Military Tribunals, 333 persons held for questioning for the same motives were released.

**(d) Launch of investigations and proceedings against members of Defence and Security Forces (DSF)**

39. During the period under review, the State continued to fight against arbitrary detention carried out by the DSF. This was done through the opening of investigations and where necessary, imposing of disciplinary and judicial sanctions.

40. Concerning the investigations, the instructions of the Minister of Defence in Circular-Letter No. 190256/DV/MINDEF/01 of 18 January 2019 continued to be followed. Thus, a joint investigation by the National Gendarmerie, the Police and Territorial Administration was launched following allegations of arbitrary detention and enforced disappearance of a person called Samuel AJIEKAH ABUWE alias Samuel WAZIZI. The same was done following allegations of arbitrary detention and enforced disappearance of NJOKA Kingsley FOMONYUY. Investigations in this last case revealed that the concerned was in pre-trial detention as part of a normal procedure carried out in respect of the rights of the defence.

41. Moreover, on 27 September 2017, the Djerem HC found the military officers E.E., A.O.T. and Y.P. guilty of complicity in false arrest followed by physical and mental torture and sentenced them to eight months imprisonment. Following Judgement No. 26/CRIM of 13 December 2017, the same Court found Police Officer M.M.A.E. guilty of false arrest and assault occasioning grievous harm against N.S.B. and sentenced him to an imprisonment term of five years with a fine of CFAF 150,000.

## 5. Clarification on legislative measures

42. Consideration was given to the amendment of Law No. 2014/28 of 23 December 2014 on the suppression of acts of terrorism. While waiting for the result of the process, the State finds it necessary to provide the following clarification.

### (a) On the duration of custody

43. The CPC provides that police custody is an exceptional measure which can only be requested under specific conditions<sup>3</sup> and the duration of which is also provided for. The CPC provides that the duration of police custody should not exceed 48 hours. This deadline may exceptionally be renewed once by the JPO, or twice by the State Counsel who shall give reasons for each extension.

44. By providing for extension, which shall be exceptional, lawmakers in criminal matters sought to strike a balance between the constraints imposed by some complex investigations<sup>4</sup> and the distance which may exist between the place of arrest and the place where the police custody shall be enforced or the place where the suspect shall be presented to a judicial authority on the one hand and the need to respect the fundamental rights of the suspect on the other hand. Throughout the entire police custody, the suspect shall enjoy all the procedural and substantive guarantees provided for by the CPC.<sup>5</sup> The non-respect of the rules laid down for police custody shall lead to nullity of the report and subsequent actions on the one hand, and could lead to criminal and disciplinary sanctions against the authors on the other hand.<sup>6</sup>

45. In addition, victims of wrongful or illegal police detention may file a *habeas Corpus* application to court to put an end to this detention (Section 548 et seq. of the CPC) or the compensation commission set up at the Supreme Court if proceedings result in a no-case ruling or an acquittal which has become final (Section 236 et seq. of the CPC).

### (b) Regarding the presentation of the person in custody before a judicial authority

46. According to Section 114 of the CPC, “A suspect arrested *flagrante delicto* shall be brought by the judicial police officer before the State Counsel who shall proceed to check his identity, interrogate him summarily and if he decides to prosecute shall place him under temporary detention or release him on bail with or without sureties (...)”. Section 116 (2) of the same Code adds that the original copies of the Police case files drafted by the JPO shall be forwarded to the State Counsel without delay. Section 11(2) of the CMJ on its part posits that “except otherwise specially provided, criminal investigation officers shall, without delay, forward originals of preliminary investigation reports to the State Prosecutor (...)”.

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<sup>3</sup> It seeks the establishment of the truth, is carried out in a judicial police cell under the responsibility of a judicial police officer, may only be ordered against a person with a known place of abode in the case of a felony or a misdemeanour committed *flagrante delicto* (Section 118 of the CPC), may only be ordered on Saturday, Sunday or public holiday in case of a felony or a misdemeanour committed *flagrante delicto* (Section 119 h (4) of the CPC).

<sup>4</sup> Given the high number of suspects to be questioned and confronted, investigation actions to be carried out (visits to the *locus in quo*, searches, reconstruction of the facts, summing-up, assessments, etc.), and geographic dispersion of pieces of evidence to be collected, etc.

<sup>5</sup> Right to be informed of the reasons for police custody (Section 119 of the CPC), right to humane treatment (rest during the investigation, prohibition of torture and all other physical or mental constraints), right to remain silent (Section 116 of the CPC), right to counsel, right to be visited by members of their family, right to food (Section 122 of the CPC), right to be examined by a medical officer (Section 123 of the CPC), etc.

<sup>6</sup> Sections 122 (5) and 124 (4) of the CPC; Section 12(2) of the Code of Military Justice.



47. It thus appears that the CPC and the CMJ have already clearly provided the right for the person in police custody to be presented in the shortest time possible before the State Counsel or the State Prosecutor, along with case files.

**(c) Regarding judgement of civilians before Military Tribunals**

48. In the judicial organisation of Cameroon, the Military Tribunal is not a special court but a court with special jurisdiction.<sup>7</sup> The general idea after reading the provisions of Section 8 of the CMJ, is that this tribunal has jurisdiction to try military offences,<sup>8</sup> offences committed in a military establishments or affecting military equipment or installations, offences committed with firearms, offences against the law governing arms, military effects or insignia, offences relating to acts of terrorism and the security of the State, irrespective of the status of the perpetrators and accomplices (civilians or servicemen).

49. Pursuant to Section 9 of the CMJ, minors aged 18 years who commit or are accomplices of offences that fall within the jurisdiction of the Military Tribunal shall be tried by courts dealing with juvenile delinquency.

50. The situation on the field in Cameroon and elsewhere shows that acts of terrorism almost systematically involve the use of firearms. Moreover, after a basic military training, military Magistrates receive the same training as civilian Judicial and Legal Officers at the National School of Administration and Magistracy (ENAM). In Military Tribunals, civilian Judicial and Legal Officers shall work together with military Magistrates pursuant to Section 5(2) of the CMJ.

51. Furthermore, persons tried before the Military Tribunal, whether civilians or servicemen, are guaranteed fair trial just as those/ tried in other criminal courts. Indeed, the provisions of Sections 13, 15, 19 and 25 of the CMJ posit that criminal proceedings, preliminary inquiry, judgements and appeals are instituted and conducted as in ordinary law courts, as provided for by the CPC.

52. In addition, judgements of the military tribunal can be appealed against to the Court of Appeal like judgements of all other trial courts.

**6. Information on the Cameroon Human Rights Commission (CHRC)**

**(a) The Effective implementation of the law establishing the CHRC**

53. The effective implementation of Law No. 2019/14 of 19 July 2019 relating to the establishment, organisation and functioning of the CHRC was made operational with the appointment of the various members of the commission on 19 February 2021. Following Decree No. 2021/107, Mr MOUANGUE KOBILA James was appointed Chairperson of the institution. Pursuant to Decree No. 2021/108, Mr Raphaël GALEGA GANA was appointed Deputy Chairperson. Following Decree No. 2021/109, Mr ABOUEM ESSEBA Jean-Pierre was appointed Permanent Secretary. Following Decree No. 2021/110, Mrs ASUAGBOR née AYUK Lucy, Mrs ENDELEY née Joyce BAYANDE MBONGO, Mrs BOUBA née HAMAN HAWÉ, Mr BIKORO Aimé Parfait, Mr AMOUGUI Apollinaire TITE, Mr SALIHOU LABARANG, SOULEY MANE, Mr DJIBOMADOM MAMENE Dieudonné, Mr SEINI BOUKAR LAMINE, TEZANOU Paul, Mr BALLA Joseph Constantin, Mr NGALLE MBONJO Jean-Marc and Mr NKWEBO Denis were appointed Members. All these personalities who are appointed for a 5 years term renewable once, took

<sup>7</sup> This is clearly indicated in Section 2 (1) of the Code of Military Justice.

<sup>8</sup> Desertion within the country in peacetime, desertion abroad in peacetime, desertion in wartime and/or with conspiracy, incitement to desertion, abandonment of duty, falling asleep on sentry/duty, failure or refusal to appear before military courts, insubordination, breach of rules, revolt, misconduct towards a superior officer, flag desecration, desecration of a sick or injured serviceman, assault on a superior, misconduct towards a sentry, violence against subordinate, misconduct towards subordinate, sexual harassment, unlawful command, abstraction in zone of operations, dissipation of military effects, misappropriation, theft of military effects, unlawful transfer of military effects, possession of stolen military effects, dishonesty, destruction of immovable military property, destruction of movable military property, treason, collusion with the enemy, espionage, hiring, dereliction of duty, capitulation, depredation by band (refer sections 30 to 67 of the CMJ).

office and took oath on 29 April 2021 before the Supreme Court of Cameroon sitting in joint Benches. The CHRC has been operational from that time.

**(b) Guarantees of Independence of the Chairperson and Deputy Chairperson of the CHRC**

54. The method of appointing the Chairperson and Deputy Chairperson remains the main guarantee of their independence. Indeed, Section 12 (3) of Law No. 2019/14 of 19 July 2019 provides that “The Commission Chairperson, Vice-Chairperson and members shall be appointed by decree of the President of the Republic for a five-year term, renewable once, on the proposal of the services, associations and socio-professional bodies to which they belong”. They neither represent the Government, Parliament nor the Judiciary.

55. Moreover, these persons are irremovable during their term of office which can only come to an end as provided for in Section 16 of the law: normal expiry of the term of office; death or resignation of the Commissioner; advent of a case of incompatibility as provided for under Section 15. More so, Commissioners, the Chairperson and Deputy Chairperson may not be prosecuted for any idea or opinion expressed in the exercise of their duties pursuant to Section 21 of the afore-mentioned law.

56. Furthermore, Section 59 (1) of the law provides that “in their action to promote and protect human rights and prevent torture, Commission staff may not take instructions from State public authorities or any interest group”.

57. The guarantees of the independence of the Chairperson and Deputy Chairperson can also be assessed in consideration of the legal status and financial autonomy of the Commission (Section 2 (1) of the afore-mentioned law). Moreover, pursuant to Section 44 of this law, “The Commission’s head office and branches shall be inviolable and protected by security forces”.

**(c) Measures that guarantee the effective implementation by the CHRC of the powers of impromptu visits to places of detention**

58. Pursuant to Sections 7, 8, 9 and 10 of Law No. 2019/14 of 19 July 2019, the CHRC can carry out impromptu or notified visits to all places of detention, civilian or military, including unofficial places.<sup>9</sup> The Commission shall carry out all necessary inspections and access any place of alleged human rights violation. It shall carry out regular visits to all places of detention and initiate constructive dialogue with the authorities in charge of the administration and management of places of detention or any other authority. Whether the visits are impromptu or notified, the State Counsel, the State Prosecutor of the Military Tribunal or head of the place of detention shall not oppose the mission of the CHRC. These authorities shall also be expected to provide all information required by the Commission.

59. On 30 April 2021, the Sub-commission on the prevention of torture, made up of four commissioners including a Medical Doctor was set up within the CHRC.

60. Between July and September 2021, the CHRC carried out visits to 16 judicial police units, 9 prisons and 1 psychiatric hospital in the North, Far North, West, Littoral, South and South West Regions and to the Jamot Hospital in the Centre Region.<sup>10</sup> As an added value,

<sup>9</sup> Police and Gendarmerie detention cells; penal institutions; borstal institutes; border transit areas on land, at sea and in airports; customs detention areas; psychiatric centres and hospitals; Defence and Security Forces disciplinary cells or premises; detainee escort vehicles; detention cells of Legal Departments; all other places where people could be detained.

<sup>10</sup> The following were visited: Centre Region, 17 August 2021 (Jamot Hospital, to ascertain the care conditions of mental health patients); North Region, 27 July 2021 (Garoua Central Prison, Central Police Station and Garoua Territorial Gendarmerie Brigade); West Region, 28 July 2021 (Bafoussam Central Prison); South Region, 25 August 2021, (Kribi Main Prison, Central Police Station and Kribi Gendarmerie Brigade); South West Region, 30 July 2021 and 3 August 2021 (Buea Central Police Station, Buea 1<sup>st</sup> and 2<sup>nd</sup> District Police Security Posts, Buea territorial Gendarmerie Brigade, Tiko Public Security Police Station and Gendarmerie Brigade, Mutengene Public Security Police Station and Gendarmerie Brigade, Mutengene BIR Camp).

following the reporting of cases by the CHRC, several persons illegally detained were released, including 6 in the South West Region.

## **7. Information on violence against women and children**

### **(a) Measures to fight violence against women and children**

61. Government undertook actions on several fronts relating to the different crisis situations the country is facing.

62. At strategic level, the National Development Strategy 2020-2030 (NDS30) maintained the principle of gender equality with the inclusion of the promotion of gender and equity in Section 4.5.4 of which the intensification of the fight against Gender-Based Violence (GBV) is a priority axis.

63. The national strategy to fight against Gender-Based Violence and the National Plan of Action for the fight against female genital mutilation are currently being revised.

64. Moreover, the Penal Code adopted in 2016 strengthened the mechanism for the fight against sexual and gender-based violence by punishing genital mutilations (Section 277-1), prevention of growth of organ (Section 277-2) and sexual harassment (302-1). Moreover, subsequent marriage between the offender in a rape case and their victim shall not exempt the offender from criminal responsibility (Section 297).

65. Furthermore, the State has improved the social protection system for children by: finalising the National Child Protection Policy Document; drafting a National Early Childhood Development (ECD) Policy Document; setting up a referral system for children associated with armed groups and armed forces; drafting the Guide for the Care of Children in Emergency Situations and the Guide for the Care of Orphans and Vulnerable Children; and implementing the budgeted Multi-Sector Action Plan for the Abandonment of Child Marriage in Cameroon (2020-2024). Moreover, emphasis was laid on preventing violence, prosecuting perpetrators and rehabilitating survivors through holistic care with special focus on survivors in the Regions in crisis.

66. Prevention actions focused on sensitisation and training of stakeholders. Awareness-raising campaigns were organised on various days devoted to women, the family and the child. Generally, the State carried out transversal awareness-raising actions against gender-based violence and child marriage in the 10 Regions of Cameroon with the training of over 900 leaders and peer educators with the support of stakeholders from the civil society, technical and financial partners.

67. Moreover, in January 2018, Government launched a broad awareness-raising campaign involving the Ministry of Social Affairs and the Ministry of Secondary Education in schools in a bid to bring together the academic community to fight against emerging scourges such as organ trafficking, uncontrolled use of social media, consumption of drugs and narcotics, the use of bladed weapons in schools and educational settings, human trafficking and smuggling. This campaign helped raise awareness in 14 schools.

68. Finally, the support mission to raise awareness among people living near the railway on the dangers of using wooden railway sleepers treated with creosote, the prevention of GBV and the complaints management mechanism, conducted by RECODH from February to March 2021, resulted in the training of a total of 717 people on the prevention of GBV and violence against children (VCE). The stakeholders included 271 CAMRAIL staff, 80 subcontractors, 122 traditional rulers, 134 community networks and 110 female focal points grouped into 181 vigilante groups. The second thrust of the project carried out in two phases and centred on information and awareness-raising of the riparian population on GBV impacted 9,918 persons, that is, 4,387 men, 3,036 women, 315 children, 88 persons living with disabilities and 1,120 youths.

68bis. As a result, a general improvement was observed relating to protection and care for victims who henceforth receive better support, involvement of communities in protection and care, development of a warning and monitoring system, economic reconversion of professionals by providing donations and diverse aids, holistic care for survivors, capacity-building of stakeholders for better care for victims, setting up of spaces to receive victims

and strengthening collaboration frameworks with the civil society and technical as well as financial partners for better coordination.

**(b) Information on violence against women and children**

69. Perpetrators of violence against women and children are systematically referred to the competent courts once the cases are brought to the attention of authorities. As such, Mr Y.M, Teacher, was remanded in custody on 21 December 2020 and accused of false arrest and capital murder as co-offender against a 15 years-old child called N.F.B. The matter is pending before the Nde High Court (West Region). Similarly, following judgement No. 215/COR of 14 October 2020, the Bandjoun High Court sentenced M.S. to 17 months in prison for child abuse committed against the young 13 years-old K.F. Moreover, following judgement No. 12/COR of 5 January 2021, the Dschang High Court declared F.J. guilty of slight harm and rape against S.E.M. and sentenced him to 8 months in prison and a fine of CFAF 100,000. Through judgement No. 978/COR of 2 November 2018, the same court sentenced M.T.C. to an imprisonment term of 2 months and a fine of CFAF 25,000 for kidnapping a minor by fraud. For other examples, refer to Point 28(b) §190.

**(c) Regarding sanctioning of violence within the family**

70. The Penal Code contains general offences which allows for the punishment on all forms of violence, including those committed within the family. Examples are Sections 275 (murder), 276 (capital murder), 277 (grievous harm), 277-3 (torture), 278 (assault occasioning death), 279 (assault occasioning grievous harm), 280 (simple harm), 281 (slight harm), 296 (rape) and 370-1 (minor assault). Other offences include desertion of incapable, kidnapping of child, false arrest, assault on children, child trafficking, etc. Sanctions are provided for all these offences. The Code does not provide for exemption of criminal responsibility where there exist family ties between the victim and the perpetrator of violence, given that in some cases, this factor is a reason for aggravation of the sanction.

70bis. Referring to these provisions, the Djerem High Court through Judgement No. 14/CRIM of 13 September 2017 sentenced N.L. to 15 years in prison for murdering Z.A. Following judgement No. 178/CRIM of 14 November 2020, the Vina HC sentenced A.O. to an imprisonment term of 5 years for kidnapping of child and false arrest committed against the young 4 year-old N.A. Similarly, by judgement No. 107/COR of 1 September 2020, the Meiganga HC sentenced A.I. to an imprisonment term of 3 years for assault on children. Following judgement No. 40/CRIM/TGI/EB of 11 May 2019, the Mvila HC sentenced T.N.C. to a 1 year imprisonment term and fine of CFAF 10,000 for child trafficking. The same court, through judgement No. 46/CRIM/TGI/EB of 16 May 2019 sentenced E.M.L. to 17 months in prison and a fine of CFAF 150,000 for similar offences.

**(d) Progress made in terms of protection and management of victims**

71. A holistic and integrated response was provided to violence against women and girls. In this vein, thanks to the support of the United Nations system, a package of essential services offered to victims of GBV was made available in 2019 with the help of UNFPA. The aim was to operationalise a Multisector platform to provide access to psychosocial and mental health care services to all female victims of all forms of violence in centres for women empowerment and the family and in all MINPROFF operating structures. Among these structures are the *gender desks*,<sup>11</sup> safe spaces,<sup>12</sup> centres for women in distress, women cohesion spaces and *cases management* in the North West and South West Regions which received 1,677 women in 2017, 1,175 in 2018, 1,675 in 2019 and 2025 in 2020, in collaboration with CSOs. In addition, over 200 health personnel working in these regions were trained on managing GBV survivors.

72. With the support of its technical and financial partners the State implemented several projects, including the project to tailor the management of children victims of violence in Yaounde 2 District, executed with the support of UNICEF. The project consists in identifying

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<sup>11</sup> Set up in gendarmerie and police units in the localities most affected by the crises.

<sup>12</sup> In refugee camps.

stakeholders and participants, implementing strategies to report cases of children victims of violence and determine the effective care method. The project to guarantee care for orphans and vulnerable children (OVC) with the support of the Catholic Relief Service was also implemented.

73. On 16 May 2019, the Telecommunications Regulatory Board (ART) attributed a toll-free number (1503) to the Ministry of Social Affairs for the denunciation of all forms of violence. The process continued in 2020 with the identification, rehabilitation and equipping of the premises to host this toll-free number, training of operators of the number and drafting of its user manual.

### **Article 3**

#### **8. Data on applications for asylum and other forms of humanitarian protection**

##### **(a) Regarding applications for asylum registered**

74. Over the years, Cameroon has hosted thousands of people seeking asylum coming from other countries with the majority coming from Central African Republic and Nigeria. Thus, the number of applications for asylum in 2017 was estimated at 5,784, including 4,744 from Central African Republic and 9 Nigerians and including 395 girls and 389 boys between 0 and 4 years, 406 girls and 354 boys between 5 and 11 years, 248 girls and 262 boys between 12 and 17 years, 1,246 women and 2,390 men between 18 and 59 years and 29 women and 29 men over 59 years. This number has moved from 8,117 in 2018 (569 girls and 567 boys between 0 and 4 years; 573 girls and 527 boys between 5 and 11 years; 384 girls and 343 boys between 12 and 17 years; 1,691 women and 3,380 men between 18 and 59 years; 40 women and 35 men above 59 years), to 9,948 in 2019 (568 girls and 552 boys between 0 and 4 years; 695 girls and 670 boys between 5 and 11 years; 459 girls and 387 boys between 12 and 17 years; 2,048 women and 4,449 men between 18 and 59 years; 62 women and 58 men over 59 years) and to 6,819 in 2020 (318 girls and 329 boys between 0 and 4 years; 473 girls and 442 boys between 5 and 11 years; 255 girls and 220 boys between 12 and 17 years; 1,423 women and 3,276 men between 18 and 59 years; 32 women and 51 men over 59 years).

##### **(b) Regarding applications for asylum and other forms of humanitarian protection accepted**

75. As concerns registration, refugee status determination and examination of asylum applications, a Memorandum of Understanding on the sharing of personal data was signed on 7 March 2019 between the Ministry of External Relations (MINREX) and the United Nations High Commissioner for Refugees (HCR). In the same year, Refugee Eligibility and Appeals Boards were set up and members of the said boards appointed and commissioned. Generally, recurrent reasons advanced in support of applications were fear of persecution and risk of torture in the event of return to the country of origin. Thus, from 2017 to 2020, out of 7,706 first time applications for asylum, 6,832 were granted while out of 439 appeal applications, 176 were granted.

##### **(c) Regarding extradition, deportation and return of foreigners**

76. Cameroon opted for the voluntary return of refugees to their countries and in this vein, it signed the Tripartite Agreements on the one hand with the Federal Republic of Nigeria and the HCR on 2 March 2017 and on the other hand with the Government of the Central African Republic and the HCR on 29 June 2019. This process unfolded concretely with the departure of the first contingent made up of 133 Nigerian refugees from the Adamawa State wilfully returning to Nigeria on 22 August 2019. In 2020, 12,279 other Nigerians joined them. For the refugees from Central African Republic, 3,309 persons in 2019 and 230 in 2020 voluntarily returned to their country. In 2021, Cameroon facilitated the voluntary repatriation of about 135 members of the DSF from the Central African Republic (CAR) received in Cameroon during the socio-political tensions in CAR.

**(d) Regarding appeals against decisions of deportation**

77. No appeal against decisions to deport or review of such decisions was registered during the period under review.

**9. Data on complaints and investigation reports on offences committed against asylum seekers**

78. Following allegations of Nigerians expelled in the Far North Region of Cameroon by members of the DSF, the Ministry of Defence, following Circular-Letter No. 190256/DV/MINDEF/01 of 18 January 2019, instructed military authorities not to carry out any forceful deportation of refugees. From then, the State, with the support of the HCR and collaboration of the Nigerian authorities undertook the voluntary return of these refugees. Furthermore, no complaint has been registered by Cameroonian authorities regarding cruel, inhuman or degrading treatment or extortion against these asylum seekers during the period under review.

**10. Mechanism for the identification of asylum seekers in vulnerable situations**

79. The registration of asylum seekers upon entry on Cameroon soil comprises verification and biometric registration of refugees which allows the identification among them of persons in vulnerable situations, such as elderly persons, persons who suffer from chronic diseases, pregnant women or victims of GBV, children who are unaccompanied or separated from their families, persons living with a disability or victims of torture or cruel, inhuman or degrading treatment. The same obtains during community or outreach awareness-raising campaigns organised in groups or individualised by Government and its partners during which medical or legal assistance, through legal clinics, is granted to asylum seekers and survivors of GBV.

80. Moreover, standard operational procedures were implemented to improve assistance, orientation and referencing services to persons with specific needs. Regarding medical assistance offered these persons, 100% assistance was given in emergency situations, for pregnant women, deliveries in health centres, consultations and care for children below 5 years, persons with chronic and psychiatric diseases, GBV survivors and unaccompanied children.

**Articles 5 and 9**

**11. On requests for extradition for torture and related offences**

81. During the period under review, Cameroon did not receive a request from another State requesting the extradition of an individual suspected of having committed torture.

**Article 10**

**12. Training State employees on the provisions of the Convention**

**(a) Training programmes for State employees on the provisions of the Convention**

82. As part of initial trainings, a course on Human Rights was offered to Pupil Magistrates at the National School of Administration and Magistracy (ENAM). Moreover, the module titled “Prohibition, prevention and suppression of torture” was maintained in the initial and continuous training programmes of defence forces (military and gendarmes) from the basic common core training up to the higher military training. Moreover, the module “Human Rights and Freedoms” was maintained in the National Security Schools and Centres for Training and Application. The same goes for modules devoted to Human Rights at the National School of Penitentiary Administration.

83. All these training programmes incorporate teachings on sanctions against State employees in the event of torture, how to treat asylum seekers in vulnerable situations,

prohibition to turn back asylum seekers as well as techniques to detect victims of torture or other types of violence.

**(b) Capacity-building sessions for State employees**

84. Capacity-building sessions are a must for State employees selected to take part in them. These sessions take place as often as possible. They are organised by the State and its partners, either jointly or separately.

85. During the period under review, several capacity building seminars, workshops and activities were organised.<sup>13</sup> Such efforts shall continue.

**(c) Evaluation method**

86. The State had not yet put in place a method to evaluate results of the training programmes for State employees and their efficiency.

**13. Information regarding specific trainings for judicial and health personnel**

87. In February 2019, the Ministry of Justice organised a training seminar for stakeholders of the justice sector (Judicial/Legal Officers, JPO, Penitentiary Administration Personnel) during which a module on the Istanbul Protocol was developed. In application of the recommendations made during the said seminar, international instruments which deal with the prohibition of torture, particularly the “Robben Island” Guidelines and the Istanbul Protocol were specially disseminated by means of a compilation in CD-ROMs and displayed in police units.

88. In addition, from 16 to 22 July 2018 in Ebolowa, a train the trainers workshop was organised for gynaecologists, psychiatrists, mid-wives and other health personnel involved in medical care of rape victims.

<sup>13</sup> These include:

- the seminar organised in Douala from 28 to 30 August 2017 by the Ministry of Justice for 35 Judicial/Legal Officers, Gendarmes, Police Officers and Prison staff on the protection against violations of the right to life and physical and moral integrity of a person;
- the seminar organised in Maroua from 22 to 24 August 2017 for civilian and military Magistrates on International Humanitarian Law;
- Workshops jointly organised by UNICEF and the Ministry of Justice in Garoua and Maroua from 23 to 24 and 27 to 29 November 2017 respectively for Judicial/Legal Officers and Penitentiary Personnel on alternatives to the detention of children associated with armed forces or armed groups;
- Capacity building activities carried out by the HCR in the East Region (12 sessions) and in Yaounde (3 sessions) in 2017, on the dissemination of legal instruments on refugee protection in Cameroon, organised for Forces of Law and Order, administrative, judicial, prison, municipal, and traditional authorities as well as Lawyers;
- the seminar organised in Yaounde from 5 to 6 March 2018 with Services Heads of Departments of General Affairs of the 10 Regional Delegations of Penitentiary Administration, Service Head of the Administrative and Financial Service of the National School of Penitentiary Administration (ENAP) in Buea and some staff members of the Department of Penitentiary Administration in charge of disciplinary procedure within Penitentiary Administration and the profile of a civil servant in Penitentiary Administration;
- the seminar organised from 27 to 30 November 2018 in Yaounde by ENAM in partnership with the American organisation *Global Center on Cooperative Security* for about twenty Judicial/Legal Officers on *access to justice and fight against terrorism* with emphasis on Human Rights standards to be respected in judicial response to terrorism;
- training in 2019 by the Ministry of Justice with the support of UNICEF of 46 Judicial and Legal Officers, 19 Police Officers and Gendarmes and 19 Penitentiary Administration Staff on the rights of a child in contact or in conflict with the law. In the same year 2 272 Police Officers received trainings on GBV in crises situations and on the protection of refugees and displaced persons;
- workshops organised in July, September and December 2021 in Yaounde, Buea, Maroua, and Bafoussam by the Ministry of Justice, with the support of the United Nations Centre for Human Rights and Democracy in Central Africa with the participation of about 110 civilian and military Magistrates on International Human Rights Law and International Humanitarian Law.

## Article 11

### 14. Detention conditions

#### (a) Prison Statistics

89. See Annex No. 1.

#### (b) Regarding the separation of different categories of detainees

89bis. In almost all the prisons in Cameroon, there are distinct quarters for men, women and minors. Due to the lack of quarters for women and minors at the Eseka Main Prison and the Ndikinimeki Secondary Prison, the detainees in these categories are referred to the closest prisons in Edea and Bafia respectively.

90. The State continues to work to ensure that there is strict separation between detainees awaiting trial and convicts in all prisons as already obtains in some prisons. Measures have been taken to guarantee this separation in the new prisons in construction.

#### (c) Regarding the promotion of alternative measures to imprisonment

91. The enabling instrument of Sections 18-1, 26 and 26-1 of the Penal Code had not yet been adopted. While waiting, workshops on alternatives to detention have been organised for stakeholders of the justice sector, such as the workshop organised in Ngaoundere from 8 to 10 December 2020.

92. Moreover, on 9 December 2020, the NGO “*Nouveaux Droits de l’Homme-Cameroun*” (New Human Rights-Cameroon) in partnership with the CHRC, National Governance Programme (NGP) and APRODHA FIM Association organised a national symposium on alternative sanctions which was attended by stakeholders of the justice sector, Human Rights defenders, University community and Journalists.

#### (d) Regarding control of compliance with the detention period

93. There are several methods of controlling the respect for pre-trial detention dateline. The Inspectorate General of Judicial Services of the Ministry of Justice regularly conducts pre-trial detention controls and continues to draw the attention of Judges and Examining Magistrates on the respect of legal provisions on this matter. Administrative controls are also undertaken regularly by Heads of Courts, notably by State Counsel during prison controls (at least once a month) and by Presidents of Courts (monthly) through notes prepared by Examining Magistrates who highlight the state of detainees and the detention periods. Controls are also carried out by the CHRC which in January 2017 and September 2021, carried out 67 control missions to prisons and 194 visits to judicial police units across the country. The CHRC scheduled other visits across the 10 regions of the country in November 2021.

94. Any detainee who considers themselves illegally detained can file a habeas corpus application before the President of the competent High Court. Such applications are regularly granted (Judgement No. 2/HB/PCA/LIT/20 of 13 November 2020 whereby the Littoral Court of Appeal ordered the release of Mrs B. L. E. J.; Ruling No. 01/LI of 17 September 2018 whereby the President of the Ntem Valley High Court ordered the immediate release of Mr O. E. T.; Ruling No. 01/L1/CRIM of 14 August 2019 whereby the same court ordered the immediate release of Ms K. M. A.; Ruling No. 25/OHC/CAB/PTGI/MIFI of 12 September 2019 whereby the President of the Mifi HC ordered the immediate release of P. R.; Ruling No. 43/HC of 22 November 2018 whereby the same authority ordered the release of Mr K. P. D., etc.).

95. During the period under review, no disciplinary sanction was passed against Magistrates for violation of the maximum deadline for pre-trial detention as provided for by the law.



## 15. Detention conditions (*continuation*)

### (a) Progress in the improvement of detention conditions

#### *Prisons*

96. The prison map reveals that 79 prisons are operational and 12 construction projects are ongoing. The State continued efforts to rehabilitate and equip prisons. Thus, the Bali Secondary Prison in the North West Region, which became operational in 2016, was provided office, health unit and kitchen equipment as well as beddings in 2017. The Yaounde Central Prison received equipment for the health unit. The Kumba Main Prison was entirely rehabilitated in 2018. Septic tanks were constructed at the Buea Central Prison. The Bengbis Secondary Prison was provided new equipment in 2018.

97. The onset of the corona virus pandemic in 2020 had a significant impact on the implementation of the prison rehabilitation policy. Notwithstanding, rehabilitation and construction of prison infrastructure continued. Thus, the first phase of construction of the Doula-Ngoma prison complex was completed and received. Equally completed are works to rehabilitate the roof of the female quarter of the Monatele Main Prison, construction of a health unit at the Bangangte Main Prison and construction of a man-powered borehole and a toilet block at the Ambam Main Prison. Rehabilitation works were carried out at the Djoum prison.

#### *Food of detainees*

98. The budget allocated for feeding of detainees increased constantly, moving from CFAF 2,570,000,000 in 2016 to CFAF 3,070,000,000 in 2017, then to CFAF 4,470,000,000 in 2018 and 2019, and to CFAF 5,015,891,000 in 2020, that is an increase of 45.65%, which led to the increase of daily feeding of detainees from CFAF 290 to CFAF 408, then to CFAF 421 per detainee per day. Moreover Government accepts support to detainees by their families.

#### *Water and Energy*

99. From 2017 to 2021, most prisons had electricity and potable water supply. Water points were rehabilitated in the Bamenda, Douala and Yaounde Central Prisons. The Bertoua, Bafoussam and Maroua Central Prisons have boreholes which are often used in times of shortage or cuts in water supply.

100. Prisons are connected to hydroelectric power supply. All Central Prisons have generators of 175 KW capacity to use in times of power cut.

#### *Health coverage*

101. To better manage the health of detainees, each prison had a health unit, a pharmacy and a laboratory. Severe cases were referred to neighbouring hospitals. The budget allocated for health coverage in 2017 was CFAF 150,640,000 for 30,701 detainees, that is, CFAF 4,907 as the yearly amount per detainee. In 2018, this budget increased significantly, moving to CFAF 1,050,000,000 for 31,815 detainees. It remained unchanged in 2019. The budget did not change in 2020. It stood at CFAF 1,050,000,000 for 26,800 detainees, that is, a ratio of CFAF 32,227 per detainee, per year. The total number of medical and health prison staff in 2017 was 273. By 31 December 2020, this number was 272. The Nurse/detainee ratio was 1/50, the medical aid/detainee ratio was 1/80, the Assistant Laboratory Technician/detainee ratio was 1/60 and the social welfare personnel/detainee ratio was 1/70.

102. In 2019, there was a total of 65,901 routine consultations with 1,455 cases referred for external consultation which led to 377 external hospitalisations and even cases of evacuation abroad. In 2018, there were 1,189 external consultations and 235 external hospitalisations and in 2020, 180 external hospitalisations and 1,617 external consultations.

**(b) Regarding medical check-up before admission in a detention centre**

103. Upon imprisonment, detainees undergo a medical check-up and a medical file is opened. This check-up can lead to the identification of suspected cases of torture or poor treatment. In any such event, the concerned is sent back to the Legal Department for investigations to be launched.

**(c) Special measures taken regarding children in conflict with Penal Law**

104. There are provisions of the Criminal Procedure Code which set out guarantees for children in conflict with the law including those in detention. Children in prison are in separate quarters from adults as per Article 20 (1) of Decree No. 92-052 of 27 March 1992 relating to Penitentiary Regime in Cameroon. Furthermore, relevant stakeholders are trained on the rights of children in contact with the law in order to improve on the protection of such children. For example, in 2019, the Ministry of Justice, in collaboration with UNICEF, trained 46 Judicial and Legal Officers, 19 Police and Gendarme Officers, and 19 Penitentiary Administration staff.

105. With regard to education, even though there is no formal system of education in prison, facilities are provided to enable the children study and sit for official examinations. In 2018, of 33 candidates out of 47 who passed in different examinations organised by the Ministry of Basic Education and *Office du Baccalauréat*, a majority came from the Bilingual Socio-educational Centre of the Yaounde Central Prison. In the Garoua Central Prison, during 2018/2019 academic year, 10 minors who sat for the *Certificat d'Etudes Primaires* all passed. In 2020, of the 45 candidates who sat for official examinations in prisons in Cameroon, 23 passed.

106. Regarding vocational training, some prisons such as the Bamenda and Ebolowa Central Prisons provided professional training to their inmates. In the Bamenda Central Prison, in 2018, courses were given to 8 young detainees on electricity and motor mechanics for 2 years after which they received end of training attestations delivered by the Ministry of Employment and Vocational Training.

107. Concerning rehabilitation, there are centres for the rehabilitation and social reintegration of minors<sup>14</sup> where children in conflict with the law are placed. During the reference period about 548 minors were placed in specialized institutions nationwide for rehabilitation. Equally, some 512 of these minor offenders were monitored by probation officers nationwide for rehabilitation.

**(d) Special measures for female detainees**

108. Women are kept in separate quarters in almost all prisons and in some prisons (especially the 10 Central Prisons), there are hair dressing and tailoring workshops as well as computer training which should facilitate their reintegration into society after leaving prison.

109. Pregnant women are provided healthcare by medical services in prison and where necessary, escorted to specialised centres for pre-natal and post-natal care. Considering that mothers with their children in prison remained a key concern, a National Reflection Workshop on mothers and their children in prison was organised in Yaounde from 20 to 21 February 2019, one of the objectives of which was the identification of solutions to challenges related to mothers and their children in prison.

**(e) Measures to facilitate visits to detainees by their relatives**

110. As concerns family visits for persons convicted by Military Tribunals, prisons have hours during which family members of detainees can visit, regardless of whether they are sentenced by civil courts or Military Tribunals. Such visits are regulated by Sections 37(1), 38, 39 and 41 of the Decree relating to Penitentiary Regime in Cameroon.

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<sup>14</sup> Such Centres include Institution Camerounaise de l'Enfance (ICE) of Betamba, Institution Camerounaise de l'Enfance (ICE) of Maroua, Centre d'Accueil des Mineurs (CAM) of Bertoua, Centre d'Accueil et d'Observation (CAO) of Bepanda, Centre d'Accueil et d'Observation (CAO) of Bafoussam and Borstal Institute, Buea.

## 16. Detention conditions (*continuation*)

### (a) Measures taken to ban the use of chains as disciplinary measure

111. Even though Decree No. 92/52 of 27 March 1992 on the Prison System in Cameroon has not yet been amended, reflections on its amendment are ongoing. Meanwhile, Penitentiary Administration Staff is sensitised on the prevention of violence in prison.

### (b) Regarding violence among detainees

112. Cases of violence among detainees were recorded during riots on 23 July 2019 at the Buea Central Prison, as well as on 23 April and 22 July 2019 at the Yaounde Central Prison. In 2020, other cases were reported at the Ngaoundere Central Prison. The perpetrators of the said violence were identified, tried before the competent courts and convicted in accordance with the law.

### (c) Anti-corruption measures in prisons

113. Measures taken to eradicate corruption were both disciplinary and judicial. IGAPEN carried out inspection and control missions in 15 prisons in 2018 and 18 prisons in 2019.

114. Perpetrators of corrupt practices were punished. Some of whom included Prison Warder N.A. for extorting money from a detainee in the Sa'a Prison, Chief Prison Warder M.M.J.C of the Ntui Prison for swindling a detainee and also T.T.E.P of the Mantoum Prison who was punished for corrupt practices. Furthermore, the Administrator of the Edea Main Prison was sanctioned through Service Note No. 12/N/CAB/MINJUSTICE/IGAPEN/INSP2/20 of 27 November 2020 for alleged acts of corruption.

115. Moreover, judicial proceedings were initiated against members of staff of the Penitentiary Administration suspected of corruption, including a Chief Prison Warder who was remanded into the Buea Central Prison for corruption in 2018.

116. IGAPEN regularly carries out awareness raising campaigns on the dangers of corruption in prisons with emphasis on the fact that, services in prisons are free of charge and this was done through posting of notices. In 2020, IGAPEN equally held educational talks with detainees, sensitised them on reporting cases of corruption and instituted units where acts of corruption in prisons could be reported.

117. In addition, Government undertook the introduction of a module on good governance and the fight against corruption in the training of Penitentiary Staff in the National School of Penitentiary Administration in Buea.

### (d) Measures to combat drug trafficking in prisons

118. Searches were carried out in prison to seize drugs as was the case in the Bafang Main Prison in 2020 during which a good quantity of cannabis sativa was seized.

119. Disciplinary sanctions were meted out on those involved in the trafficking drugs. In 2017, some 84 penitentiary staff faced disciplinary proceedings for trafficking of drugs among others. This included a Prison Superintendent in the Edea Main Prison and a Senior Warder in the Ntui Main Prison sanctioned for illicit trafficking in drugs. In 2020, a Senior Prison Warder at the Bangangte Prison was suspended from entering the said prison facility. Additionally, 3 members of the Penitentiary Administration Staff at the Bafoussam Central Prison were suspended from accessing the facility for a period of 3 months for trafficking drugs to detainees.

120. Furthermore, judicial proceedings were initiated against members of the Penitentiary staff as was the case for example against 2 of them at the Bafoussam Central Prison in 2018 for the introduction of prohibited substances (tramadol, cigarettes, cannabis sativa and tobacco) into the prison on 23 December 2018. On the disciplinary front, on 16 July 2020, a Prison warder was given a one-year delay in advancement for trafficking in psychotropic substances.

**17. Deaths in prison**

121. Overall, 86 detainees died in prisons in 2018, 170 in 2019 and 98 in 2020, representing mortality rates of 0.42%, 0.67% and 0.46% respectively. These deaths were caused by HIV/AIDS, malaria and skin and respiratory diseases. The State of Cameroon is stepping up efforts to improve detainees' health care in order to reduce the number of deaths in prisons (see Point 15 (a) 101).

122. Concerning deaths in custody, investigations are opened and proceedings initiated whenever a case is reported. It is against this background that the case of Chief Warrant Officer O.N.V. is currently pending before the Maroua Military Tribunal following the death of A.R. on 14 April 2020 in the provisional lock-up of the Moutourwa Gendarmerie Brigade in the Far North Region. Likewise, Staff Sergeant Y.O. is being prosecuted before the Douala Military Tribunal for the death of K.O.C. in the cell of the Douala Territorial Gendarmerie Group.

123. Regarding the death of NSEKA ABASSY, on 28 June 2018 at Kombo Abedimo in the Ndian Division, while attempting to escape arrest, he was shot on the leg by K.M.A, Commander of the Gendarmerie Brigade in Kombo Abedimo. He was taken to the Buea military hospital for treatment where he died on 18 July 2018. A criminal investigation was subsequently opened against the said Brigade Commander but he died on 13 November 2019 at the Yaounde military hospital when the said investigations had not been completed. As a result of his death, criminal proceedings against him were discontinued as per section 62(1) (a) of the Criminal Procedure Code.

124. Concerning the death of TIENTCHEU Laurent who died on 8 August 2018 at the Kumba Principal Prison, South West Region, a post-mortem examination was conducted on his corpse which disclosed that he died of "hypoglycaemia".

125. With regard to the alleged deaths of Ludovic TCHUIDJAN, Charles NVONDO NGA, MOHAMADOU LAWAL and four men in the town of Belo in 2018, investigations were ongoing in order to verify if these people died, determine the possible causes of death and where necessary, identify the people responsible for their death.

**Articles 12 and 13****18. Outcome of some proceedings****(a) The outcome of investigations against some Gendarmes in 2018**

126. Investigations were ongoing.

**(b) Disciplinary sanctions against Police Officers in 2017**

127. The disciplinary sanctions imposed on Police Officers in 2017 were effectively implemented by the General Delegation for National Security (DGSN).

**(c) Sanctions imposed on Penitentiary Administration personnel in 2017**

128. The disciplinary sanctions imposed on Penitentiary Administration personnel in 2017 were effectively implemented by the Ministry of Justice.

**(d) Judicial proceedings against 75 Law enforcement Officers in 2017**

129. In 2017, the Bertoua Military Tribunal rendered the following decisions against law enforcement Officers. In Judgment No. 62/17 of 30 November 2017 the accused, a Gendarme Officer, A.A.P was found guilty of unintentional killing and sentenced to 3 years in prison and a fine of CFAF15,000; and in Judgment No. 26/17 of 29 June 2017, the accused, Staff Sergeant M.N.T was found guilty of unintentional killing and sentenced to a fine of CFAF 300,000. Regarding the decision rendered in the case of Ibrahim BELLO, see Point 1(a)§ 165 et 166. As far as the events in Ngarbuh are concerned, see Point 25 (a), § 165-166; for events in Zeleved, see Point 25 (F), §170-172.

130. For the remaining cases, no-case rulings were rendered in some proceedings and other matters are still pending.

**(e) Outcome of investigations in some cases of torture and incommunicado detention**

131. During the riot of 22 July 2019 at the Yaounde Central prison, Security Forces took away some inmates for questioning and they were later returned to their cells at the Central Prison. Some others were prosecuted, some of whom were acquitted and some sentenced.

132. Proceedings against the 59 militants of CRM *were* discontinued for some of them including for CRM leader. They were released on 5 October 2019 (See Point 4 § 38).

**19. Regarding the legislative measures relating to Section 64 of the CPC, the establishment of an investigation body, other than DSF and the immediate suspension from duty of perpetrators of acts of torture or ill treatment**

133. Concerning the setting up of an investigation body other than DSF, the CHRC, which has part of its duties to act as the National Torture Prevention Mechanism, particularly with regard to cases of torture, ill-treatment, and more generally Human Rights violations, committed by DSF. (See Point 6 (c)).

134. The State has taken note of the observations on the amendment of Section 64 of the CPC.

**20. Information on investigations and judicial and disciplinary proceedings for acts of torture**

135. Investigations were systematically opened, trials initiated and sanctions imposed whenever an act of torture or ill-treatment was reported to the competent authorities.

136. For instance, the prosecution before the Ngaoundere Military Tribunal of Private First Class L.B.D. for assault occasioning death and torture on J.P. perpetrated on 18 May 2021 at the checkpoint of Koumtchoum. In addition, the trial of Staff Sergeant M.G. was pending before the Maroua Military Tribunal for torture, false arrest perpetrated on 28 June 2017 in Mora against A.A.A. For other cases, see Points 1(a) § 8 and 10, and Point 25.

**(a) Investigations on torture and ill-treatment committed against Bouba Yaouba, David Edmond Ngoumpougoun NTIECHE, Aboubakary Siddiki and Abdoulaye Harissou, Blaise Eleme Koagne Nyepo and Wirba Didymus Nsoseka,**

137. Following Committee's observations, investigations were opened, to ascertain the veracity of these allegations and establish possible responsibilities.

**(b) The Ibrahim BELLO Case**

138. See Point 1(a) § 10.

**21. Measures to Ensure Confidentiality and Independence of the Mechanism of Complain in Case of Torture**

139. General measures contribute to ensuring confidentiality and independence of the complaint mechanism in cases of torture or ill-treatment of persons deprived of their liberty. This is the case of professional secrecy,<sup>15</sup> to which all State employees who are aware of a complaint are bound.

<sup>15</sup> It is prescribed by Decree No. 94/199 of 7 October 1994 on the General Rules and Regulations of the Public Service, Decree No. 2012/539 of 19 November 2012 to lay down Special rules and regulations governing civil servants of the National Security; Decree No. 2007/199 of 7 July 2007 to regulate general discipline in the defence forces; Decree No. 92/54 of 27 March 1992 on the Special Rules and Regulations of the Corps of Penitentiary Administration; Decree No. 78/484 of 9 November 1978 to lay down the common provisions applicable to State employees governed by the Labour Code; and by Decree No. 95/48 of 8 March 1995 to lay down the Rules and Regulations governing the Judicial and Legal Services.

140. As part of its duty as “NTPM”, CHRC drafts reports on visits to places of detention which are not made public, as they are forwarded exclusively to the competent authorities and the observations made within the framework of these visits give rise to constructive dialogue with the said authorities, in accordance with the provisions of Law No. 2019/14 of 19 July 2019.

141. Regarding independence, torture or ill-treatment may be denounced by a third party. Moreover, any person (including civil servants) who has knowledge of such acts, shall, under pain of prosecution be bound to directly and immediately inform either the State Counsel or any JPO or in their absence, any administrative authority of the locality. In addition, complaints shall not be subjected to any formalities or fiscal stamps. The authorities shall be bound to receive the complaints (Section 135 of the CPC), under pain of prosecution for non-intervention. (Section 171 of the PC). Furthermore, torture shall be denounced even anonymously, through the toll-free numbers of the Police (17, 117 and 1500) and the Gendarmerie (13 and 118).

142. The process of setting up the torture witness and victim protection programme provided for in the National Plan of Action for the Promotion and Protection of Humans Rights in Cameroon is underway.

## **Article 14**

### **22. Compensation and Rehabilitation Measures for Victims of Torture**

#### **(a) Compensations Measures**

143. Section 237 of the CPC provides for the creation of a Commission for “Compensation for illegal Detention”. The Commission was actually set up and is functioning.

144. Courts also award damages to victims of torture. For instance, the Yaounde Military Tribunal in its judgment of 20 September 2018, sentenced the accused, a Gendarme Officer, D.M.L.L. to serve 30 months in prison for acts of torture inflicted on MOUSSA MOUPAIN who later died, and ordered the State of Cameroon to pay the sum of CFAF 10,000,000 as damages to the rightful claimants of the deceased. See also the Ibrahim BELLO case above (Point 1(a) § 10). Similarly, after having sentenced N.A. to 70 years in prison through judgement No. 2/CRIM of 28 February 2018 for the capital murder of I.M. and D.I., the Djerem High Court awarded the rightful claimants of the victims CFAF 1,000,000 and CFAF 2,000,000 respectively as damages. In the same vein, by Judgement No. 138/COR of 20 December 2018, the Adamawa Court of Appeal, after having declared A.A. guilty of slight harm, awarded the victim N.I. the sum of CFAF 1,200,000 as compensation.

#### **(b) Specialised Rehabilitation Services**

145. There are centres where victims of torture can receive care. The *Cardinal Paul Emile LEGER National Centre for Rehabilitation of Persons with Disabilities* provides rehabilitation services not only for persons with disabilities but for other cases including victims of torture. For example, in the case of Ibrahim BELLO (See Point 1(a), § 10), who was a victim of torture, he was provided care by the Centre. The Centre implements Government policy on rehabilitation and provides psychosocial care.

146. With regard to funding other services run by non-governmental organisations, the Government works in collaboration with NGOs involved in the rehabilitation of victims of Human Rights abuses in general.

### **23. Compensation and Rehabilitation Measures for Victims of Torture (continuation)**

147. Annual statistics on compensation measures are not available. It is worth noting that, pursuant to Section 60 of the CPC, a civil action aimed at obtaining compensation may arise from torture. The victim may attach his civil claim to a criminal case or institute a separate action in a civil court. By way of illustration, see Ibrahim BELLO case (Point 1(a) § 10, MOUSSA MOUPAIN case (Point 22, § 144).

148. With regard to the cases which are the subject of Judgements No. 6/19 of 22 January 2019 of the Buea Military Tribunal and No. 60/17 of 30 November 2017 of the Bertoua Military Tribunal, the victims or their rightful claimants did not file a civil claim to enable them obtain compensation for the damage suffered. They may still file an action before the civil court.

## **Article 15**

### **24. Mechanism to Combat Extortion of Confessions**

#### **(a) Measures to Reject Extorted Confessions**

149. According to Section 315 paragraph 2 of the CPC, “A confession shall not be admissible in evidence if it is obtained through duress, violence, or intimidation or in exchange of a promise for any benefit whatsoever or by any other means contrary to the free will of the maker of the confession.” Furthermore, the extortion of confessions is prejudicial to the rights of the defence and shall be sanctioned by the nullity of the proceedings (Section 3 of the CPC).

150. To give full effect to the provisions of Section 315 of the CPC on the inadmissibility of evidence obtained through torture, capacity-building sessions were organised for civil and military Judges. Thus, in December 2019, a module on the nullity or inadmissibility of evidence obtained through torture in the fight against terrorism was drafted during a seminar organised in Yaounde by the Ministry of Justice with the support of UNODC.

#### **(b) Information on Cases Involving Extorted Confessions**

151. Through Judgement No. 69/00 of 21 September 2020 rendered in the case “the People of Cameroon v K.R.”, the Bafoussam Military Tribunal declared the proceedings a nullity on the grounds that the confessions of the defendant were obtained through duress. Notwithstanding the unavailability of general statistics on cases in which persons prosecuted have claimed that their confessions were extracted by torture, the fact is that the courts apply the provisions of Section 315 of the CPC whenever it is proven that confessions were obtained through torture.

152. In any case, whenever a person prosecuted or detained makes an allegation of torture, an investigation is systematically opened to shed light on the matter (See. Ibrahim BELLO case, see Point 1(a), § 8 et 10; MOUSSA MOUPAIN case see Point 22§ 144).

## **Article 16**

### **25. Information on Allegations of Excessive Use of Force and Extrajudicial killings in Counter-insurgency and Counter-terrorism Operations**

#### **(a) Measures to Protect Civilians**

153. The State took various measures to protect civilians both in crisis areas and in other localities. These include:

##### *The deployment of Defence and Security Forces*

154. In order to ensure the protection of all citizens and their property across the country, and in particular in crisis areas, the State permanently deployed its DSF. Thanks to police/population partnership, a “community policing” was setup Toll free numbers, such as “1500”, “17” and “117” allow any victim or witness of a case of human rights violation, even if perpetrated by a State employee, to systematically be assisted by an operational unit of the Police or to bring these facts directly to the attention of the General Delegate for National Security.

*Tackling the Phenomenon of Hostage-taking*

155. In response to the resurgence of the phenomenon of hostage-taking of civilians in the Far North, North West and South West Regions, the Government put in place strategies that resulted in the release of victims and the arrest and prosecution of perpetrators. Thus, in 2017, 177 persons were prosecuted for false arrest, abduction of minors with fraud or violence resulting from these hostage-takings. Of these, six accused persons were convicted<sup>16</sup> and sanctioned.

*Combating the Proliferation and Circulation of Small Arms and Light Weapons*

156. The uncontrolled flow and use of weapons on the national territory give rise to many violations of the right to life. To ensure better regulation and more effective control of this phenomenon, the State during the period under review, carried out field control which led, among others, to the seizure on 3 August 2017, of a shipment of weapons of war in Mbengwi, North West Region. It should be noted that a final document entitled *Yaounde Declaration on the Illicit Flow of Small Arms and Light Weapons in Central Africa* was drafted after the sub-regional meeting held from 13 to 14 June 2018 in Yaounde with a view to intensifying the fight against the circulation of this kind of weapons. The Government suspended the sale of weapons and launched a census of weapons in circulation. In addition, by Decree No. 2018/456 of 3 August 2018, Cameroon ratified the Cooperation Agreement between Nigeria and Cameroon on the non-proliferation of small arms and light weapons signed on 6 February 2018 in Abuja.

*Criminalisation of Abuses and the Fight against Impunity of State Employees*

157. Numerous sanctions geared towards protecting citizens are provided for in the Penal Code, in the CMJ, and in various other specific laws. The CPC clearly states the penalties for committing an offence, even by DSF.

158. The State constantly strives to fight against the impunity of Law Enforcement Officers by ensuring that the perpetrators of acts of torture and other cruel, inhuman or degrading treatment are prosecuted before competent courts and punished in accordance with the laws in force. For instance, Staff Sergeant A.M. was being prosecuted before the Maroua Military Tribunal for assault occasioning grievous harm committed on 18 August 2020 in Djeki (Far North Region) against A.B. In general, successive reports by the Ministry of Justice on Human Rights in Cameroon provide information on the criminal, civil and disciplinary sanctions imposed on DSF found guilty of such acts.

**(b) Measures to Control Security Forces***Control by Military Hierarchy*

159. By Circular-Letter No. 190256/DV/MINDEF/1 of 18 January 2019 referred to above, the Minister of Defence recalled DSF under his command the legal prohibition of torture, cruel, inhuman or degrading treatment and arbitrary detention. To prevent possible violations of these prohibitions, he instructed the opening of a register of persons arrested for interrogation in all detention centres, which shall be consulted by families. This rule is strictly respected in various police and gendarmerie units.

160. Continuous follow-up of compliance with these requirements is carried out through processes such as the Daily Intelligence Briefings (DIBs) required from the Heads of Operational Units.

*Control of Judicial Police Units by the State Counsel*

161. Pursuant to Section 137 of the CPC, The State Counsel shall direct and control the operations of the officers and agents of the judicial police. He may, at any time, visit the police post or the gendarmerie brigade in order to verify the conditions of persons in custody.

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<sup>16</sup> See, for example, Judgements No. 31/17, No. 33/17, No. 34/17 and No. 63/17 rendered in 2017 by the Bertoua Military Tribunal.



In the course of such control, the persons whose release he orders of his own motion or by virtue of an order of habeas corpus, must immediately be set free, under pain of prosecution for unlawful detention against the judicial police officers in charge of the police post or gendarmerie brigade where the custody takes place.

*Control of the Cameroon Human Rights Commission and CSOs*

162. The CHRC, is an independent institution responsible for the promotion and protection of Human Rights, which has a mandate to visit all places of detention and draft reports relating to these visits. Civil society organisations, which are active throughout the country, also play an important role as far as report and alert are concerned (see Points 1(a) § 11 and 12; 6(c), § 58-60).

**(c) Regarding the Outcome of the Search Operation Carried out in Magdeme and Double on 27 December 2014 and on the 130 Missing Persons**

163. An investigation was carried out and proceedings were initiated against Z.O.C.G., B.P. and E.E. before the Yaounde Military Tribunal, which rendered its verdict through Judgement No. 255/COR of 18 October 2018.

**(d) On the Process of Exhumation, Analysis and Identification of Bodies in Suspected Mass Grave Sites**

164. The State is unaware of the existence of mass graves on its territory, neither in the locality of Mindif nor elsewhere.

**(e) Information on specific cases reported by the Committee**

*(a) Regarding the Ngarbuh Events in February 2020*

165. In early February 2020, intelligence services were informed that the village of Ngarbuh-Ntumbaw, located in the Donga-Mantung Division, North West Region, was used as a rear base by the separatists, who had set up a warehouse of arms, ammunition, explosives and fuel of illicit origin there. After a large-scale search operation carried out in the Division by DSF, several secessionist rival factions, of which some members were dressed in army uniforms, converged on Ngarbuh to entrench themselves. In order to free the village from this control, DSF carried out an operation there on 14 February 2020, assisted by members of the vigilance committee. During the confrontation, there was a crossfire, and the arms, ammunition and explosives warehouse exploded. It was in this confusion that some civilians, including children, were caught in the crossfire and lost their lives.

166. In order to shed light on the circumstances of this tragedy, to determine the perpetrators and to establish responsibilities, the High Authorities of the State set up a Joint Commission of Inquiry. After investigations on the field, the Commission found that four Soldiers had not properly conducted the operation to free Ngarbuh from the grip of the separatist terrorists, as far as supervision and execution *mutatis mutandis* are concerned. The Commission concluded that this shortcoming may have led to the collateral damage registered. To face the consequences, disciplinary proceedings were initiated against the Senior Officer. As for the three other Soldiers, they were placed at the disposal of the State Prosecutor at the Yaounde Military Tribunal, who requested the opening of a preliminary inquiry against them, for capital murder, arson and destruction, assault on woman with child and breach of orders. After charging them, the Examining Magistrate issued a remand warrant against them on 24 April 2020, and closed the preliminary inquiry on 20 October 2020, by committing them for trial before the Yaounde Military Tribunal sitting in criminal matters, where the case was still pending.

*(b) Regarding the Looting, Burning of Villages and Killings of Anglophone Civilians allegedly Perpetrated by the Army, especially in Babubock, Bangem and Ndoh in January 2020, and in Kwakwa, Dadi, Kajifu and Bodam villages in December 2017*

167. Investigations were ongoing to verify the accuracy of these allegations and establish possible responsibilities.

168. This notwithstanding, it is worth stressing that the army regularly conducted operations to secure localities in crisis-stricken areas, which made substantial a contribution to stabilise the situation. Investigations and criminal proceedings are systematically initiated on excesses carried out by DSF within the framework of these operations.

- (c) *Regarding the killing of 10 men in the village of Bole Bakundu on 6 February 2019 by Soldiers of the Rapid Intervention Battalion*
- (d) *On the killing of 5 civilians, including a person with a disability, on 4 April 2019 in the village of Meluf by Gendarmes and Soldiers of the Rapid Intervention Battalion*
- (e) *Regarding the killing of a man and the destruction of houses in the village of Mankon on 15 May 2019, and the killing of 2 men on 10 July 2019*

169. Investigations were ongoing to verify the accuracy of these allegations and establish possible responsibilities.

- (f) *On the killing in July 2018 of two Women and their children, accused by the Cameroonian army of being member of Boko Haram*

170. In 2015, Zeveled, a village located in the Mayo Moskota Sub-division, Far North Region of Cameroon, a clash occurred between Cameroon Defence Forces and some fighters of the *Boko Haram* terrorist group. These fighters retreated, leaving behind two women and two children who were arrested and taken to the station commanded by an Officer. Having been subsequently identified by the local population as members of the *Boko Haram* terrorist group, the Officer instructed his men to arrest them. In keeping with these orders, three Soldiers took the women and children to the foot of the Mount Vigibi, where they were killed in the presence of a fourth Soldier who filmed the scene.

171. Having knowledge of the facts in July 2018 following the dissemination of images of the gruesome scene on social media, the High Authorities of the State immediately instructed the opening of an investigation, which led to the arrest of all the Soldiers involved and the opening of a preliminary inquiry against them. The Examining Magistrate issued a remand warrant against all of them and sent them to be tried before the Yaounde Military Tribunal as co-offenders and accomplices for capital murder and breach of orders.

172. After hearing the case, the Yaounde Military Tribunal rendered its judgement on 21 September 2020. The Senior Officer and the three Soldiers who opened fire were sentenced to 10 years in prison, while the Soldier who filmed the scene was sentenced to 2 years in prison. On 30 September 2020, the Legal Department lodged an appeal against this judgement. The matter is currently pending before the Centre Court of Appeal.

- (g) *Regarding the Killing of 4 Civilians and the enforced disappearance of 2 others on 26 June 2018 in the Village of Mouri, Far North Region, by armed Soldiers*
- (h) *Regarding the killing of 2 unarmed men by Soldiers of the Rapid Intervention Battalion in a Buea Neighbourhood known as Great Soppo, on 24 September 2018*

173. Investigations were ongoing to verify the accuracy of these allegations and establish possible responsibilities.

- (i) *Regarding the Death of four Persons in the Far North Region in April 2015*

174. See the answer f) above, § 170-172.

- (j) *The Death of a Man Attributed to DSF during an Operation to arrest indian hemp Growers on 4 September 2017, in the village of Kifen*

175. Following allegations of excessive use of firearms resulting in the death of a man during an operation to apprehend indian hemp growers on 4 September 2017 in the village of Kifen (Bui Division), conducted by Soldiers of the Bui Gendarmerie Company, the Commander of this Unit was relieved of his duties and brought before the Bamenda Military Tribunal with his collaborators.

*(k) Number of Forces of Law and Order Trained in the Use of Force*

176. All members of the *Forces of Law and Order* (FLO) were trained in the use of force in line with the Basic Principles on the Use of Force and Firearms. This training was provided both during the initial training of the personnel concerned and within the framework of capacity-building sessions and internships.

**26. Situation of Human Rights Defenders****(a) General Measures to Protect Human Rights Defenders**

177. Human Rights defenders, whose number has increased over the years, carry out their activities in Cameroon. The State ensures their safety, as well as that of other citizens and residents. To this effect, investigations are systematically opened and proceedings initiated whenever an offence committed against them has been reported or has been the subject of a complaint.

178. Aggregate statistics on the number of complaints, outcomes of investigations and sentences passed in the specific proceedings related to Human Rights defenders were not available.

**(b) Information on few cases reported by the Committee***(a) On the Ahmed ABBA Case*

179. Mr Ahmed ABBA was arrested on 30 July 2015 in Maroua, Far North Region, on the ground of strong suspicions of collaboration with members of the *Boko Haram* terrorist group who were wreaking havoc in the northern part of the country. After investigations, he was prosecuted before the Yaounde Military Tribunal, which has national jurisdiction, for failure to report acts of terrorism, justifying acts of terrorism and laundering of the proceeds of acts of terrorism, offences provided for and punished by Section 4 and 8 of Law No. 2014/28 of 23 December 2014 on the suppression of acts of terrorism. At the end of proceedings in which the fundamental rules of fair trial and the rights of the defence were respected, on 20 April 2017, the Tribunal found him not guilty of justifying acts of terrorism, and guilty of the other two offences. On 24 April 2017, he was sentenced to 10 years in prison. Following his appeal, the Centre Court of Appeal in its judgment rendered on 21 December 2017, found him not guilty of laundering the proceeds of acts of terrorism, but guilty of failure to report acts of terrorism, and reduced the sentence to 24 months in prison. He was released the day after the judgment was rendered.

180. He was neither tortured nor intimidated during his remand in police and prison custody.

*(b) Regarding the NJOKA Kingsley Case*

181. NJOKA Kingsley FOMONYUY was suspected of being the Coordinator of several pro-secessionist *WhatsApp* groups, including the "*Bui Warriors*" group based in Kumbo, his home town. Evidence gathered by the security forces revealed that his activity contributed to the massacre of young people who had resolved to give a positive answer to the peace offer of the Head of State, made during his inauguration speech on 6 November 2018. He was arrested in Douala on 15 May 2020 by the Central Service of Judicial Investigation, a judicial police unit of the National Gendarmerie with national jurisdiction, where he was remanded in custody with his right to visits by his Lawyer and Physician guaranteed. After the investigation, he was brought before the State Prosecutor at the Military Tribunal on 11 June 2020. A preliminary inquiry was opened against him for secession and complicity in an armed band. After being charged, he was remanded in custody at the Yaounde Central Prison on the same day. Proceedings are ongoing before the Yaounde Military Tribunal, with the rights of the defence and the requirements of a fair trial being respected.

*(c) On the Samuel WAZIZI Case*

182. Samuel AJIEKAH ABUWE also known as Samuel WAZIZI was arrested on 3 August 2019 by Officers of the Buea 3 Police Station, on the ground of reliable information alleging

he was a member of terrorist groups. On 7 August 2019, he was transferred to the 21<sup>st</sup> Motorised Infantry Brigade of Buea. On 13 August 2019, he was transferred to the Yaounde Military Security Division for interrogation since the offences against him were inextricably linked to national security and territorial integrity.

183. On 17 August 2019, because of his precarious health, he was transferred to the Yaounde Military Hospital. After his death, on the High instructions of the President of the Republic, a joint investigation was opened by the National Gendarmerie, the National Security and the Territorial Administration to shed light on the circumstances of the said death. The findings of this investigation will help to identify those responsible.

(d) *Regarding the Assault against Mrs NGO MBE*

184. Following a complaint lodged by Mrs NGO MBE Maximilienne (the Executive Director of the Central Africa Human Rights Defenders Network (REDHAC)), an investigation was opened at the Littoral Regional Judicial Police Division to identify and arrest the perpetrator of the physical assault of which she claimed to have been a victim in Douala in the night of 28 to 29 August 2019 by an unknown person. It is worth mentioning that Mrs NGO MBE Maximilienne did not come to the Littoral Regional Judicial Police Division to make a statement to facilitate further investigations and allow for the establishment of the truth, despite repeated reminders from the Head of the Division.

(e) *Disappearance of Franklin MOWHA Case*

185. Investigations carried out established that the aforementioned was allegedly abducted on 6 August 2018 at the Azim Hotel in Kumba, South West Region, by unknown persons. Investigations were ongoing to possibly find him.

## **27. Protection of LGBTs and Human Rights Defenders**

186. Section 347(1) of the Penal Code which punishes whoever has sexual relations with a person of the same sex is a reflection of the values of the Cameroonian society approved by the social fabric. In principle, citizens are protected by the Constitution and other instruments without discrimination. Investigations are systematically initiated in case of complaints or reports of violence or abuse, including against LGBTs.

## **28. Measures against Corporal Punishment**

### **(a) Regarding the Prohibition of Corporal Punishment in all Places**

187. Law No. 98/4 of 14 April 1998 to lay down guidelines for education in Cameroon protects pupils and students from corporal punishment. Section 35 of that law provides that “the physical and moral integrity of pupils shall be guaranteed in the education system. The following are therefore prohibited: physical abuse and all other forms of violence, discrimination of any kind...”.

188. As concerns the prohibition of corporal punishment within the family, see Point 7(c) § 70.

### **(b) Regarding Surveys and Awareness-raising Programmes**

189. As part of its activities to promote Human Rights, the CHRC organises ceremonies to commemorate international and regional Days related to human rights, including days against police violence and solidarity with victims of torture. Within the purview of a partnership with UNICEF and the NGO *Sight Savers*, awareness-raising and training activities for pupils and Teachers were carried out on issues related to mistreatment of pupils in schools. Communication documents to provide information on child protection were also drafted and since 2017, Brigades have been set up in schools to register or collect reports against parents and Teachers who abuse children and bring the cases to court.

190. When violence and similar acts committed against children are reported to competent authorities, investigations are systematically initiated and the perpetrators are prosecuted and sentenced in accordance with the law. For example, by Judgement No. 51/CRIM of 27 March

2019, the Moungo High Court sentenced E.S.C. to life imprisonment for use of force causing the death of a child. Equally, by Judgement No. 819/COR of 18 October 2019, the Edea Court of First Instance sentenced M.M. to one month in prison and a fine of CFAF 50,000, for assault on children. In addition, the Ntem Valley High Court, by judgment No. 23/CRIM of 16 August 2019, sentenced E.A.B.C. and M.A.J. respectively to 2 and 5 years in prison, for attempted child trafficking. The same court by judgement No. 25/CRIM of 11 November 2018, sentenced O.B.F. and N.L.L., respectively to 10 years and 1 year in prison, as offender and co-offender of child trafficking /TRAFIC.

## II. Information on other issues

### 29. Measures to Combat the Coronavirus Outbreak in Cameroon

#### (a) General Measures to Combat Covid-19 in Cameroon

191. Cameroon chose a cautious response against Covid-19 with the adoption of gradual measures, which were adjusted as the health situation evolved.

##### 1. *Setting-up of a Body to Coordinate the Response against the Pandemic*

191bis. When the first case of Covid-19 was recorded in Cameroon in early March 2020, the Prime Minister, Head of Government, set up a Ministerial Committee in charge of evaluating and monitoring the implementation of Government's response strategy against the pandemic, under his own coordination.

##### 2. *Phased Implementation of the Action Plan against Covid-19*

192. The early measures<sup>17</sup> of the Plan of Action of the Government to combat the pandemic were taken on 17 March 2020, with the aim to reconcile rights and freedoms with the protection of public health.

<sup>17</sup> At the end of an inter-ministerial consultation held on 17 March 2020, which was intended to take stock of the situation and identify the appropriate actions to be implemented, the Prime Minister communicated the following 13 measures, which took effect from 18 March 2020:

- Cameroon's land, air and sea borders will be closed: consequently, all passenger flights from abroad will be suspended, with the exception of cargo flights and vessels transporting consumer products and essential goods and materials, whose stopover times will be limited and supervised<sup>17</sup>;
- the issuance of entry visas to Cameroon at the various airports shall be suspended;
- all public and private training establishments of the various levels of education, from nursery school to higher education, including vocational training centres and professional schools, will be closed;
- gatherings of more than fifty (50) persons are prohibited throughout the national territory; school and university competitions, like the FENASSCO and University games are postponed; under the supervision of administrative authorities, bars, restaurants and entertainment spots will be systematically closed from 6 p.m.;
- a system for regulating consumer flows will be set up in markets and shopping centres; urban and inter-urban travel should only be undertaken in cases of extreme necessity;
- Drivers of buses, taxis and motorbikes are urged to avoid overloading: law enforcement officers will ensure they comply;
- private health facilities, hotels and other lodging facilities, vehicles and specific equipment necessary for the implementation of the COVID-19 pandemic response plan in Cameroon may be requisitioned as required, by competent authorities;
- Public administrations shall give preference to electronic communications and digital tools for meetings likely to bring together more than ten (10) people;
- missions abroad of members of Government and public and para-public sector employees are hereby suspended;
- the public is urged to strictly observe the hygiene measures recommended by the World Health Organisation, including regular hand washing with soap, avoiding close contact such as shaking hands or hugging, and covering the mouth when sneezing.

It should be noted that to ensure the financing of the crusade against Covid-19, the President of the Republic created, on 31 March 2020, a Special National Solidarity Fund for the fight against the coronavirus and its economic and social repercussions, and endowed it with an initial envelope of

193. The progress of the health crisis and its economic impact subsequently led to an adjustment of the control plan by taking additional measures on 9 April 2020, including: the general wearing of masks in all spaces open to the public; the establishment of specialised treatment centres for Covid-19 patients in all Regional capitals following the field hospital model to operate normally; the intensification of the Covid-19 screening campaign with the collaboration of the *Centre Pasteur* and its branches, as well as other relevant health institutions; the intensification of the awareness raising campaign in urban and rural areas, both in the two official languages and through complementary channels of communication to be defined by the Minister of Communication with the support of administrative, municipal, traditional and religious authorities; the continuation of activities essential to the economy, in strict compliance with the directives of 17 March 2020 and the measures recommended by the WHO and the systematic sanctioning of any breach of the restriction and confinement imposed on persons at risk.

194. Free voluntary vaccination campaigns started across the country in March 2021.

### 3. *Adoption of Response Strategy to the Coronavirus Pandemic*

195. In June 2020, the Government adopted a response and economic and social resilience strategy based on 5 pillars, including: strengthening the health system,<sup>18</sup> economic and financial resilience,<sup>19</sup> strategic sourcing,<sup>20</sup> strengthening research<sup>21</sup> and innovation and social resilience.<sup>22</sup> This response strategy is in line with other development planning documents, especially the National Development Strategy 2020-2030.

#### (b) **Specific Measures to Combat Covid-19 in Prisons**

196. Specific measures taken in favour of detainees include:

- The signing by the President of the Republic of Decree No. 2020/193 of 15 April 2020 to commute and remit sentences. This measure has enabled the decongestion of prisons by about a third. In practical terms, out of a total of 28,806 detainees on 15 April 2020, 9,999 benefited from this measure, that is 34.71%. The NCHRF ensures the follow-up on the enforcement of this Decree in prisons of the Littoral and South Regions, from 28 to 29 April 2020 and from 24 to 25 September 2020 respectively;
- The signing by the Minister of Justice of Circular Letter No. 1/LC/MINJUSTICE/CAB/SEAP of 18 March 2020 to strengthen health and security measures in prisons, which aimed to adapt the general response actions against the pandemic prescribed by the Prime Minister to the context of the prison environment. These measures include: authorising the application to the entire prison population of the therapeutic protocol put in place for asymptomatic positive cases; the careful supervision of prisoners' stays outside prisons; and respect for hygiene rules. In order to prevent any contamination, some activities have been undertaken by prison health care personnel in conjunction with the Ministry of Public Health, namely: the installation of water points for hand washing at the entrance to and inside prisons, and the compulsory wearing of masks by prisoners, strengthening of awareness campaigns and other educational talks for both prisoners and staff, mass

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CFAF 1000000000. By Ordinance N°2020/1 of 3 June 2020 to amend and supplement some provisions of Law No. 2019/23 of 24 December 2019: Finance Law of the Republic of Cameroon for the 2020 financial year, this National Solidarity Fund was transformed into a trust fund for the fight against Covid-19.

<sup>18</sup> Pillar 1 aims to prevent the spread of the Covid-19 pandemic and to provide to those affected. CFAF 58,700,000,000 were allocated to it.

<sup>19</sup> Pillar 2 aims to cushion the economic and financial impact of the health crisis on businesses CFAF 37,500,000,000 were allocated to this pillar.

<sup>20</sup> Pillar 3 aims to ensure the continuity of supply of basic necessities. CFAF 5,500,000,000 were allocated to it.

<sup>21</sup> Pillar 4 aims to encourage the local development of innovative solutions likely to prevent the coronavirus. CFAF 9,500,000,000 were earmarked to this pillar.

<sup>22</sup> Pillar 5 aims to alleviate the social impact of the pandemic on vulnerable persons and households.

screening campaigns for prisoners and screening, creation of a screening centre at the Yaounde Central Prison;

- A partnership between public health services and prisons for the quick treatment of positive cases in prisons;
- Decongesting prisons by transferring about 800 prisoners from overcrowded prisons to less crowded ones;
- Improving detention conditions with a proper distribution of cells and a recurrent disinfection of prisons;
- Children's care: with the support of some technical and financial partners such as UNICEF, UNDP, UNESCO and civil society organisations, detained minors have benefited from specific nutritional care, with the allocation of a specific meal in addition to the prison meal. The aim of this measure was to strengthen their immune systems for them to cope with Covid-19. They also received hygiene kits (soap, detergent, bleach, etc.); and
- The continuation of the prison infrastructure rehabilitation and construction programme (see Point 15 (a) § 96-100).

### **III. Information on other measures and developments regarding the implementation of the Convention**

#### **30. Information on other Relevant Measures**

##### **(a) Adoption of the National Development Strategy 2020-2030**

197. In 2020, Cameroon adopted the National Development Strategy 2020-2030 (NDS-30), which is intended to structure the country's development policy for the next decade. This instrument is based on four major pillars: structural transformation of the economy; development of human capital and well-being; job creation and economic integration; governance, decentralisation and strategic management of the State. The last pillar lays special emphasis on strengthening the Rule of Law and Human Rights protection.

##### **(b) Ratification of key Legal Instruments**

198. These are the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography pursuant to Decree No. 2020/2 of 6 January 2020; the Statute of the Women Development Organization in the Member States of the Organization of the Islamic Conference (OIC) in accordance with Decree No. 2020/396 of 27 July 2020; the Agreement on the Criminal Police Cooperation Agreement between Central African States signed in Yaounde, Cameroon, on 18 September 2015 pursuant to Decree No. 2020/797 of 29 December 2020; the Agreement between the Republic of Cameroon and the Federative Republic of Brazil, on the Transfer of Persons Sentenced to Deprivation of Liberty, signed on Decree signed on 4 September 2019 in accordance with Decree No. 2021/244 of 27 April 2021; the United Nations Convention on the Rights of Persons with Disabilities pursuant to Decree No. 2021/751 of 28 December 2021; The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa in accordance with Decree No. 2021/753 of 28 December 2021; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons pursuant to Decree No. 2021/752 of 28 December 2021.

##### **(c) Setting up of the National Disarmament, Demobilisation and Reintegration Committee (NDDRC)**

199. Established by Decree No. 2018/719 of 30 November 2018, the NDDRC is under the authority of the Prime Minister. The Committee is responsible of organising, supervising and managing the disarmament, demobilisation and reintegration of ex-fighters of *Boko Haram* and armed groups in the North West and South West Regions who wish to lay down weapons. The Committee had three regional centres in Bamenda, Buea and Mora.

200. The setting-up of the NDDRC greatly contributed to reducing cases of violence in the crisis areas through the reception and de-radicalisation of repentant fighters. At the end of 2020, the total number of ex-fighters registered in the centres was 584, including 189 in Bamenda, 168 in Buea and 227 in Mora. In addition, 140 foreign ex-fighters were handed over to their countries of origin and 70 Cameroonians were integrated into active life.

## **Conclusion**

201. From the foregoing, it is clear that during the period under review, the State of Cameroon remained committed to the values, principles and provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Despite security, budget and health constraints, it endeavoured, within available means, to implement the recommendations made by the Committee.

202. While progress was made at the strategic, normative, institutional and operational levels, there were still several challenges, especially failure to implement some reforms and empower victims who are women, the constant mobility of socially vulnerable persons, the implementation of the programme to improve the prison map, the care of children associated with armed groups, the establishment of a system for the protection of witnesses and victims of torture, and the ratification of some relevant legal instruments.

203. With the support of its technical and financial partners, Cameroon intends to pursue its efforts and consolidate what has been achieved to strengthen the protection of people against torture and other cruel, inhuman and degrading treatment or punishment on its territory. It thus intends to maintain an open and constructive dialogue with the Committee.

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