



## International Covenant on Civil and Political Rights

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### Human Rights Committee Ninety-ninth session

#### Summary record of the 2726th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 20 July 2010, at 10 a.m.

*Chairperson:* Mr. Iwasawa

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(item 6 of the agenda) *(continued)*

*Fourth periodic report of Cameroon (continued) (CCPR/C/CMR/4, CCPR/C/CMR/Q/4, CCPR/C/CMR/Q/4/Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Cameroon took places at the Committee table.*
2. **The Chairperson** invited the delegation of Cameroon to continue responding to the questions that had been raised orally by the Committee members at the previous meeting.
3. **Mr. Nkou** (Cameroon) said that the Committee could be reassured with regard to the status of women in Cameroon. In his country, a woman's role was all encompassing; in other words, she was not simply a wife, mother, sister or daughter. While a man might experience some hesitation or frustration at the idea that his wife enjoyed the same rights as he did, no Cameroonian man would regret that his mother, sister or daughter was treated on an equal footing with men. It was important also to understand that a woman in Cameroon was protected all her life by four men: her father, brother, husband and son. Any man who risked subjecting a woman to physical violence then had to face those four men, who would rush to the aid of the victim. It could therefore be said that, while there was in fact violence against women, those committing it did so at their peril.
4. The delegation of Cameroon had already responded to questions regarding women's access to education and he simply wished to add that the school enrolment rate for girls was higher than that for boys. Moreover, Cameroonian women had studied and continued to study at the most prestigious higher education establishments in the world. The fact that one of the members of the delegation, Ms. Nama, held a doctorate in international law and was a minister plenipotentiary demonstrated the level of competence of Cameroonian women.
5. **Ms. Mahoué** (Cameroon) said the Criminal Code provided for the death penalty in the case of the most serious crimes, which was in accordance with article 6 of the Covenant. The most serious crimes were in general those endangering State security and the territorial integrity of the State (hostility against the nation, treason, secession in times of war, during a state of emergency or a public emergency, incitation to civil war). Blood crimes, in particular murder, and theft accompanied by violence leading to death or serious injuries were also punishable by death. The death penalty was subject to ordinary law remedies if it had been pronounced in the absence of the accused, to an appeal if it had been pronounced at the conclusion of adversarial proceedings, and to an application for judicial review before the Supreme Court, which currently constituted a third tier of criminal jurisdiction. When the death penalty was pronounced, a request for pardon was automatically addressed to the President of the Republic, and the sentence could not be carried out before the President issued a response. Furthermore, the death penalty could not be inflicted on pregnant women before they gave birth. With regard to minors, the age of criminal responsibility in Cameroon was fixed at 18 years. Under the Criminal Code, minors of 14 to 18 years of age benefited from "mitigating circumstances" and could not be condemned to death. If they were found guilty of a crime punishable by the death penalty, they were sentenced to 2 to 10 years' imprisonment. In addition, Cameroon had acceded to the Convention on the Rights of the Child, which prohibited application of the death penalty to minors.
6. With regard to the transformation of the de facto moratorium on executions into an official moratorium, the Committee's recommendation in that respect would definitely be examined by the Cameroonian Government.

7. The delegation of Cameroon acknowledged that there had been a resurgence of mob justice in 2006; in particular, the central police station in Douala had registered at least seven cases of mob justice. The Government had nevertheless rapidly evaluated the situation and taken steps accordingly. The perpetrators of the violence had been duly prosecuted. The Committee had also referred to the frustration experienced by some law enforcement officials who sometimes had that feeling that the individuals they had arrested were quickly released by the judge or the public prosecutor. While that feeling of frustration certainly existed, it was nevertheless unjustified because, firstly, the judiciary was an independent institution in Cameroon and, secondly, suspects were not all guilty. Furthermore, judicial police officers had considered that the new Code of Criminal Procedure might provide impunity to delinquents, and the authorities had consequently been very eager to conduct an information campaign prior to the entry into force of the code, to demonstrate that everyone had the right to protection of their human rights and that the right of a person to be presumed innocent as long as his or her guilt had not been proven must absolutely be respected. Nonetheless, attitudes were currently changing; the Code of Criminal Procedure was increasingly accepted by the people; and there had been no more manifestations of mob justice.

8. The Committee had expressed concern that the Criminal Code appeared to exempt from criminal liability an individual who had committed a rape in the event that the victim agreed to marry the person who had raped her. The relevant provision of the Criminal Code did not in any way encourage rape; it simply provided that prosecution could be waived if the victim, providing that she had reached the age of puberty at the time of the incident, granted pardon to the person who had committed the rape and freely consented to marry him. That situation was based on the principle of restorative justice, but it would be re-examined during the revision of the Criminal Code, which might give rise to modification or abrogation of the relevant provision.

9. With regard to extrajudicial executions, members of the police force received strict instructions which, if not respected, led automatically to criminal prosecution and sanctions. For example, a commander of the gendarmerie in Poli had ordered the summary execution of seven individuals suspected of being highway bandits and had been sentenced to 12 years' imprisonment by the military tribunal in Yaounde.

10. Article 296 of the Criminal Code relating to rape was formulated in general terms and provided that "anyone who, by means of physical or moral violence, constrains a woman, even pubescent, to have sexual relations with him shall be subject to five to ten years' imprisonment". That meant that a man who subjected his wife to physical or moral violence could be charged with rape. There had been an increase in the number of rapes and even of cases of incest; a survey carried out by the National Network of Aunts' Associations (RENATA), in which the Ministry of Health had cooperated, had in fact identified 432,833 cases. In 14 per cent of those cases, the victims had been young children, and in 18 cases, the offence had been committed by a member of the victim's family. The breadth of the phenomenon had led the authorities to launch in spring 2009 a broad inter-ministerial information and prevention campaign, which would continue until 2011. Those efforts had also been supported by the presidents of the appeals courts, who had included the question of rape and incest on the agenda of their annual meeting. Generally speaking, the authorities were currently considering measures to be taken, and planned to punish such offences more severely.

11. **Ms. Nama** (Cameroon) said that the members of the National Commission on Human Rights and Freedoms were appointed following a broad process of consultation with civil society and political parties. Nevertheless, the Government did not consider that the nomination process was in itself a guarantee of the Commission's independence; the determining factor was the consensus to which its activities should lead. While the

Commission did in fact report to the Head of State, its annual reports had been made public for several years and also received wide media coverage. The Commission also drew up thematic reports, including on visits to prisons, which were then transmitted to the competent technical divisions. The Commission was competent to examine simple petitions or reports filed by any natural or legal person or any public authority and it could initiate its own investigations. Once an application was lodged, the Commission verified the accuracy of the facts brought before it and if the facts were proven, it recommended sanctions for the guilty parties and compensation for the victims. For example, in 2009, police officers had been sanctioned by the General Delegation for National Security, and other measures had also been taken as part of the reform of the prison administration. Rape, marital rape, violence against women and levirate were all matters that had been taken into account in drawing up the draft code of the person and the family and in revising the Criminal Code and the Civil Code. Those were complex issues which concerned customs, i.e. social phenomena, but also aspects of private life such as feelings of modesty, humiliation and shame and lawmakers would need to operate in a favourable social environment. Customs did not disappear by decree and it was therefore important to conduct awareness-raising, information and education campaigns, directed in particular towards traditional leaders, in order to improve women's access to education and training, thereby empowering women and giving them the means to defend their rights. Campaigns conducted by the public authorities were also relayed by community radio stations. While it did not yet happen frequently, the authorities also used public media broadcasts in local languages in rural regions to disseminate information and recommendations. In general, the National Commission on Human Rights and Freedoms had enabled significant progress to be made in the implementation of United Nations resolutions relating to human rights education. For example, teaching manuals had been produced for that purpose and they were currently being tested in 50 schools (9 English-speaking, 34 French-speaking and 7 bilingual). That measure reflected the authorities' desire to provide human rights education to children as early as possible.

12. The delegation had taken note of the suggestion to establish a specific mechanism for following up the Views of the Committee on the communications concerning Cameroon and it would submit the suggestion to the Government. It should also be noted that information concerning consideration of the fourth periodic report would be published in the press, including an indication of the website where the report could be consulted.

13. **Mr. Ngantcha** (Cameroon) referred to excerpts from a report of the National Commission on Human Rights and Freedoms, in which it was stated that the establishment of the Commission represented an advance in ensuring respect for the Paris Principles and best practices of the Commonwealth in the area of national human rights institutions. The Commission had been established by law rather than by simple decree and it was more financially independent than the Committee it had replaced because it had its own budget under the Finance Act. The Commission's budget was currently approved by the Parliament whereas in the past it had been at the discretion of the executive branch. The Commission was authorized to hold hearings, to provide legal aid and to take action in all cases where it was necessary to protect victims of human rights violations. It could make public its recommendations and its reports. For practical reasons, beginning in 2003, publication of the Commission's annual reports had been delayed, but the authorities hoped that the situation would improve and that in future the Commission would be in a position to publish its annual reports regularly. The delegation of Cameroon would make available to the Committee the annual reports for 2006 to 2009.

14. **Mr. Thelin** thanked the delegation for the satisfactory replies that it had made to a number of questions, in particular concerning offences punishable by the death penalty. He also understood that the Government was planning to institute an official moratorium on the death penalty, which was a positive step. It would nevertheless be useful to know the

number of cases for which the death penalty was handed down each year, and for what offences. The delegation of Cameroon had provided explanations concerning the phenomenon of mob justice. He would nevertheless like to know what measures had been taken with regard to cases in which security forces had been involved. He called attention in that regard to the need to set up a mechanism under which such cases could be investigated independently. He also wished to know the estimated number of extrajudicial executions for 2009 and 2010.

15. Article 64 of the Code of Criminal Procedure appeared to authorize the Ministry of Justice or the public prosecutor to intervene in an ongoing judicial process, which would be highly prejudicial to the independence of the judiciary and difficult to reconcile with the need to ensure separation of powers. He would like to hear the delegation's comments on that point and to know in addition whether article 64 of the Code of Criminal Procedure had already been invoked before the courts.

16. The head of the delegation had warned about the manner in which the country's reality was perceived by non-governmental organizations described as "politicized" and he wished to know what was meant by that term. Furthermore, while all associations had to register with the police commissioner, it was not clear on the basis of what criteria an association could be refused the right to register and whether such a decision could be contested and before whom. If the decision concerning registration was left entirely up to the commissioner, that might give rise to questions with regard to application of the Covenant. He understood in addition that the procedure involved a second stage during which an association could obtain the status of non-governmental organization. There were reportedly only 16 non-governmental organizations in Cameroon, which was a remarkably small number, and he asked for clarification on all those matters. Lastly, his questions concerning the rapid response battalion and the special antigang unit had not been answered, and he would be grateful if the delegation of Cameroon could provide the requested information.

17. **Mr. O'Flaherty** said that non-governmental organizations played a fundamental role in any democratic society and that their work was of great value to the Human Rights Committee. A wide variety of viewpoints on human rights issues guaranteed a healthy democracy. The Committee would like the head of the delegation of Cameroon to reassure it with regard to the State party's willingness to support the action of human rights defenders. In that regard, he wished to know why Cameroon had only 16 registered non-governmental organizations and why there was not a single one among them that dealt with human rights.

18. With regard to homosexuality, the delegation had explained that the Parliament was not prepared to change the law. Nevertheless, despite the National Assembly's reluctance, the State party had to respect its obligations not only under articles 2, 17 and 26 of the Covenant, relating to non-discrimination and privacy, but also under the Covenant as a whole. Indeed, that prohibition, rather than referring to sexual relations between persons of the same sex, concerned homosexuality and therefore identity. He had not had any response to the question of what exactly was the proof required to establish an individual's homosexual identity and how false accusations could be avoided. He wished to know the number of cases in which the criminal provision had been applied in recent years. The question of public health messages for the homosexual community had also gone unanswered.

19. **Mr. Salvioli** said that the delegation had relieved his concerns regarding the application of the Covenant by the courts by explaining that judges invoked constitutional norms, many of which reflected the guarantees under the Covenant. The same could not be said for concerns relating to the status of women. As subjects of law, women must be protected, in particular against domestic violence, by the State and by the law, and not by

the men of their family. In the case of rape, if the man offered to marry his victim and she accepted, he was not subject to criminal sanctions. Yet, for rape, as for any other offence, the victim's pardon could not exempt the offender from criminal liability. The State had the duty to demonstrate to society that rape was unacceptable behaviour, whether or not the victim pardoned her aggressor. As he understood it, domestic violence and marital rape were covered under the new criminal code and the new code of the family, which was in the process of being adopted. However he would like confirmation of that and wished to know when the State party thought that the draft would be adopted.

20. **Ms. Majodina** thanked the delegation for its replies concerning the National Commission on Human Rights and Freedoms, which demonstrated that progress had been made in strengthening the independence of that body. However, that progress was not sufficient and she continued to think that the nomination of the Commission members by the President, according to the procedure under the law, was not a guarantee of independence and should be more transparent. The law should also establish clearly that the Commission could not receive instructions from the Government. Furthermore, the Commission's reports should not be transmitted to the Ministry of Justice. The Commission's full independence with regard to the executive branch still had to be ensured. Several members of the Committee had pointed out that equality of rights was not guaranteed for women, who suffered many forms of discrimination, often arising from harmful traditional practices. She wished to know what practical measures were being taken by the State party to ensure that investigations and legal actions were initiated in cases of offences against women, including cases of genital mutilation. That information could be provided at a later time in writing. Like Mr. Salvioli, she wished to know when the draft law clearly prohibiting discrimination against women would be adopted. She would also appreciate more information on the traditional system of justice and asked whether the State intended to prohibit traditional chiefs from taking excessively punitive measures, to which reference was made in the periodic report.

21. **Mr. Nkou** (Cameroon) said that, with regard to the National Commission on Human Rights and Freedoms, the primary guardians of human rights, before civil society organizations, were the Head of State, the Government and the National Assembly. Considerable efforts had been made to guarantee the independence of that institution, in particular at the financial level; its members were not public officials but members of civil society chosen on the basis of their expertise, and he did not consider it appropriate for the Commission to report to the National Assembly. The Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, by granting A-status to the Commission, had recognized that the institution had met the criteria of efficacy and independence. The country had 200 political parties, thousands of non-governmental organizations, more than 600 newspapers, 200 radio stations and a dozen television channels. Cameroon therefore had plenty of resources for defending and protecting human rights. Nevertheless, the delegation would not fail to transmit the Committee's comments to the Government. With regard to the status of women, legislation guaranteed the protection of women's rights on an equal basis with men. Concerning marriage as a form of reparation for rape, if the two persons concerned agreed to marry, civil action ceased; however, if the rape had been reported to the authorities, public proceedings were initiated automatically and were not discontinued.

22. Traditional rulers were auxiliaries of the administration and helped to reduce the burden on it. Customary tribunals applied the principle of reconciliation because, as everyone knew, a bad arrangement was better than a good trial. If an agreement could not be reached, the traditional chief was obliged to refer the case to the competent judicial authorities.

23. The death penalty had not been applied since 1997. A presidential pardon was systematically granted to all those sentenced to death. He would certainly submit to the Government the Committee's suggestion concerning abolition of the death penalty.

24. The rapid response battalion was a special unit that could come rapidly to the aid of any honest citizen who had been attacked; the antigang unit was also a special unit, prepared to confront urgent and dramatic situations. Members of the rapid response battalion were given special human rights training and were each personally accountable and responsible before the law. The State tolerated neither extrajudicial executions nor murders. Like everywhere else, there were criminals in Cameroon but they were always arrested and prosecuted. Anyone aware of murders and extrajudiciary executions must lodge a complaint against the perpetrators with the courts; they must apply to the Director of Human Rights in the Ministry of Justice, who would initiate public proceedings. The delegation would transmit to the Government the concerns of the Committee members with regard to the criminalization of homosexuality.

25. **Mr. Mahoué** (Cameroon) said that the delegation would transmit to the Committee the information requested concerning the number of death sentences pronounced and the grounds for the conviction. With regard to extrajudicial executions by security forces, it was true that there was no specific independent mechanism for the prosecution of such offences which fell within the purview of ordinary law. It was therefore possible for such cases to be brought before a military court. It would be appropriate to study the suggestion to set up an independent structure authorized to investigate when law enforcement officials were involved.

26. With regard to the application of article 64 of the Code of Criminal Procedure, there were two reasons for the introduction of that provision. The first was that the Code of Criminal Procedure was a combination of the Romano-Germanic system and the common law system, from which the procedure of *nolle prosequi* was inherited. The second and even more important reason was that Cameroon's ethnic and religious mixture risked turning the country into a powder keg. It was therefore necessary for the Code of Criminal Procedure to provide the State with a means, in exceptional cases, of calming tense situations. The Ministry of Justice had only used that provision once, in a situation where, if they had been pursued, criminal proceedings would have led to chaos in a region plagued by tension. The purpose of that provision was therefore to promote national harmony. It was also important to note that termination of criminal proceedings had no impact on civil action, which made it possible to grant compensation to victims.

27. With regard to the question of exemption from criminal liability for the perpetrator of a rape in the case where he proposed to marry his victim and obtained her consent, there were other offences in the Criminal Code, such as adultery or desertion, which were only prosecuted when a complaint was brought and for which proceedings were discontinued if the offended party withdrew. Still, the provision in question was problematic and should be re-examined, as part of the reform of the Criminal Code and the Code of the Family.

28. It was difficult to provide a precise answer as to when the new Code of Criminal Procedure would be promulgated. Even at the present time, broad consultations on the text were under way at the Ministry of Justice where all the aspects to be covered were being examined, including international offences such as acts of terrorism. Concerning the elaboration of the Code of the Family, given that the Civil Code was also being revised, in order to avoid any duplication between the two texts, the adoption of the Code of the Family was somewhat delayed. The Government nevertheless intended to complete those three projects as soon as possible.

29. It was important to emphasize once again that customary courts had residual jurisdiction. Their decisions concerned civil and commercial cases which dealt essentially

with personal or family issues. They could only issue a ruling if both parties accepted their jurisdiction and could only apply customary rules if they were not contrary to written law and accepted moral standards. Furthermore, judgements handed down by such courts could be appealed before the appeals court. All the necessary guarantees were thus in place with regard to those courts, which not only played an important social role but also helped to lessen the workload of the ordinary courts.

30. **Mr. Ngantcha** (Cameroon) said that the fact that the members of the National Commission on Human Rights and Freedoms were appointed by the President of the Republic should not be regarded, in itself, as undermining the legitimacy and credibility of that body. Elections would not provide any more guarantees with respect to the competence of its members and the effectiveness of its action. Existing legislation granted important powers to the Commission, which could be petitioned by any individual and could examine any allegations of violations.

31. **Mr. Mahoue** (Cameroon) said that article 29 of the decree of 15 June 1977 on the organization of traditional chiefdoms explicitly prohibited traditional chiefs from punishing their subjects, any infringement of which would result in their powers being revoked. A traditional chief from the western region of Cameroon had been dismissed by order of the Prime Minister, dated 22 August 2005, for abuses against the people. Proceedings had also been brought on several occasions against traditional chiefs for arbitrary arrest and detention. The Ministry of Justice's annual reports on human rights in Cameroon, published since 2005 in French and in English, contained detailed information on the prosecution and conviction of traditional chiefs. Those reports were drawn up and validated with the cooperation of civil society. They were backed up by numerous facts and figures and described not only progress made in terms of standard-setting and practice but also progress that remained to be accomplished.

32. **The Chairperson** invited the Committee members to ask questions with regard to questions No. 15 to 28 on the list.

33. **Mr. El-Haiba**, referring to the written responses of Cameroon, noted with satisfaction that torture had been criminalized and that a special division, called the "Police des polices" had been set up in 2005. He also welcomed Cameroon's recent ratification of the Optional Protocol to the Convention against Torture. He was nevertheless concerned by NGO reports of many cases in which prisoners were subjected to torture or violence constituting inhuman or degrading treatment. While article 315 of the Code of Criminal Procedure provided that confessions obtained under force or violence were not admissible as evidence, the fact was that it was often difficult for defendants, once they were on trial, to prove that their confessions had been obtained by those means. It would therefore be interesting to know what measures the Government planned to take to combat that type of practice in the police stations and gendarmeries and in other places of detention.

34. According to the information received by the Committee, many of the 147 bodies left abandoned at the Laquintinie Hospital in Douala in 2005 had come from places of detention. The delegation might wish to indicate whether measures had been taken to establish the truth with regard to those cases. On a broader level, it might indicate whether the State party planned to adopt new policies in the field of security that would make it possible to reconcile the need to maintain order with the obligation to respect human rights, to strengthen investigative mechanisms and to revise the system of sanctions so that the punishments were proportional to the gravity of the acts committed.

35. At the previous meeting, the subject had been raised of the February 2008 riots which, according to the National Human Rights Observatory and other associations such as ACAT-Cameroon, had allegedly resulted in 139 deaths. According to the Committee's

information, no member of the police had been prosecuted or punished for excessive use of force. Comments on those events and the follow-up to them would be welcome.

36. While corporal punishment was prohibited under Act No. 99-004, it appeared that the practice persisted. According to UNICEF statistics for 2005–2006, 75 per cent of children aged 2 to 14 years had allegedly been subjected to corporal punishment at home. In its 2001 concluding observations concerning Cameroon (CRC/C/15/Add.164), the Committee on the Rights of the Child had been deeply concerned by the very high incidence of abuse of children within the family and in schools and had recommended that the State party conduct comprehensive studies on violence at home and in schools, in the framework of judicial procedures. It would be useful to have updated statistical data on the practice of corporal punishment and to have more information on the remedies available to children.

37. Several NGOs, including ACAT-Cameroon, had reported that in many police stations and gendarmeries, custody was often extended far beyond the maximum length of time authorized by law, without any justification and without informing the public prosecutor. Aside from that fact that such an extension violated articles 118 and 119 of the Code of Criminal Procedure, it was to be feared that it was also used in some cases to extract confessions. Furthermore, it appeared that persons under arrest often were not informed orally of their rights and could neither contact their family nor have access to a lawyer or a doctor. The question that arose consequently was to know what remedies were available to persons under arrest or detained arbitrarily and what were the sanctions against the perpetrators of those acts.

38. Another matter of concern was that of the duration of pretrial detention. On 6 August 2008, only 15 per cent of the 3,549 detainees in the central prison in Douala had been convicted; all the others were accused persons, many of whom had never been brought before a judge. The same situation existed in other prisons in the country. Comments on that subject would be welcome.

39. He would also appreciate information on the impact of the exploitation of natural resources on certain minority groups whose survival depended on their land. He wished to know in particular what measures had been taken by the State party to ensure respect for environmental law provisions regarding impact studies, and to establish responsibility and award compensation for damages suffered by the communities.

40. **Ms. Majodina** said that the measures taken to improve prison conditions or to build new prisons had not been sufficient to improve the conditions of detention for most prisoners. She noted with concern the information concerning the degrading treatment to which prisoners were subjected and the absence of health care in the prisons, which had reportedly given rise to many deaths, such as that of the journalist Germain Ngota in the central prison in Yaounde in April 2010. Such a situation raised the question of the role and effectiveness of the prison authorities. The delegation might wish to provide additional information on prison conditions and the functioning of the prison administration.

41. **Mr. Thelin** thanked the delegation for its detailed explanations with regard to article 64 of the Code of Criminal Procedure and the sole occasion on which that provision had been applied. Nevertheless, the situation described could have been resolved without recourse to that provision, which could be interpreted as limiting the independence of the judiciary. He noted also that the delegation had not really answered the questions that had been put to it by the Committee in response to its remarks concerning the politization of some NGOs.

42. In its written replies, the State party had provided information about the type of debt that could lead to imprisonment. It had not however described the procedure followed to

convert a fine or damages due into a prison sentence. The delegation might wish to clarify that matter, by indicating what procedural safeguards existed.

43. With regard to protection of refugees, he wished to know whether a deadline had been fixed for setting up the Refugee Status Eligibility Commission and the Refugee Appeals Commission provided for under Act No. 2005/006 of 27 July 2005.

44. **Mr. Rivas Posada** said that withdrawal of a passport constituted a restriction on the liberty of movement enshrined in article 12 of the Covenant, and requested information on the legal grounds for that measure and on the criteria applied by the authorities in that area.

45. The State party had not provided clarification on the extent to which military courts had jurisdiction over civilians. The Committee wished to be certain that military jurisdiction was limited to offences committed by military personnel in the exercise of their functions and that it did not extend to acts committed by civilians. It therefore expected the delegation to provide information concerning the exact scope of the jurisdiction of military courts and the acts which fell exclusively within their purview. Measures had been taken to speed up judicial procedures, which was a good thing, but many other efforts needed to be made to improve the justice system. For example, substantive measures were needed to guarantee that judges were appointed on the basis of their merit and competencies, to recruit duly qualified judicial personnel and to train lawyers.

46. Doubts persisted concerning the question of knowing the extent to which journalists were free to express themselves, including against the Government, without risking retaliatory measures. While it was true that article 19 of the Covenant authorized certain restrictions on the freedom of expression, those that were applied by the Cameroonian authorities under the pretext of protecting the rights and the reputation of others seemed in reality to be aimed at stifling journalists who criticized the Government. It would be interesting to hear the delegation's views on that subject. The State party had not responded to the Committee's concerns relating to harassment, intimidation and illegal arrest of NGO members and human rights defenders. An objective evaluation of the situation of NGOs and human rights defenders in the State party and measures to protect them would be useful. The delegation's statements reflected a certain distrust of NGO activities. Yet NGOs were essential to the promotion and protection of human rights because, even though the protection of human rights was first and foremost the responsibility of the State, it was important that other voices than the State's were free to denounce human rights violations that were committed by its officials.

47. The measures taken to reinforce the effectiveness of the body responsible for the organization, management and supervision of elections were a source of satisfaction. In order to understand more fully the functioning of that body, information about how its members were appointed, the length of their mandate and reasons for their dismissal, if need be, would be helpful. It would also be important to know how the body's independence in relation to the Government was guaranteed.

48. The Committee was aware that for States like Cameroon, which had limited resources and capacities, the collection of statistics was a particularly difficult task. Such data were essential to enable the Committee to assess the actual situation of human rights in States. Cameroon was therefore strongly encouraged to provide the Committee with more statistical data in the future.

49. **Mr. Bhagwati** asked what provisions under the Constitution and under law guaranteed the independence of the judiciary. He also wished to know whether the law provided a procedure for dismissal of judges, what authority was competent to set such a procedure in motion and whether judges had already been dismissed for misconduct or for any other reason. Further information about the responsibilities of the High Council of the Judiciary would be useful. With regard to remedies available in case of miscarriage of

justice, and more particularly the possibility under the Code of Criminal Procedure to apply for compensation for illegal detention (paragraph 458 of the report), it would be interesting to know whether that remedy had already been used and, if so, in how many cases and whether compensation had actually been paid.

50. He wished to know whether military authorities were authorized to conduct searches and seizures as part of investigations concerning offences in which no military personnel were involved. According to the information available to the Committee, the individuals who had been tried and convicted following the 2008 riots had not benefited from due process of law; they had not had the opportunity of being heard or of being defended by counsel. The delegation might perhaps comment on that information and explain how such sham trials could be compatible with article 14 of the Covenant. The right to legal aid was guaranteed under the law, but the data transmitted by the State party did not make it possible to determine the extent to which that right was respected in practice. It would be interesting to know what criteria governed the provision of legal aid, in how many cases legal aid had been requested and granted and whether the law provided for the granting of legal aid to indigent defendants. According to a non-governmental source, the lack of independence of the judiciary with respect to the executive branch and corruption among judges continued to hinder the proper administration of justice. The delegation might wish to indicate whether that assertion was valid and whether measures had been taken to reinforce the independence and effectiveness of the judicial system.

51. The Committee had been informed that on 17 August 2009, the Ministry of Communication had ordered the shutting down of a radio station that had refused to suspend its flagship programme in which listeners could freely air their complaints and ask for assistance. He wished to know on what law and grounds the decision had been based and how such a restriction on the freedom of expression could be reconciled with article 19 of the Covenant. In the context of that same article, he was concerned about the way the libel law was apparently being used by the authorities to silence journalists who denounced corruption and abuse at the highest levels. Lastly, he asked whether the national committee in charge of setting up an international programme for the abolition of child labour (paragraph 652 of the report) had made progress in its work.

52. **The Chairperson** thanked the Committee members for their additional questions and invited the delegation to reply to them.

53. **Mr. Nkou** (Cameroon) said that currently there were no journalists in prison in Cameroon, where there was complete freedom of the press. He suggested that the Committee send an observer to Cameroon who would be able to see for himself that the news media were numerous and diversified and that the majority of newspapers defended human rights. With regard to the death of Bibi Ngota, the death certificate, a copy of which would be transmitted to the Committee, established that Mr. Ngota had died as a result of opportunistic infections in a context of severe immunodeficiency.

54. The Government was aware that prison overcrowding was a problem that had to be addressed, but in a country like Cameroon, where resources were limited and where so many other areas — education, health, roads and so forth — required urgent measures, priorities had to be established, even if that meant making difficult choices. Despite those difficulties, the Government was working to reduce prison overcrowding and had to that end launched a programme to construct new prisons, which should help to improve the situation. The high proportion of detainees awaiting trial in prisons could be explained by the slowness of the justice system, itself linked to an insufficient number of judges. There again, it was not a question of lack of will but of a lack of resources.

55. With regard to NGOs, the Committee could rest assured that the Government firmly believed in the public utility of such organizations and of civil society in general and that it

was helping them to function optimally, within the limits of its modest resources. With regard to ACAT, it was important to note that the organization had always disregarded appeals to show restraint that had been made to it several times by its officials and that it had seriously exaggerated certain facts, which was unacceptable from a moral point of view. For example, what it had deceptively called “food riots” had in fact been riots linked with a rise in the price of fuel, which had been necessary for budgetary reasons. Similarly, it was not true that persons who had died during the riots had been killed by the police. The police had respected anti-riot techniques and had only fired warning shots to disperse the crowd; it was in the panic that followed that some people had been killed. An investigation was under way. As for the iniquitous trials that had allegedly taken place following those events, the Committee had been misinformed because such gross violations of due process could not happen. Lastly, efforts were always made to ensure that the benefits that the State and, in some cases, foreign investors might gain from the exploitation of the natural resources of a particular region were without prejudice to the share that went automatically to local populations.

56. **Mr. Mahoué** (Cameroon) said that long-standing traditional social behaviour could not be changed overnight by a law or a decree. What counted was that illegal behaviour was duly punished. It was regrettable that the practice of torture and cruel, inhuman or degrading punishment by the police had not yet been totally eliminated, but such behaviour was systematically punished. In 2009, for example, approximately 700 police officers had been given disciplinary sanctions. It was true that such sanctions did not meet the requirements of the Criminal Code and international instruments for acts of torture, and training and education campaigns were being conducted to ensure that such acts were recognized as serious offences and punished as such. Owing to the serious shortage of judges — there were currently 924 judges for 20 million inhabitants, or a ratio of 1 judge per 20,500 inhabitants — it was impossible to carry out systematic monitoring in gendarmeries and police stations to verify the legality of police custody and pretrial detention. At the initiative of the President of the Republic, a special plan had been launched for the training and recruitment of 500 additional judges. A similar plan was envisaged to increase the number of registry staff. The shortage of personnel was particularly acute in the penitentiary system, where the ratio between guards and detainees was 1 per 2,000 whereas ideally it should be 1 to 5. The State was doing what it could to improve that situation but as had already been explained, its budgetary constraints were such that it could not resolve all the problems at the same time.

57. The entry into force of the new Code of Criminal Procedure, which provided for the application of alternative forms of punishment, had not yet produced tangible effects with regard to prison overcrowding. That could be explained partially by the fact that such measures were still often perceived as a sign of laxity and corruption, especially by the police, and judges were accordingly reluctant to apply them. Awareness-raising campaigns were being conducted to modify that situation. With regard to the events of 2008, it should be noted that the *flagrante delicto* procedure had been applied. The accused had nonetheless benefited from all the guarantees of due process and had had the opportunity to bring an appeal against the judgements pronounced. There was not enough time to respond to the other questions that had been raised by the Committee members; the delegation would answer them later in writing.

58. **Mr. Nkou** (Cameroon) said that he would like, in conclusion, to thank the members of the Committee for the spirit of collaboration and openness that had prevailed throughout the dialogue. He hoped that Cameroon and the Committee would continue their fruitful cooperation in the unending combat to promote and protect human rights.

59. **The Chairperson** thanked the delegation and invited it to transmit any additional information to the secretariat before 1 p.m. on Thursday, 22 July, so that account could be taken of it in the concluding observations.

60. *The delegation of Cameroon withdrew.*

*The meeting rose at 1 p.m.*