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

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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Second periodic reports of States parties due in 1992

Addendum

CAMEROON*

[20 November 1999]

* The initial report submitted by the Government of Cameroon is contained in documents CAT/C/5/Add.16 and 26; for their consideration by the Committee, see documents CAT/C/SR.34, 35, 101 and 102 and Official Records of the General Assembly, forty-fifty and forty-sixth sessions, Supplements Nos. 44 (A/45/44), paras. 251-279, and A/47/44, paras. 244-284.

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## Introduction

1. Cameroon acceded, on 19 December 1986, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention") adopted by the General Assembly of the United Nations on 10 December 1984. The Convention entered into force for Cameroon on 26 June 1987.

2. A Committee against Torture (hereinafter referred to as "the Committee") was established to monitor the implementation of the Convention. Under the terms of article 19, paragraph 1, of the Convention, "the States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request".

3. Cameroon's initial report, submitted on 15 February 1989 (CAT/C/5/Add.16), was considered on 20 November 1989 (CAT/C/SR.34 and 35). Following its consideration, the Committee requested the Cameroonian Government to submit a supplementary report, which was sent to the Committee on 25 April 1991 (CAT/C/5/Add.26) for presentation on 20 November 1991 (CAT/C/SR.101 and 102).

4. Cameroon failed to fulfil its quadrennial treaty obligation in 1992. Consequently, this report combines the information awaited by the Committee in 1992 and 1996. In accordance with the general guidelines adopted by the Committee at its sixth session on 30 April 1991, this report is divided into two parts. The first contains information on new measures and new developments relating to the implementation of the Convention, while the second part contains additional information and replies to the Committee's observations and to the questions that it raised during its consideration of the supplementary report on 25 April 1991. However, before beginning these two parts, it is essential to give a brief account of the politico-juridical framework within which the Convention was applied during the periods in question.

5. Since Cameroon's last report, the country's socio-political and juridical environment has developed considerably. This far-reaching transformation began to take shape in 1990, when most of the laws that violated human rights and fundamental freedoms were either abolished or amended. Within this context of political liberalization, multiparty elections were held in 1992 (presidential and legislative) and in 1996 (municipal) under the terms of the Political Parties Act No. 90/56 of 19 December 1990 which introduced a full multiparty system, Act No. 91/020 of 16 December 1991 which specified the conditions for the election of representatives to the National Assembly and Act No. 92/002 of 14 August 1992 which specified the conditions for the election of municipal councillors. That transformation culminated in 1996 with the revision of the Constitution of 2 June 1972. That constitutional revision was characterized mainly by the inclusion of human rights as a constitutional principle, the designation of the judiciary as an authority independent of the executive and legislative authorities, and administrative decentralization.

6. Although that juridical transformation is far from complete, in practice it should have a positive effect on the implementation of the Convention and it is in this light that the Committee's concerns should be addressed.

## PART I

### *Information on new measures and new developments relating to the implementation of the Convention (arts. 1 to 16)*

### Article 1

7. No specific definition of torture, as understood in article 1 of the Convention, had yet been incorporated in Cameroonian legislation during the periods in question. However, that shortcoming was rectified in 1997 and the definition will be analysed in the next periodic report.

8. Offences that could be equated with acts of torture, to which reference was made in the supplementary report of 25 April 1991 (CAT/C/5/Add.36, paras. 41-44), continued to be punished in cases in which the offence of torture could have been reasonably substantiated.

### Article 2

#### *Paragraph 1*

9. The State of Cameroon has taken legislative, administrative and judicial measures which, far from being confined to protection of the human person from acts of torture, cover the vast field of fundamental human rights.

Legislative measures

10. The highest-ranking normative instrument, the Constitution (Act No. 96/06 of 18 January 1996), stipulates as follows in its preamble, which has constitutional value:

> "No one may be compelled to do what the law does not prescribe;
>
> No one may be subjected to prosecution, arrest or detention except in the cases and in accordance with the procedures determined by law;
>
> […]
>
> No one shall be harassed because of his origin or his religious, philosophical or political opinions or beliefs, subject to respect for public order and morality;
>
> […]
>
> Freedom of communication, freedom of expression, freedom of the press, freedom of assembly, freedom of association, freedom to form trade unions and the right to strike shall be guaranteed under the conditions specified by law."

11. With regard to torture, in particular, the preamble contains the following clause:

> "Everyone has the right to life and to physical and mental integrity and must be treated humanely in all circumstances. No one may on any account be subjected to torture or cruel, inhuman or degrading treatment or punishment."

This prohibition of torture and other cruel, inhuman or degrading treatment or punishment provides the clearest illustration of Cameroon's political will to give effect to the Convention.

12. This political will is reflected, as will be explained in greater detail in the next periodic report, in the penalization of torture under the terms of Act No. 97/009 of 10 January 1997, which amended and supplemented some provisions of the Penal Code. The amendment of Act No. 64/LF/13 of 26 June 1964, which regulated extradition, by Act No. 97/010 of 10 January 1997 likewise reflects that desire to combat torture effectively, regardless of the place where it is committed, within or outside the national frontiers, by a citizen, a resident or a foreigner.

13. In this context, reference can be made, among other legislative measures, to article 3 of the Political Parties Act No. 90/56 of 19 December 1990, which stipulates that: "No one shall be forced to join a political party and no one shall be harassed because of his membership of a political party". The scope of such a provision can be understood only in the light of the former situation in Cameroon before the process of democratization began in 1990. In fact, prior to that date, no one could openly admit to being a member of a political party other than the single recognized party without being subjected to a certain social marginalization.

14. Article 3 of the Freedom of Social Communication Act No. 90/52 of 19 December 1990, under the terms of which "printing and publication are free", also reflects the liberalization that has been introduced by the Cameroonian political regime. Crimes of opinion, which were formerly a source of police harassment, were thereby removed from the national arsenal of repression.

15. All these new legislative measures were either preceded or followed by administrative measures that declared or revealed the State's firm intention to prevent torture.

Administrative measures

16. The administrative measures concern, in particular, the fields in which there is the greatest risk of the commission of acts of torture. These fields include, *inter alia*, the police, the gendarmerie and the prison administration. The Ministry of Justice and the courts are extending and supplementing these measures.

(a) In the police force

17. The attention of police personnel is constantly being drawn to violations of human rights and freedoms. It was undoubtedly with a view to improving the negative image of the police that, in an address delivered on 21 July 1995, the Minister of State for the Police reminded police officers that "your main concern should be not only to fight serious crime but to ensure

respect for human rights". Even before that reminder, article 103 of Decree No. 92/255 of 28 December 1992, concerning the organization of the Office of the Secretary of State for Internal Security, established within the departments of public security the post of police superintendent, one of whose principle functions is to ensure the safety of persons held in police custody.

18. Circular No. 00708/SESI/S of 21 June 1993 concerning "cruelty and inhuman treatment at police stations" duly supplemented and strengthened the above-mentioned statutory measure. After condemning "cruelty, acts of brutality and occasional lethal assault and battery as a working or investigative method of criminal investigation officers", it prescribed "for all, strict working procedures designed to put an end, once and for all, to those aberrations".

19. The procedures concerned were as follows:

(a) Only inspectors and other senior police officers shall be empowered to decide on cases of police custody under the permanent control of the public prosecutor;

(b) Every morning, the persons in charge of police stations shall check on the situation of persons held in police custody in order to identify, in time, any sick persons, who must be immediately taken to hospital for appropriate medical care;

(c) The police custody registers shall be inspected every day by the same persons in charge, who must verify the actual presence, in good health, of the detainees;

(d) Any inhuman or degrading treatment of citizens at police stations must be prohibited as a working method. This applies to:

(i) Use of a baton or a whip as a means to extract confessions;

(ii) The practice known as "café" (bastinado), in which persons are beaten on the soles of their feet, and the notorious "see-saw";

(iii) Improper use of aerosols and service weapons;

(e) The perpetrators of such violations of the physical integrity of persons shall systematically form the subject of disciplinary action;

(f) Any individual known to be quick-tempered, impulsive and violent must be dismissed in order to avoid these irreparable abuses of police authority which the public find so abhorrent;

(g) In general, scrupulous respect for the rights and freedoms of citizens while, at the same time, safeguarding public order should be regarded as the cardinal rule of conduct for police officers.

20. In order to verify the effectiveness of these measures, regular controls are carried out in police units by senior officials. These units maintain a police custody register in which the

following information is entered: the reason for the police custody; its date and time; the individual's overall appearance at the time when he is taken into custody; his condition at the time of his departure (transfer or release); other details concerning property found in his possession.

21. Internal police memoranda have further emphasized the prohibition of the ill-treatment of persons held in police custody. In this connection, reference can be made to Memorandum No. 01917/SESI/DPJ/S of 23 November 1993 from the Director of the Criminal Investigation Department ordering criminal investigation officers to comply strictly with the legal provisions concerning the time limits for police custody. Memorandum No. 01958/SESI/DPJ/S of 1 December 1993 from the same authority, has an even more direct bearing on the aim of the Convention insofar as it warns, in two strong paragraphs, that:

> "Any physical or psychological ill-treatment of a person held in police custody is strictly prohibited.
>
> Any police officer who is found guilty of such acts shall be punished."

22. In addition to this internal control by senior police officials, the judicial authorities also have a responsibility to monitor the regulations, instructions, interrogation methods and practices and the provisions concerning the police custody and treatment of persons held for questioning and, to that end, the public prosecutor visits the cells of police stations, usually without prior notice.

23. When all these measures fail to prevent commission of the acts specified and condemned in the Convention, disciplinary and even penal sanctions are applied. The following tables recapitulate some of the disciplinary and penal sanctions imposed, by rank, on police personnel convicted of acts prohibited by the Convention during the periods in question.

Disciplinary sanctions

| Rank | Police constables | Police inspectors | Police officers | Police superintendents | Total |
|---|---|---|---|---|---|
| Warning | 25 | 6 | 1 | | 32 |
| Reprimand | 81 | 35 | | | 116 |
| Dismissal | 1 | | | | 1 |
| Total | 107 | 41 | 1 | | 149 |

Judicial sanctions

| Rank | Police constables | Police inspectors | Police officers | Police superintendents | Total |
|---|---|---|---|---|---|
| Penalties of imprisonment | 14 | 4 | 2 | 2 | 22 |
| Suspended sentences | | | | 1 | 1 |
| Life imprisonment | 5 | | | | 5 |
| Total | 19 | 4 | 2 | 3 | 28 |

(b) In the gendarmerie

24. The gendarmerie is an elite military corps which is normally assigned to law enforcement activities. However, the behaviour of some members of this corps is deplored to the same extent as that of the police force, judging by the terms of a dispatch dated 18 April 1996 from the Secretary-General of the Office of the President of the Republic to the Secretary of State for Defence (who is responsible for the gendarmerie) concerning "reprehensible conduct by the forces responsible for law enforcement". The "abuses of police authority in violation of the rights and freedoms of citizens" that are noted therein are condemned as being likely to "significantly compromise the current process of consolidating the rule of law and to give credit to the allegations that are often made abroad concerning the promotion and protection of human rights and freedoms in Cameroon. The Secretary-General of the Office of the President of the Republic therefore prescribed "diligent and dissuasive treatment, without indulgence …for that category of offenders in order to make the population feel safer and to re-establish the requisite confidence that should exist between the latter and the security forces".

25. Through a series of internal memoranda, the high command of the gendarmerie had already expressed its firm resolve to prevent violations of the rights of citizens. In this connection, reference can be made to the following memoranda:

(a) Memorandum No. 1521/4-PO/NDS/SED/210 of 22 March 1993 concerning restoration of the gendarmerie's public image;

(b) Note No. 044/4/FC/SED/210 of 14 June 1993 concerning improvement of the gendarmerie's public image;

(c) Circular letter No. 0092/LC/MINDEF/M of 18 October 1993 concerning untimely traffic controls;

(d) Circular letter No. 02405/LC/MINDEF/01 of 20 October 1995 concerning participation by military personnel in acts of assault with a deadly weapon.

26. At all events, the military high command takes the view that violations of human rights include the following behaviour on the part of gendarmes which frequently leads to acts of torture and ill-treatment: irksome traffic controls; irregular use of a weapon against a citizen;

acts of physical and psychological violence against citizens; and threats with a deadly weapon. Such behaviour is punished by disciplinary action, without prejudice to any penal sanctions that might be imposed.

27. These disciplinary sanctions are illustrated by the following statistics. In 1994, violations of the rights and freedoms of citizens, classified under the heading "human rights", included the following abuses: irksome traffic controls; irregular use of a weapon against a citizen; extortion of money; arbitrary arrests and detentions; acts of physical violence against citizens; and threats with a deadly weapon. The statistics also show the nature of the offences, the number of complaints filed against NCOs and gendarmes and the total sanctions imposed in terms of days of custodial arrest and imprisonment.

| Reasons | Number of complaints | | Total disciplinary sanctions | |
|---|---|---|---|---|
| | NCOs | Gendarmes | Custodial arrest (days) | Imprisonment (days) |
| Irksome controls | 3 | 10 | 55 | 200 |
| Irregular use of weapons | 2 | 3 | 207 | 60 |
| Extortion of money | 7 | 9 | 150 | 210 + Disciplinary Board |
| Arbitrary arrests and detentions | 4 | 2 | 55 | 40 |
| Physical violence | 5 | 15 | 80 + Disciplinary Board | 315 |
| Threats with a deadly weapon | - | 2 | - | 45 |
| Total | 21 | 41 | 547 | 870 |

(c) In the prison administration

28. Following the process of democratization in Cameroon, the civic re-education centres (CRCs) at Tchollire, Mantoum and Yoko, which accommodated persons held in administrative detention under the terms of Ordinance No. 62/DF/18 of 12 March 1962 concerning the suppression of subversion, were closed and the persons held therein were released. For example, Philippe Wokam, Marin Tanyi Odjong, Tandi Isidore Nkiamboh and Jean Nkwetche, who had been detained at the Tchollire CRC since 1985, were released under the terms of Order No. 206/A/MINAT/DAP/SDAA/SAA issued by the Minister for Territorial Administration on 8 June 1990. In accordance with Order No. 0230/A/MINAT/DAPEN/SEP of 4 June 1992, the CRCs were converted into ordinary prisons.

29. Under the terms of the same Order, with a view to relieving the congestion in existing prisons, the following four new prisons were established:

Meri prison in the Far North Province;

Tchollire I prison in the Northern Province;

Monatele prison in the Central Province;

Bazou prison in the Western Province.

30. Moreover, provisions designed to improve the working conditions of prison staff have greatly transformed the prison environment in the sense of more humane treatment of detainees. In this regard, Decree No. 92/052 of 27 March 1992 regulating the prison system, which was largely based on the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations, recognizes every prisoner's right to food, clothing, health and hygiene, as well as his right to constitute a savings fund, to participate in cultural and recreational activities, to benefit from social assistance, to submit complaints, to take part in religious services and to have a decent burial. These rights, for which provision is made in articles 22, 29, 35, 41, 45, 51, 59 and 64, are based on articles 11, 15, 17, 20, 21, 22, 35, 37, 41 and 44 of the Standard Minimum Rules.

31. Under the terms of the above-mentioned Decree, some categories of detainees, such as women, minors and persons held in pre-trial detention, enjoy special rights. In fact, article 20 of the Decree stipulates that "women must be strictly segregated from men", while article 50, paragraph 2, adds that "women and minors shall be required to work only inside the prison or in the fields belonging thereto". Article 8 of the Decree stipulates that "persons who have not reached the legal age for imprisonment may be admitted under special conditions, which shall be applicable to both accused and convicted persons". With regard to persons held in pre-trial detention, article 20, paragraph 1, of the Decree emphasizes the principle that they should be segregated from convicted detainees. It is also prohibited to give them a close-cropped haircut or force them to work.

32. Decrees No. 92/054 of 27 March 1992, concerning the special status of prison administration staff, and No. 92/056 of 27 March 1992, instituting and establishing the rate and the conditions of payment of a risk indemnity for prison administration staff, were in the same vein. It is evident that all grades of prison staff, by virtue of their enjoyment of greater social esteem and better material and financial treatment by the State, will be more inclined to take into account the inherent dignity of every human person, including detainees.

33. Moreover, the establishment of a Sub-Directorate of Prison Health in the Directorate of Prison Administration, under the terms of Decree No. 95/232 of 6 November 1995 concerning the organization of the Ministry of Territorial Administration, showed the same concern to humanize Cameroonian prisons.

34. However, in spite of these efforts on the part of the Cameroonian Government, prison life has not become a bed of roses due to the State's lack of financial resources. Torture and

ill-treatment are often attributable not only to environmental conditions but also to human nonchalance. In such an event, disciplinary sanctions are necessary in order to increase the level of conscientiousness. Order No. 080 of 10 May 1983, issued by the Minister for Territorial Administration, concerning the disciplinary system for prison administration staff, specifically makes provision for sanctions in the event of ill-treatment being inflicted on detainees. These sanctions range from confinement to quarters to delayed promotion, without prejudice to any criminal proceedings that might be instituted.

35. Since general statistics are not available, some cases on record at the central prison in Yaoundé might be mentioned:

(a) The case of the prison guard Joseph Placide Dzou: penalty of 48 hours' additional guard duty for acts of violence against the detainee Haman Ousmanou (Decision No. 46/S/PCY/SAF/BF of 16 November 1992 by the prison warden);

(b) The case of the prison guard Major Mama Atangana: penalty of 48 hours' additional guard duty for ill-treatment of the detainee Jules Kouam (Decision No. 08/S/PCY/SAF/BP of 4 February 1993);

(c) The case of the prison guard Oscar Amougou: penalty of 48 hours' additional guard duty for acts of violence against the detainee Roger Sole (Decision No. 17/S/PCY/SAF/BP of 14 May 1993);

(d) The case of the prison guard Joseph Placide Dzou: penalty of three days in a disciplinary cell for brutality against the detainee Evariste Atemengue (Decision No. 09/S/PCY/SAF/BP of 26 June 1994);

(e) The case of the prison guard Major Pierre Muesso Mebenga: penalty of three days in a disciplinary cell for acts of violence against a detainee (Decision No. 16/S/PCY/SAF/BP of 6 March 1995).

Disciplinary sanctions are imposed without prejudice to any criminal penalties.

(d) <u>In the Ministry of Justice and the courts</u>

36. Administrative measures have been taken by the Minister of Justice, to whom the public prosecutors are subordinate. There are three noteworthy circulars in this regard:

(a) The Circular of 18 October 1989, concerning pre-trial detention, which specifies the measures to be taken or ordered by public prosecutors of the courts of appeal to deal with the increase in the prison population. It makes provision for the following immediate and long-term measures:

(i) Provisional release of adult detainees, with the exception of persons convicted of offences involving bloodshed, compound larceny,

counterfeiting, drug trafficking and embezzlement of large amounts of public funds;

(ii) Delivery of detained minors into the custody of their parents, whenever possible;

(iii) Reconciliation of the judicial policy of pre-trial detention with the absorption capacity of penal institutions

(iv) Regular periodic inspections of prisons.

(b) Circular No. 24848/CD/D/9276/DAJS of 23 May 1990, which advocates stricter controls of policy custody by prescribing, in addition to selective interventions, weekly visits to all police and gendarmerie units and the systematic liberation of all persons whose retention in police custody is not legally justifiable.

(c) The Circular of 7 December 1992, under which public prosecutors are required to ensure, in particular, that detainees receive proper medical care.

37. Since repression is the last resort, members of the police, the gendarmerie and the prison administration who have been convicted of acts of torture or of acts which, due to their constituent elements or their consequences, are equivalent to torture have been brought before the courts and convicted when found guilty. The following cases are noteworthy:

(a) The case of Moyo Djime and two other prison guards. During the night of 3-4 May 1989, these prison guards ill-treated Edouard Mvele Mvele by subjecting him to a beating under the rain. The latter, who was kept in chains all night, died as a result of those acts of violence. The guards involved were sentenced to one year's imprisonment each for manslaughter and ordered to pay a fine of 5 million CFA francs to the party claiming damages (Judgement No. 193/crim of 10 December 1990 handed down by the Court of Major Jurisdiction at Yaoundé);

(b) The case of Housseini and five others. On 8 January 1994, members of the gendarmerie brigade at Poli (Northern Province) were informed of the presence, in the palace of the head of the canton of Tete, of brigands known locally as "highwaymen". The latter had been apprehended after committing acts of extortion against Bororo stockbreeders. After being taken to the gendarmerie company at Poli, they were kept in police custody for three days before being executed in cold blood by a firing squad under the command of Captain Housseini and consisting of the gendarmes François Sali, Pagna Fada, Bertrand Wandji, Samuel Baidou and Emmanuel Kano. In its Judgement No. 298/97 of 28 August 1997, the Military Court at Yaoundé, which has jurisdiction over the entire national territory, sentenced them, on the charge of murder, to the following terms of imprisonment: 15 years (Housseini), 12 years (François Sali and Samuel Baidou) and 10 years (Pagna Fada, Bertrand Wandji and Emmanuel Kano);

(c) The case of Lagasso and five others. On instructions from the public prosecutor at Yaoundé, his deputy, prosecutor Olama, paid a daytime visit to the police station in the fifth district of the town of Yaoundé for a routine control of police custody. After introducing

himself, in order to ascertain the situation of the persons held in custody he had requested that the cell doors be opened so that he could count the persons held in custody and determine the reasons for their detention and its duration. The policemen present bluntly refused to comply with his request and their superior, Mr. Lagasso, ordered him to be beaten after personally tearing up his identification papers and ordering him to undress at gunpoint and finally threw him into a cell which he was not allowed to leave until around 7 p.m. They were prosecuted for theft, failure to render assistance, arbitrary arrest, simple battery, destruction, simple rebellion and assaulting and insulting an official and, having been found guilty of simple battery, simple rebellion, insulting an official and arbitrary detention, were sentenced respectively to 10 years (Lagasso), 8 years (Dakosa) and 15 years' imprisonment each for the others and to payment, jointly and severally, of 17,135,000 CFA francs in damages to the civil claimant Olama. The State of Cameroon was declared liable under civil law. Following their appeal and the cross-appeal by the civil claimant, that decision, No. 122/crim of 1 March 1996 by the Court of Major Jurisdiction at Mfoundi (Yaoundé), was partially overturned in regard to the penalty imposed on Lagasso, which was reduced to 28 months' imprisonment, and the damages, which were increased to an amount of 25,000,000 CFA francs.

### *Paragraphs 2 and 3*

38. The initial report (CAT/C/5/Add.16, para. 16) noted the firm stand taken by the Supreme Court in its authoritative Ruling No. 4 of 7 October 1969, which stated that: "It is neither justifiable nor an excuse for civil servants or officials to claim that they were obeying the orders of their superiors. Likewise, an accused person cannot invoke the orders of his employers in an attempt to exonerate himself from responsibility for an offence which he himself has committed. Such a situation, if it were to be established, would not absolve the accused from responsibility, since no defendant can escape the penal consequences of his own personal actions unless he was compelled to take them by a force which he was unable to withstand".

39. The Military Court at Yaoundé extended the personal scope of this jurisprudential principle to military personnel by refusing to accept Captain Housseini's defence. In fact, the latter invoked not only the exceptional circumstance constituted, in his view, by the phenomenon of the "highwaymen" in northern Cameroon but also the categorical and repeated instructions of his hierarchical superior, the commander of the northern corps of gendarmerie, ordering the summary execution of suspected "highwaymen". It can be deduced from the above that no justification of torture could be legitimately invoked and accepted by the Cameroonian courts.

40. Paragraphs 5 (c) and (d) of article 132 bis (derived from Act No. 97/009 of 10 January 1997) of the Cameroonian Penal Code fully restored the treaty norm in question. More detailed comments will be made on this subject in the next periodic report.

## Article 3

### *Paragraph 1*

41. Neither Act No. 64/LF/13 of 26 June 1964 regulating extradition, nor the General Judicial Convention on Cooperation between Cameroon, 11 other African countries and Madagascar (21 September 1961) nor the judicial cooperation conventions with Mali

(6 May 1964), France (21 February 1974) and the Democratic Republic of the Congo, formerly Zaire (11 March 1977) contain any explicit provisions that would be contrary to article 3. Moreover, the fact that the above-mentioned instruments prohibit extradition for political offences or on political grounds testifies to Cameroon's desire to protect the physical and mental integrity of extraditable persons, since it is well known that political offences constitute the most fertile ground for potential acts of torture.

42. As mentioned in the last supplementary report (CAT/C/5/Add.26, para. 33), Cameroon's accession to the Protocol relating to the Status of Refugees on 19 June 1967 should dispel any such concerns. In fact, article 33 of that Protocol stipulates that: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

43. In general, Cameroon has always refused to extradite a person to a country where there are substantial grounds for believing that he would be in danger of being subjected to torture. This is clearly illustrated by the case of the Bagosora and other Rwandans whom the Cameroonian Government refused to hand over to the authorities at Kigali, preferring to hand them over to the International Criminal Tribunal for Rwanda under the terms of judgements Nos. 433/COR of 15 March 1996 and 615/COR of 31 May 1996 handed down by the Central Court of Appeal at Yaoundé.

44. The deficiency referred to in paragraph 41 above was rectified by Act No. 97/010 of 10 January 1997, which will be reviewed in greater detail in the next periodic report.

### *Paragraph 2*

45. No practical application of this provision has so far been reported.

## **Article 4**

### *Paragraphs 1 and 2*

46. During the periods in question, the Cameroonian Penal Code had not yet designated torture, as defined in article 1 of the Convention, as a criminal offence. However, this in no way implies that the perpetrators of acts constituting torture enjoy any form of impunity, since the scope of some provisions of the Penal Code is sufficiently broad to cover such acts and ensure their effective punishment.

47. Some prospective penalties in this regard are conducive to the prevention of acts of torture. This applies to:

(a) Arbitrary arrests and detentions, which are punishable under the terms of article 291 of the Penal Code by a term of 5 to 10 years' imprisonment and a fine of 20,000-1,000,000 CFA francs. This penalty may be increased to 10 to 20 years' imprisonment in the following circumstances:

(i) If the deprivation of liberty lasts longer than one month;

(ii) If it is accompanied by physical or mental cruelty;

(iii) If the arrest is made on the strength of forged order from a public authority, through the illegal wearing of uniform or in a false capacity.

(b) Abuse of authority, which is punishable under article 140 of the Penal Code by a term of three months to one year's imprisonment and/or a fine of 5,000 to 50,000 CFA francs. This penalty may range from three months to three years' imprisonment and a fine of 50,000 to 1,000,000 francs if the offence was committed with a view to procuring any form of benefit for the offender or for a third party;

(c) Forced labour, for which article 292 of the Penal Code prescribes a penalty of one to five years' imprisonment and/or a fine of 10,000 to 500,000 CFA francs;

(d) Slavery, which article 293 of the Penal Code punishes by a term of 10 to 20 years' imprisonment.

48. Other penalties can relate retrospectively to the physical consequences of torture. This applies to:

(a) Minor injuries (violence or assault causing infirmity or incapacity for work for a period of 8 to 30 days), which article 281 of the Penal Code punishes by six days to two years' imprisonment and/or a fine of 5,000 to 50,000 CFA francs;

(b) Simple battery (when the acts referred to in article 281 cause infirmity or incapacity for work for a period of more than 30 days), which article 280 of the Penal Code punishes by a term of six months to five years' imprisonment and/or a fine of 5,000 to 200,000 CFA francs;

(c) Aggravated battery (permanently depriving another person of the use of all or part of a limb, an organ or a sense) which, under the terms of article 277 of the Penal Code, is punishable by a term of 10 to 20 years' imprisonment;

(d) Grievous bodily harm (violence and assault involuntarily inflicting on another person injuries such as those referred to in article 277) which, under the terms of article 279 of the Penal Code, is punishable by a term of 5 to 10 years' imprisonment and, if appropriate, a fine of 5,000 to 500,000 CFA francs;

(e) Manslaughter (violence or assault involuntarily causing the death of another person) which, under the terms of article 278 of the Penal Code, is punishable by a term of 6 to 20 years' imprisonment;

(f) Second degree murder (deliberately causing the death of another person), which article 275 of the Penal Code punishes by a penalty of life imprisonment;

(g) First degree murder (with premeditation, by poisoning or in order to prepare, facilitate or commit a crime or an offence or to make it easier for the perpetrators of the said crime or offence to escape or enjoy impunity), which article 276 of the Penal Code punishes by the death penalty.

49. It should be noted that enjoyment of the status of "civil servant", as defined in article 131 of the Penal Code (any magistrate, any public or ministerial official, any employee or agent of the State or of any public body corporate or State-controlled or semi-public corporation, any member of the armed forces or the gendarmerie, any member of the police or the prison administration and any person assigned, even occasionally, to render a public service or to fulfil a public mission or mandate and acting in his official capacity), is an aggravating circumstance for the purposes of determination of the penalties prescribed for some of the above-mentioned offences. For example, under the terms of article 132 of the Penal Code:

> "1. Without prejudice to any more severe penalties that might be incurred, a civil servant convicted of acts of violence against another person shall be liable to a term of six months to five years' imprisonment.
>
> 2. The penalties prescribed in articles 291 (1) (unlawful arrest) and 292 (forced labour) shall be doubled if the person convicted thereof is a civil servant."

50. It is evident, therefore, that the provision contained in article 132 (1) of the Penal Code clearly compensates for the failure to designate torture as a specific criminal offence since it applies to all acts of physical or psychological violence committed by civil servants. However, it is likewise evident that the above-mentioned offences do not completely cover all the forms, manifestations and consequences of torture.

## Article 5

51. No noteworthy new provisions have been promulgated since the last report (CAT/C/5/Add.26, paras. 52-55).

## Articles 6 and 7

52. No legislative amendments have been introduced to give full effect to these articles since the last report (CAT/C/5/Add.26, paras. 56-62).

## Article 8

53. In view of the fact that the Cameroonian Penal Code does not specifically designate torture as a punishable offence, none of the extradition treaties that have so far been concluded by Cameroon make explicit reference to the offences specified in article 4 of the Convention. However, Cameroon will honour that obligation under the Convention in any extradition treaty that is concluded or renegotiated in the future.

## Article 9

54. Since its accession to the Convention, Cameroon has not received any request for mutual judicial assistance in connection with criminal proceedings brought in respect of the offences referred to in article 4. If such a request were to be made, Cameroon would obviously fulfil its obligation in this regard. At all events, the developments in this connection which were mentioned in the last report (CAT/C/5/Add.26, para. 67) still apply.

## Article 10

### *Paragraph 1*

55. The prohibition of torture, which has been incorporated fairly recently in the teaching syllabus for civilian, military, judicial, medical and police personnel, is taught at two levels: during the basic or initial training and during further training. During the initial training, human rights in general are included in the programmes of the various training schools.

56. Courses on human rights were introduced at the Gendarmerie School in 1993 and courses on fundamental rights and law enforcement are also taught at the Ecole Nationale d'Administration et de Magistrature (ENAM) and the Ecole Nationale de l'Administration Pénitentiaire (ENAP).

57. International humanitarian law is taught at the Ecole Militaire Interarmes (EMIA) as a major subject under the scientific coordination of a high-ranking officer (colonel). Moreover, international humanitarian law has also been adapted to fit the context of law enforcement operations. For example, in the gendarmerie manual (January 1995 edition), Rules Nos. 1 and 2 are relevant in this regard:

> Rule No. 1: "Do not forget that the demonstrator is a human being and, therefore, must be treated with respect for the inherent dignity of the human person".
>
> Rule No. 2: "In all circumstances, and regardless of the acts of which he is accused, his life, his physical and mental integrity and his honour must be respected".

58. In the police corps, the courses taught at the Ecole Nationale Supérieure de Police (ENSP), and particularly the course on police ethics, are intended, *inter alia*, to develop the policeman's sense of legality and respect for human dignity. This course has been adapted for wider dissemination among all policemen and the general public in a book entitled "Le policier et son public dans une société démocratique" (The policeman and his public in a democratic society) by Police Chief Superintendent Sadate Sontia (CEPER publications, Yaoundé, 1996).

59. From a more technical standpoint, the courses on human rights at the Ecole Nationale Supérieure de Police are structured as follows:

I. Definitions

(a) Democratic State governed by the rule of law;

(b) Democratic culture;

(c) Despotic State/police State;

(d) Gendarme State/interventionist State;

(e) Human rights concepts;

(f) Concepts of public freedoms.

II. Importance of the study of human rights and freedoms

(a) In regard to the traditional tasks of the public authorities;

(b) In regard to the imperatives of the rule of law;

(c) Executive authority and the police in the face of rights and freedoms.

III. Historical overview of human rights and freedoms

– Internal law and international law;

– International protection of human rights and freedoms;

– Universal texts;

– The Convention against Torture;

– Protection of human rights in international conventions;

– Protection of human rights and freedoms in Africa (African Charter on Human and Peoples' Rights);

– International humanitarian law.

60. The programmes of the Faculty of Medicine and the paramedical schools are designed in such a way as to develop, among other aptitudes, the future practitioner's humanitarian attitude. To this end, from the first academic year, the subjects of sociology, psychology, communication, demography, genetics, legislation and health education are taught with a view to providing students with a humanitarian background and developing their respect for ethics and socio-cultural values, as well as their awareness of health economics. During the second year, and in fields of medical specialization, courses in ethics, deontology, forensic medicine, occupational medicine, mental health and public health are taught at various levels.

61. In general, the programmes designed at the time when the Faculty was opened in 1969 were restructured during the 1992 and 1993 reforms. With regard to ethics, they comprise:

- the history of modern genetics;
- the hopes engendered by genetics;
- the limits that genetic research should not overstep;
- the rights of sick persons;
- medical responsibility;
- medically assisted procreation;
- donation of organs;
- the code of ethics;
- the Hippocratic oath;
- international declarations and recommendations;
- bioethics;
- universal morality.

62. In fields of paediatric specialization, emphasis is placed on the Convention on the Rights of the Child of 1989 and the World Declaration on the Survival, Protection and Development of Children of 30 September 1990. The programmes of the paramedical schools also include courses in ethics and deontology which are adapted to the profession.

63. Within the Faculty of Medicine, any misbehaviour which leads to human suffering, at any level whatsoever, is regarded as a serious breach of discipline. Further training courses and seminars on human rights are organized in police and gendarmerie units.

64. In the latter corps, for example, weekly training sessions are organized in the units. During these courses (technical aptitude certificate 1, technical aptitude certificate 2, technical aptitude certificate 3, weapons training diploma 1 and weapons training diploma 2), the time allocated to instruction in human rights varies in accordance with the length of the courses, amounting to 19 hours for 3-month courses and 29 hours for 6-month courses. Personnel below the rank of officer also receive this training in their respective units.

65. During the periods in question, seminars were also organized by the National Committee on Human Rights and Freedoms for its own members and law enforcement personnel. These included:

(a) A seminar held at Yaoundé from 21 to 24 September 1993 with support from the United Nations Centre for Human Rights.

(b) Four seminars on human rights for administrative and law enforcement personnel, scheduled as follows during the periods in question: at Yaoundé (25-27 July 1994), at Bamenda (27-31 March 1995), at Douala (5-8 December 1995) and at Buéa (7-10 May 1996).

(c) A seminar on human rights for jurists (magistrates, lawyers, etc.) held at Mbalmayo from 9 to 12 January 1996.

(d) A conference of African national human rights institutions, held at Yaoundé from 5 to 7 February 1996.

It should be noted that torture was dealt with, either directly or indirectly, during all those seminars and the conference.

***Paragraph 2***

66. As already mentioned in connection with the developments relating to article 2 of the Convention, the prohibition of torture is clearly implied in the reminders of the legislative and treaty provisions, as well as the directives given to the personnel referred to in the above paragraphs.

## Article 11

67. The provisions of article 11 are implemented through the hierarchical control of each official body concerned by the Convention, through judicial control and through the control exercised by the National Committee on Human Rights and Freedoms.

68. In other respects, the information provided in the last report (CAT/C/5/Add.16, para. 70), still applies even though, due to the lack of financial resources, the prison supervisory commissions were unable to meet and, therefore, could not carry out their task.

## Article 12

69. Impartial inquiries were opened when acts of torture or its equivalent were committed. They often led to the conviction of the accused, as can be seen from the decisions cited in connection with the developments relating to article 2, paragraphs 1, 2 and 3, of the Convention (see paras. 9-40 above).

## Articles 13 and 14

70. No developments have been noted since the submission of the last report (CAT/C/5/Add.26, paras. 74-82).

## Article 15

71. Although it is regrettable that, at the present time, Cameroon's internal legislation lacks a specific provision concerning the inadmissibility of evidence obtained through the use of torture, Cameroonian defendants can nevertheless benefit from that rule. In fact, since Cameroon ratified the International Covenant on Civil and Political Rights of 1966 on 27 June 1984, it would be in their interest to invoke article 14, paragraph 3 (g), of the Covenant, under the terms of which: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: … not to be compelled to testify against himself or to confess guilt".

72. In the view of the Cameroonian Government, although the Constitution of 2 June 1972 is silent in this connection, sovereign Cameroon has always been a monistic State in regard to the primacy of international law. This is clearly implied by article 2 of Act No. 65/LF/24 of 12 November 1965 promulgating the Penal Code, which stipulates that "the rules of international law and treaties that have been duly promulgated and published shall prevail over this Code and any penal provision".

73. Article 40 of the Constitution of 4 March 1960 affirmed the principle of this primacy in the following terms: "From the time of their publication, treaties or agreements that have been duly ratified or approved shall prevail over the laws, subject to the application of each agreement or treaty by the other party". This provision reappeared, very appropriately, in the revised Constitution of 18 January 1996, article 45 of which reproduces the above-mentioned article 40 word for word. Moreover, since the aforementioned provision of the Covenant is directly applicable, an internal bridging law does not seem to be indispensable for its implementation.

## Article 16

74. Prior to the inclusion, in 1997, of an article 132 bis entitled "Torture" in the Penal Code, the penal provisions referred to in connection with the developments relating to articles 1 (see paras. 7 and 8) and 4 (see paras. 46-50) of the Convention constituted the juridical basis for the implementation of this article.

# PART II

### *Additional information requested by the Committee following its consideration of the supplementary report of 25 April 1991*

75. During their consideration of the supplementary report submitted on 25 April 1991 (CAT/C/5/Add.26), the members of the Committee made recommendations to the Cameroonian Government and requested clarifications concerning various points mentioned in that report (see the summary record of the 102nd meeting of the Committee, CAT/C/SR.102 of 25 November 1991). The following information aims to provide, as far as possible, the requisite clarifications.

## I. Period of time between two interrogations, presence of a lawyer during interrogations and medical examination of the suspect by an independent physician (para. 5 of the summary record)

76. The work of the Commission on Penal Legislation established by Decree No. 73/182 of 25 April 1973 produced a preliminary draft code of criminal procedure incorporating the established procedural practices of the "common law" and the French legal system. Being a compromise between two concepts of law, it anticipates the democratic and liberal evolution of Cameroon. Three major innovations are worthy of mention: the period of time between two interrogations, the presence of a lawyer from the time of placement in police custody and medical examination by an independent physician before and on the termination of that measure.

77. The period of time between two interrogations. Article 123 of that preliminary draft stipulates that the suspect should be granted a reasonable period of time to rest between two interrogations. Article 125 further stipulates that the criminal investigation officer should also mention, in his report, the duration of the rest periods between the interrogations which the suspect underwent.

78. The presence of a lawyer from the beginning of the police investigation. Paragraph 3 of that text stipulates that "the person held in police custody may be visited by his lawyer and his family at any time during working hours". This provision should be viewed in conjunction with that contained in article 37, which stipulates that "every person under arrest should be provided with every facility to obtain legal advice, to seek means to ensure his defence and to make arrangements to obtain bail or secure his release".

79. Medical examinations. Article 124 likewise stipulates that: "The person held in police custody may be examined, at any time during the period of police custody, by a physician officially assigned for that purpose by the public prosecutor. The said physician may be assisted by another chosen and paid by the person held in police custody. The prosecutor may demand such examination *ex officio* or at the request of the person concerned, his lawyer or a member of his family and shall ensure that the examination is carried out within 24 hours from the time of such request. On the termination of the police custody, a medical examination of the person held in custody shall be carried out if he requests it either directly or through his legal counsel or his family. This examination shall be carried out by a physician of his choosing at his expense. In every case, he shall be informed of this option".

## II. Practice of isolation or solitary confinement of the accused (para. 5 of the summary record)

80. The technical term used to designate this isolation is "detention incommunicado". The examining magistrate may order this measure in regard to an accused detainee. It results from a combination of article 613, paragraph 2, of the Code of Criminal Investigation and article 7 of the Decree of 26 February 1931 under which some provisions of the Acts of 8 December 1897 and 22 March 1921 concerning pre-trial investigation were extended to the mandated territories of Togo and Cameroon.

81. These texts stipulated as follows:

(a) *Article 613 of the Code of Criminal Investigation*:

"When the examining magistrate feels that it is necessary to place an accused person in incommunicado detention, he may do so only under the terms of an order, which shall be transcribed in the prison register, and only for a renewable period of 10 days. The public prosecutor shall be informed thereof."

(b) *Article 7 of the Decree of 26 February 1931*:

"When the examining magistrate feels that it is necessary to place an accused person in incommunicado detention, he may do so only for a period of 10 days, which he may extend for a further period of only 10 days. This prohibition of communication shall in no case apply to the legal counsel of the accused."

It is noteworthy that this is a measure which the examining magistrate may order in the interests of the judicial investigation but which safeguards the rights of defence, since the prohibition does not extend to the legal counsel of the accused.

## III. Meaning of the expression "to use force" in article 137 of Decree No. 60/280 of 31 December 1960 concerning the gendarmerie (para. 7 of the summary record)

82. Article 137 of Decree No. 60/280, concerning the gendarmerie, prescribes the following substantive security measures and formalities applicable to all transfers:

"Military escort officers must take the measures needed to prevent the escape of prisoners. Any unnecessary severity is expressly prohibited.

The law prohibits any individual, and in particular agents of the armed forces, from causing persons under arrest to be subjected to ill-treatment or abuse, or from using any violence against those persons, provided that there is no resistance or rebellion in which case only they are authorized to use force to defend themselves against assault upon them during the exercise of their duties."

83. From the juridical standpoint, the expression "to use force" refers to the concepts of legitimate self-defence and provocation for which provision is made in articles 84 and 85 of the Cameroonian Penal Code, which stipulate as follows:

(a) *Article 84 of the Penal Code*

"1. Responsibility cannot arise from an act necessitated by an immediate need to defend oneself or others, or a right pertaining to oneself or others, against illegitimate attack, provided that the defence is proportionate to the gravity of the attack.

2. There is always a proper proportionality between the homicide and the attack giving cause to fear either death, serious injuries such as those referred to in this Code, rape or sodomy."

(b) *Article 85 of the Penal Code*

"1. Anyone who commits an offence that is directly provoked by an illegitimate act on the part of another against himself or, in his presence, against his spouse, his descendant or ascendant, his brother or sister, his master or his servant or a minor or incapacitated person in his custody shall benefit from a mitigating circumstance, provided that the reaction is not disproportionate to the provocation.

2. Homicide, as well as injury, shall be excusable if provoked by blows or serious acts of violence against persons.

3. They shall also be excusable if committed by a husband or wife against his or her spouse or the latter's lover discovered, *in flagrante delicto*, in an act of adultery.

4. The offence shall be excusable only if the provocation was such as to deprive a normal person of his self-control."

84. In the light of these two articles, the expression "to use force" in effect constitutes a response to the unforeseeable potential behaviour of any individual being transferred who might attempt, in one way or another, to elude the guard or surveillance under which he is placed. The judge hearing the case is competent to assess the proportionality between the force used (physical force, firearm, etc.) and the magnitude or gravity of the assault committed against the military escort.

## IV. Number of cases of compensation of victims of torture (para. 9 of the summary record)

85. Since torture, as such, was not punishable in Cameroon during the periods in question, the Cameroonian Government is unable to quote figures concerning the number of cases of compensation of victims of torture. However, within the context of the offences equivalent to torture to which reference is made in paragraphs 8, 37 and 46-50 of this report, victims who brought civil actions were normally compensated following the criminal conviction of the parties accused.

## V. Guarantees provided for persons held in police custody (para. 44 of the summary record)

86. Once they have been adopted, the guarantees referred to in paragraphs 76-79 above should allay the Committee's concerns regarding better protection of the person held in police custody against abuses of power or ill-treatment. This protection will be further strengthened by the following provisions of the preliminary draft code of criminal procedure:

(a) *Article* 119:

"1. No one having a known place of domicile may be subjected to police custody except in the event of the commission of a crime in respect of which there is cogent and concordant evidence against him.

2. However, if the criminal investigation officer believes that, for the purposes of the preliminary investigations, it would be appropriate to place the suspect in police custody, he must be explicitly authorized to do so by the public prosecutor. This authorization must be mentioned in his report."

(b) *Article 120:*

"1. (a) If the criminal investigation officer is considering placing a suspect in police custody, the latter must be explicitly notified of the suspicion hanging over him and must be invited to give any explanations that might be helpful;

(b) These formalities must be mentioned in the report.

2. (a) The duration of police custody must not exceed 48 hours;

(b) This time limit may be extended for a further period of 48 hours, renewable in exceptional circumstances not more than twice, with written authorization from the public prosecutor;

(c) Each extension must be substantiated.

3. The time limit for police custody may in no circumstances be extended for the sole purpose of enabling a witness to be heard.

4. (a) Police custody may not be ordered on Saturdays, Sundays or public holidays except in the case of a serious offence or when the offender is apprehended *in flagrante delicto*.

(b) However, if police custody begins on Friday or on the day before a public holiday, it may be extended on the conditions stipulated in the preceding paragraph."

(c) *Article 121:*

"1. Notwithstanding the provisions of article 118 (2), the time limit for police custody shall be determined in the light of the distance between the place of arrest and the police or gendarmerie premises in which the person concerned is to be held in police custody;

2. The extension shall be at the rate of 24 hours per 50 kilometres;

3. Mention thereof shall be made in the arrest report."

(d) *Article 122*:

"The time limit for police custody shall begin from the time when the suspect presents himself at, or is brought to, the police station or gendarmerie post. The said time shall be mentioned in the register and the deposition."

## VI. The Committee's recommendation that administrative detention should be governed by a law guaranteeing the detainee the same rights as any person deprived of his freedom in connection with judicial proceedings (para. 45 of the summary record)

87. In addition to the proceedings in respect of unlawful detention that can be brought before an administrative court, under the terms of article 9 of Ordinance No. 72/6 of 26 August 1972 regulating the organization of the Supreme Court, in order to secure annulment of the administrative order for his detention the detainee may seek the intervention of a judge to order his immediate release.

88. This guarantee is embodied in the new article 16 (d) of Ordinance No. 72/4 of 26 August 1972 concerning the organization of the judiciary, as amended by Act No. 89/019 of 29 December 1989, which stipulates that: "The court of major jurisdiction shall be competent to hear petitions for immediate release submitted by, or on behalf of, a prisoner or detainee when the said petitions are based on an alleged procedural flaw or the lack of a detention order."

89. Article 16 is a Cameroonian application of habeas corpus, which is well known in Anglo-Saxon law. It is generally valid, even though some hold the opinion that the sacrosanct rule of the separation of powers between the administrative authorities and the judicial authorities precludes appraisal by the latter of action taken by the former. The Court of Major Jurisdiction at Yaoundé, supported by the Central Court of Appeal, applied the rule laid down in that article to a case of administrative detention (case of Jean-Pierre Kamga and Léandre Djino; judgement No. 648/crim of 20 September 1991 confirmed by Decision No. 51/crim of 14 December 1993, unpublished). This position was reaffirmed in the case of Jean-Pierre Saah (Court of Major Jurisdiction at Yaoundé; judgement No. 104/crim of 26 January 1996, unpublished).

## VII. The need to investigate alleged cases of torture (para. 47 of the summary record)

90. The Cameroonian Government has taken due note of the Committee's recommendation and is firmly resolved to honour this treaty obligation.

## VIII. Conditions of detention in prisons (para. 48 of the summary record)

91. The developments referred to in this report (paras. 27-34) concerning article 2, paragraph 1, of the Convention clearly indicate the Cameroonian Government's determination to undertaken a careful study of conditions of detention in prisons. With regard to the departmental prison supervisory commissions, their work is impeded much more by the lack of financial resources than by laxity.

## IX. Deficiencies in Cameroonian legislation (para. 55 of the summary record)

92. It should be noted that, since 1990, Cameroon has been resolutely engaged in the process of establishing a democratic society governed by the rule of law. Like any process, its progress may be affected by increases or decreases in pace, dictated by social or mental reactions, even though it remains on course. Regulatory work has been carried out in preparation for the envisaged legislative evolution, as has been shown throughout this report and particularly in regard to the developments relating to article 2 of the Convention.

93. The Constitutional Statute of 1996, is the focal, if not the culminating, point in that process. Having clarified the status of international humanitarian law in the internal juridical system, it now enables the domestic legislature to promulgate introductory acts that are in conformity with that status. The Acts of 10 January 1997, to which reference was made in paragraph 16 and which incorporated the term “torture” in the Cameroonian juridical vocabulary and established the overall competence of the Cameroonian courts in that matter, were a direct continuation of that process.

List of annexes*

1. Circular No. 90/62 of 18 October 1989 from the Minister of Justice concerning pre-trial detention.

2. Circular No. 24348/CD/9276/DAJS of 23 May 1990 from the Minister of Justice concerning stricter controls of police custody.

3. Act No. 91/002 of 23 April 1991 concerning amnesty and political offences and convictions.

4. Decree No. 92/052 of 27 March 1992 regulating the prison system in Cameroon.

5. Circular No. 00708/SESI/S of 21 June 1993 concerning cruelty and inhuman treatment at police stations.

6. Memorandum No. 01958/SESI/DPJ/S of 1 November 1993 concerning ill-treatment of persons held in police custody.

7. Act No. 96/06 of 18 January 1996 amending the Constitution of 2 June 1972.

8. Act No. 97/009 of 10 January 1997 amending and supplementing some provisions of the Penal Code.

9. Act No. 97/010 of 10 January 1997 amending some provisions of Act No. 64/LF/13 of 26 June 1964 regulating extradition.

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* These annexes can be consulted in the files of the Office of the High Commissioner for Human Rights.