



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

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## Committee against Torture

### List of issues prior to submission of the sixth periodic report of Cameroon\*

#### Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations (CAT/C/CMR/CO/5, para. 49),<sup>1</sup> the Committee requested the State party to provide information on the follow-up to the recommendations contained in paragraphs 12, 18, 20 and 40, concerning: (a) the widespread use of torture at incommunicado detention centres; (b) forced returns in the Far North Region of Cameroon; (c) the social crisis in the North-West and South-West Regions (anglophone crisis); and (d) the deposit of the instrument of ratification of the Optional Protocol to the Convention. Bearing in mind the information received from Cameroon on follow-up to its previous concluding observations (CAT/C/CMR/FCO/5), the Committee considers that the recommendations included in paragraph 49 of the concluding observations have been partially implemented.

##### Articles 1 and 4

2. With reference to the Committee's previous concluding observations (paras. 21–22) and the information provided by the State party in its follow-up report on the sentence of 7 months' imprisonment and a fine of 50,000 CFA francs and the suspended sentence of 3 years handed down by military courts for torture,<sup>2</sup> please specify the legislative measures taken or being taken to amend article 277-3 of the Criminal Code to ensure that the crime of torture is punishable by appropriate penalties that take into account its grave nature, in accordance with article 4 (2) of the Convention. Please indicate whether a timetable has been set for this amendment. Please also specify whether the State party intends to ensure that neither statutes of limitations for criminal and civil proceedings nor mitigating circumstances are applicable to the crime of torture. Please also indicate whether any case law exists with an interpretation of the scope of "suffering arising from lawful sanctions" that deviates from the implications of the definition of torture.

\* Adopted by the Committee intersessionally on 2 December 2020.

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

<sup>2</sup> CAT/C/CMR/FCO/5, paras. 15 and 55.



**Article 2<sup>3</sup>**

3. In the light of the Committee's previous concluding observations (paras. 13–16) and reports that detainees continue to be denied access to their families and lawyers,<sup>4</sup> and to medical examinations, please indicate what control measures, including disciplinary action, have been taken to ensure that the police and gendarmerie respect, in practice and from the outset of the deprivation of liberty, all the basic legal safeguards for detained persons,<sup>5</sup> including the right to be promptly informed of the reasons for their arrest, the charges against them and their rights in a language they understand, the right to notify their families of their detention, the right to ready access to an independent lawyer and the right to request and obtain a confidential medical examination carried out by qualified medical staff and have access to an independent doctor or a doctor of their choice upon request. In view of the existence of registers in prisons and police and gendarmerie units,<sup>6</sup> please describe the measures that have been taken or are being taken to standardize them and establish a central register that can be consulted by the families of detainees, including those arrested and transferred from the regions to Yaoundé Military Court,<sup>7</sup> in line with the recommendations made in the Committee's previous concluding observations (para. 12 (d)). Please also indicate whether the State party is considering increasing the resources allocated to ensure the provision of effective legal assistance and to facilitate access to such assistance by all disadvantaged persons at the initial stage of police questioning and at all stages of criminal proceedings, regardless of the penalties faced.

4. In view of the Committee's previous concluding observations (paras. 11–12) and the information provided by the State party in its follow-up report,<sup>8</sup> and given the allegations of torture during incommunicado detention in unofficial facilities and the fact that the use of such facilities in itself constitutes a violation of the Convention, please indicate which State officials have the authority to arrest and detain suspects, specifying in which locations and for how long they may be detained. Please also indicate whether the State party has opened investigations into the practice of incommunicado detention and detention in military centres or unofficial centres<sup>9</sup> and, if so, what the outcome of these investigations was.<sup>10</sup> In particular, please indicate whether the State party has opened an investigation into: (a) the allegations of the incommunicado detention in January 2018 of 47 anglophone activists for six months at the detention centre of the Secretariat of State for Defence; and (b) the detention in August 2018 of 174 English-speaking persons for more than one year without their being brought before an investigating judge. Please also specify, for the period since 2017, the number of police officers and army personnel responsible for arbitrary or incommunicado detention who have been investigated and punished for such actions or for having demanded bribes in exchange for release.

5. Bearing in mind the Committee's previous concluding observations (paras. 13, 14, 19, 20, 27, 28, 41 and 42), please specify the legislative measures taken or being taken to amend the Code of Criminal Procedure, Act No. 2014/028 of 23 December 2014, on the suppression of acts of terrorism, and Act No. 2017/012 of 12 July 2017, the Code of Military Justice, to ensure that: (a) the maximum duration of police custody, regardless of the reason and in all jurisdictions, does not exceed 48 hours, renewable once in exceptional circumstances duly

<sup>3</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman and degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

<sup>4</sup> A/HRC/WG.6/30/CMR/3, para. 19.

<sup>5</sup> CCPR/C/CMR/CO/5, paras. 33–34.

<sup>6</sup> CAT/C/CMR/FCO/5, paras. 26–28.

<sup>7</sup> *Ibid.*, para. 24.

<sup>8</sup> *Ibid.*, paras. 21–24.

<sup>9</sup> A/HRC/WG.6/30/CMR/3, paras. 20 and 23.

<sup>10</sup> CCPR/C/CMR/CO/5, paras. 27–28.

demonstrated by tangible evidence, and that once that period has elapsed, the detained person is brought in person before a judge; and (b) military courts are not competent to try civilians, including for acts of terrorism.<sup>11</sup>

6. In the light of the Committee's previous concluding observations (paras. 37–40), information provided by the State party in its follow-up report<sup>12</sup> and the adoption of Law No. 2019/014 of 19 July 2019 Relating to the Establishment, Organization and Functioning of the Cameroon Human Rights Commission please indicate the date of effective implementation of the Law and of the appointment of new members. Please provide information on the guarantees put in place to ensure that the method of appointment of the Chair and Vice-Chair will not call into question the independence of the Commission.<sup>13</sup> Since the Commission has been designated as a national preventive mechanism, please clarify the measures taken or being taken to allow it to make unannounced visits to all civilian and military places of deprivation of liberty, including unofficial centres, in line with the recommendations made in the Committee's previous concluding observations (para. 12 (e)). Please also indicate whether the State party is considering expediting the process for depositing the instrument of ratification of the Optional Protocol to the Convention in order to obtain the support of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the establishment of its national preventive mechanism.<sup>14</sup>

7. In view of the Committee's previous concluding observations (paras. 47–48), please provide information about the measures taken to combat all forms of violence against women and children,<sup>15</sup> especially when actions or omissions have been committed by government officials or other persons acting in the name of the State or on their instructions. Please provide statistical data disaggregated by type of offence, age group (minor/adult), region concerned (francophone/anglophone) and ethnic origin or nationality of the victim, for the period since 2017, on cases of violence against women and children,<sup>16</sup> including sexual violence,<sup>17</sup> trafficking in persons,<sup>18</sup> female genital mutilation and breast ironing,<sup>19</sup> specifying the number of cases recorded, complaints submitted, investigations opened, prosecutions brought, judgments and sentences pronounced and reparation provided to victims during this period. Please specify the legislative measures that have been taken or are being taken to amend the Criminal Code to criminalize domestic violence, including marital rape.<sup>20</sup> Please also provide information on progress made in improving protection and support for victims.<sup>21</sup>

### Article 3

8. Please provide annual statistical data for the period since 2017, disaggregated by sex, country of origin and age group (minor/adult) of persons seeking asylum, on the number of:

- (a) Asylum applications registered;
- (b) Successful applications for asylum, refugee status or other forms of humanitarian protection, specifying how many were accepted on the grounds that the applicants had been tortured or were at risk of torture if returned or expelled;
- (c) Persons extradited, expelled or returned and the countries to which they were sent;

<sup>11</sup> CCPR/C/CMR/CO/5, paras. 11–12 and 35–36, A/HRC/WG.6/30/CMR/2, para. 21, and A/HRC/WG.6/30/CMR/3, paras. 16 and 18.

<sup>12</sup> CAT/C/CMR/FCO/5, paras. 29–31.

<sup>13</sup> CCPR/C/CMR/CO/5, paras. 7–8.

<sup>14</sup> CAT/C/CMR/FCO/5, para. 69.

<sup>15</sup> CRC/C/CMR/CO/3-5, para. 25.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid., para. 26.

<sup>18</sup> CCPR/C/CMR/CO/5, paras. 31–32, and A/HRC/WG.6/30/CMR/2, para. 41.

<sup>19</sup> CCPR/C/CMR/CO/5, paras. 19–20, and CRC/C/CMR/CO/3-5, para. 28 (a) and (b).

<sup>20</sup> E/C.12/CMR/CO/4, para. 47, CCPR/C/CMR/CO/5, paras. 19–20, A/HRC/WG.6/30/CMR/2, para. 63, and A/HRC/WG.6/30/CMR/3, para. 45.

<sup>21</sup> CCPR/C/CMR/CO/5, paras. 19–20.

(d) Appeals against decisions regarding expulsion and the number of decisions regarding return or expulsion, as applicable, that were set aside on the grounds that the applicants had been tortured or were likely to suffer torture if they were returned or expelled.

9. With reference to the Committee's previous concluding observations (paras. 17–18), reports that the deportation of Nigerians, including children, in the Far North Region of Cameroon has continued and circular No. 190256/DV/MINDEF/01 of 18 January 2019 of the Ministry of Defence instructing military leaders not to carry out any forced expulsion of Nigerian refugees,<sup>22</sup> please specify the number of complaints received or investigation reports filed since 2017 relating to cruel, inhuman or degrading treatment and to the extortion of asylum seekers by military personnel at the border, the number of these complaints that resulted in a criminal or disciplinary investigation and the number that led to a conviction.

10. Please provide information on the plans and procedures in place for the identification and immediate referral to the appropriate services of vulnerable asylum seekers, including victims of torture, trafficking in persons and gender-based violence, as well as unaccompanied minors or children separated from their families, and whether these plans provide for an independent medical examination.

### **Articles 5 to 9**

11. Please indicate whether the State party has rejected, for any reason, a request from another State for the extradition of an individual suspected of having committed acts of torture and has started its own criminal prosecution as a result. If so, please provide information on the status and outcome of such proceedings. Please also provide information on cases in which the State party has agreed to extradite a person for torture or related offences.

### **Article 10**

12. Please provide information on any training programmes developed since 2017 to make sure that all government officials, particularly members of the armed forces, police officers, prison officers and immigration and border control officers: (a) are familiar with the provisions of the Convention and know that violations will not be tolerated and any offence will result in an investigation and prosecution of the perpetrators; (b) treat members of vulnerable groups appropriately;<sup>23</sup> and (c) are aware of the steps to be taken to guarantee the principle of non-refoulement and the right of asylum, in line with the recommendations made in the Committee's previous concluding observations (para. 18 (d)),<sup>24</sup> and the arrangements in place for the identification of victims of torture, trafficking in persons and gender-based violence among asylum seekers. With reference to the information provided in the State party's follow-up report,<sup>25</sup> please indicate whether these training courses are mandatory or optional, how often they are run, how many national security and defence officials have already completed them, what percentage of all such officials have completed them and what measures have been taken to train the remaining officials. Please provide the same information mentioned in subparagraphs (b) and (c) above for members of the armed forces, police officers, prison officers and immigration and border control officers. Please also indicate whether the State party has developed a method for assessing the results and effectiveness of these training programmes in reducing the number of cases of torture and ill-treatment. If so, please provide information on the method's content and application.

13. Please provide detailed information on the programmes aimed at training judges, prosecutors, forensic doctors and other medical staff who deal with persons deprived of their liberty to detect the physical and psychological consequences of torture, ensure the effective documentation of torture and verify the admissibility of confessions, in line with the recommendations made in the Committee's previous concluding observations (para. 30 (c)). Please indicate whether these programmes include specific training about the Manual on the

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<sup>22</sup> CAT/C/CMR/FCO/5, para. 6.

<sup>23</sup> CRC/C/CMR/CO/3-5, para. 27 (d).

<sup>24</sup> CCPR/C/CMR/CO/5, paras. 35–36.

<sup>25</sup> CAT/C/CMR/FCO/5, paras. 42–46.

Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

### Article 11

14. Bearing in mind the Committee's previous concluding observations (paras. 31–34), please provide annual statistics for the period since 2017, disaggregated by place of detention, sex, age group (minor/adult) and nationality of the detainee (Cameroonian/foreign), on the total capacity and occupancy rate of all detention facilities, stating the number of remand and convicted prisoners at each facility. Please provide information on measures adopted to ensure the separation of pretrial detainees from convicted prisoners, minors from adults<sup>26</sup> and men from women, and specify in which facilities detainees are not yet separated in this way. Please also provide information on the steps taken to promote alternatives to pretrial detention and imprisonment,<sup>27</sup> such as community service or victim compensation orders, providing statistical data for the period since 2017 on the use of such alternative measures, particularly for children in conflict with the law. Please also indicate what control measures have been taken, including disciplinary action, to ensure that detainees do not remain in pretrial detention for longer than the maximum period prescribed by law.<sup>28</sup>

15. Please provide up-to-date information on the progress of projects to improve living conditions, hygiene, sanitation and food in places of detention,<sup>29</sup> including those for persons sentenced to death, and access to health care, including transfer to outside hospitals if necessary, in line with the recommendation made in the Committee's previous concluding observations (para. 36 (d)). Please specify whether a medical examination is routinely carried out upon arrival at detention facilities, indicating whether it can detect the physical and psychological signs of torture and ill-treatment. Please describe what is being done to address the special needs of children in conflict with the law, including their need for rehabilitation and education services, and the needs of women deprived of their liberty, in particular pregnant women and women held in detention with their children. Please also specify the measures taken to facilitate family visits for persons convicted by military courts.<sup>30</sup>

16. Please specify the legislative measures taken or being taken to amend Decree No. 92/052 of 27 March 1992 on the prison system in Cameroon and prohibit the use of chains as a disciplinary measure, in line with the recommendation made in the Committee's previous concluding observations (para. 34 (d)). Please provide information on the frequency of inter-prisoner violence since 2017, specifying the cases in which negligent behaviour on the part of prison staff was reported, and the measures taken to prevent the recurrence of such incidents. Please specify the measures taken to eradicate corruption and drug trafficking in prisons.

17. With reference to the Committee's previous concluding observations (paras. 35–36) and information provided on deaths in custody in the State party's follow-up report,<sup>31</sup> please provide data for the period since 2018 and disaggregate all the data by year, place of detention, sex, age group (minor/adult) and ethnic origin or nationality (Cameroonian/foreign) of the deceased and cause of death (violence between or against detainees, suicide, natural causes, illness), including deaths in mental health facilities and police stations. Please provide detailed information on the number and outcome of investigations conducted in these cases, specifying whether a forensic medical assessment, including an autopsy, was performed and on the number of deaths believed to have been caused by assaults committed or tolerated by government officials involving excessive use of force or the failure to provide the detainee with the necessary medical attention and treatment in time. Please also provide information on the number of sentences pronounced, the criminal and disciplinary penalties imposed, the redress granted to victims and their survivors and the steps taken to prevent the recurrence of

<sup>26</sup> CCPR/C/CMR/CO/5, paras. 29–30.

<sup>27</sup> *Ibid.*, paras. 29–30.

<sup>28</sup> *Ibid.*, paras. 33–34.

<sup>29</sup> *Ibid.*, paras. 29–30, and A/HRC/WG.6/30/CMR/3, para. 25.

<sup>30</sup> CCPR/C/CMR/CO/5, paras. 29–30.

<sup>31</sup> CAT/C/CMR/FCO/5, paras. 18–20.

such acts.<sup>32</sup> In particular, please provide the results of the criminal investigations opened into the deaths in detention of: (a) Nseka Abassy, held in custody at the Buea gendarmerie station, who died on 18 July 2018;<sup>33</sup> (b) Laurent Tientcheu, who died on 8 August 2018 in Kumba Main Prison;<sup>34</sup> (c) Ludovic Tchuidjan, who died on 13 June 2018 at the Mbanga gendarmerie station, specifying whether the squad commander was prosecuted and indicating the verdict and the sentence imposed;<sup>35</sup> (d) Charles Nvondo Nga, who was taken into custody by members of the Ngouso squad of gendarmes on 19 March 2018 and died of his injuries the following day; (e) Mohamadou Lawal, who was arrested on 19 April 2017 as part of an investigation and died on the same day after being tortured; and (f) the four men who were arrested on 2 February 2018 by security forces in Belo and were found the following day in the Bameda regional hospital morgue with signs of torture.

### Articles 12 and 13

18. In the light of the Committee's previous concluding observations (paras. 11–12 and 19–20) and the information provided by the State party in its follow-up report regarding the opening of investigations and the initiation of prosecutions against the perpetrators of torture and ill-treatment,<sup>36</sup> arbitrary detention and deaths in custody of many persons from the Far North Region suspected of supporting Boko Haram, including children,<sup>37</sup> please indicate: (a) whether the nine investigations opened in 2018 by the national gendarmerie into human rights violations by gendarmes resulted in a criminal investigation by the public prosecution service and, if so, what sentences and criminal sanctions were imposed;<sup>38</sup> (b) whether the disciplinary sanctions imposed on 13 police officers in 2017 for incidents of false arrest and imprisonment, violence and assault led to a criminal investigation by the public prosecution service and, if so, what sentences and criminal sanctions were imposed;<sup>39</sup> (c) whether the sanctions imposed on 84 prison officers in 2017 for incidents of inhuman treatment of detainees led to a criminal investigation by the public prosecution service and, if so, what sentences and criminal sanctions were imposed;<sup>40</sup> and (d) whether the judicial proceedings initiated against 75 members of the defence and security forces in 2017 for arbitrary arrest, torture and violence resulted in conviction, discharge or discontinuance of proceedings and the sentences handed down in all these cases other than in judgment No. 060/17 of 30 November 2017.<sup>41</sup> In view of allegations that persons suspected of being anglophone separatists – specifically, 23 persons, including minors, arrested by the security forces in the village of Dadi on 13 December 2017 and 100 persons held incommunicado at facilities belonging to the Secretariat of State for Defence between 23 July and 4 August 2019 following the riot of 22 July in Yaoundé Central Prison – are still being subjected to torture and ill-treatment, please provide information on the outcome of the investigations into these allegations, including those mentioned in the Committee's previous concluding observations (para. 19).<sup>42</sup> Please provide the same information about the allegations regarding 59 members of the Mouvement pour la renaissance du Cameroun who were arrested on 1 June 2019 during a planned demonstration in Yaoundé and subjected to torture and ill-treatment at premises of the State Secretariat for Defence.

19. In view of the Committee's previous concluding observations (paras. 25–26),<sup>43</sup> please clarify whether the State party has taken legislative measures to ensure that article 64 of the Code of Criminal Procedure can never be invoked to terminate prosecution proceedings<sup>44</sup> in cases where there are reasonable grounds for believing that an act of torture has been

<sup>32</sup> CCPR/C/CMR/CO/5, paras. 29–30.

<sup>33</sup> CAT/C/CMR/FCO/5, paras. 18–20.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> A/HRC/WG.6/30/CMR/3, paras. 20 and 22.

<sup>37</sup> CRC/C/CMR/CO/3-5, para. 22.

<sup>38</sup> CAT/C/CMR/FCO/5, para. 11.

<sup>39</sup> *Ibid.*, para. 12.

<sup>40</sup> *Ibid.*, para. 13.

<sup>41</sup> *Ibid.*, paras. 14–15.

<sup>42</sup> See also E/C.12/CMR/CO/4, para. 5 (b), and CRC/C/CMR/CO/3-5, para. 23 (b).

<sup>43</sup> See also CAT/C/CMR/CO/4, para. 24.

<sup>44</sup> CCPR/C/CMR/CO/5, paras. 37–38.

committed. Please indicate whether the State party has taken measures to establish an investigation body outside the police and military to ensure that there is no institutional or hierarchical link between the investigators and the alleged perpetrators.<sup>45</sup> In cases where there are strong reasons to believe that a complaint of torture or ill-treatment is well founded, please specify whether the suspected perpetrator is automatically suspended from duty or transferred during the investigation.

20. With reference to the Committee's previous concluding observations (para. 24 (a), (b) and (e)), please provide annual statistical data for the period since 2017, disaggregated by sex, age group (minor/adult) and ethnic origin or nationality of the victim and the services to which the persons accused of committing acts of torture belong, on complaints and investigation reports of actual or attempted acts of torture and ill-treatment and complicity, participation or acquiescence in such acts. Please indicate how many ex officio investigations into the above-mentioned offences have been carried out. Please provide information on all judicial and disciplinary proceedings initiated, specifying whether they resulted in conviction, discharge or discontinuance of proceedings and the sentences and disciplinary measures handed down. In particular, please indicate whether investigations into allegations of the torture and ill-treatment of the following persons were opened and, if so, what results were obtained: (a) Bouba Yaouba, who was arrested on 5 June 2017 in Ngaoundéré by members of the rapid intervention battalion and tortured for 52 days without any legal proceedings having been initiated; (b) Edmond David Ngoumpougoun Ntieche, who was taken into custody on 26 February 2019 and tortured for 2 days before being released; (c) Ibrahim Bello, a child who was taken into custody at Ombessa police station on 5 February 2017 and allegedly tortured to the point of losing both his legs and his left hand and developing speech problems;<sup>46</sup> (d) Aboubakary Siddiki and Abdoulaye Hariissou, who were subjected to torture during their incommunicado detention for more than 40 days in a facility managed by the intelligence service; (e) Tabassang Augustine, who was arrested by the army in November 2019 in Douala and held in incommunicado detention at premises of the Secretariat of State for Defence for 19 days and in an army facility for 7 months, where he was allegedly subjected to torture; (f) Blaise Eleme Koagne Nyepo, who was tortured at the Bafoussam gendarmerie station following his arrest on 11 May 2020; (g) Wirba Didymus Nsoseka, who was tortured on multiple occasions over the course of 5 months in criminal police facilities, at the Bafut military camp and at the intelligence service premises in Yaoundé after his arrest on 19 February 2018 in Mankon; (h) the woman allegedly subjected to sexual abuse by a non-commissioned officer serving in the Nkongsamba field artillery unit on 25 June 2018 in Tombel;<sup>47</sup> and (i) the 17-year-old girl allegedly raped by a soldier in Nkwen, Bamenda.<sup>48</sup>

21. Bearing in mind the Committee's previous concluding observations (para. 24 (d)), please outline the steps taken to ensure the confidentiality and independence of the mechanism for the submission of complaints of torture and ill-treatment by persons deprived of their liberty. Please also indicate whether the State party has established a protection programme for witnesses and victims of torture, as set out in the National Action Plan to Promote and Protect Human Rights in Cameroon (2015–2019).

#### Article 14

22. In view of the Committee's previous concluding observations (paras. 45–46), please clarify whether the State party has taken or is considering legislative and administrative measures to ensure that victims of torture and ill-treatment have access to effective remedies and can obtain redress in cases in which the perpetrator has not been identified or found guilty of an offence. Please also clarify whether the State party has assessed the needs of torture victims with a view to putting in place specialized State rehabilitation services or funding other services run by non-governmental organizations. Please specify the resources allocated.

23. Please provide annual statistical data on redress and compensation measures, including means of rehabilitation, ordered by the courts and actually provided to victims of

<sup>45</sup> Ibid.

<sup>46</sup> CAT/C/CMR/FCO/5, para. 16.

<sup>47</sup> Ibid., para. 55.

<sup>48</sup> Ibid.

torture or ill-treatment or their families since 2017. These statistics should include data on the number of applications for State compensation for torture and ill-treatment, the number of time-barred claims owing to the courts' inaction, the number of applications granted and the range of awards in successful cases. In particular, please specify the redress ordered for torture victims following Buea Military Court judgment No. 006/19 of 22 January 2019 and Bertoua Military Court judgment No. 060/17 of 30 November 2017.<sup>49</sup>

#### Article 15

24. In the light of the Committee's previous concluding observations (paras. 29–30) and reports that detainees are tortured to extract confessions or information for investigations, please describe the measures taken, including disciplinary measures, to ensure that the exclusionary rule with regard to evidence obtained under torture is fully implemented by the courts, in line with article 315 of the Code of Criminal Procedure. Please provide up-to-date statistics for the period since 2017 on the number of: (a) cases in which detainees have alleged that their confessions were extracted under torture; (b) cases in which confessions have been declared inadmissible; and (c) cases that have been investigated and the outcomes of those investigations, specifying whether a forensic medical examination of the alleged victim was carried out, the sentences handed down to those found guilty and the redress and compensation granted to the victims.

#### Article 16

25. In view of the Committee's previous concluding observations (paras. 9–10) concerning the reports of the excessive use of force, including extrajudicial executions,<sup>50</sup> by some State forces in the context of counter-insurgency operations,<sup>51</sup> and reports of hundreds of persons being killed by government forces in the anglophone region, please describe the measures taken since 2017 for the protection of civilians and control of the security forces to prevent the recurrence of such acts.<sup>52</sup> Please clarify whether investigations have been opened and prosecutions have been initiated and, if so, what results were obtained, in respect of persons killed during search operations, in particular those carried out in Magdémé and Doublé on 27 December 2014, and in respect of the 130 disappeared persons mentioned in the Committee's previous concluding observations (para. 9). Please specify whether the victims and their survivors have obtained redress.<sup>53</sup> Please indicate whether the State party has begun the process of exhuming, analysing and identifying the bodies at suspected mass grave sites, such as the one at Mindif. Please also provide data for the period since 2017, disaggregated by type of offence and sex, age group and ethnic or regional origin of the victim, on: (a) the death in February 2020 in the village of Ngarbuh of at least 21 persons, including 13 children and a pregnant woman, in the North-West Region, allegedly caused by soldiers and a gendarme, assisted by 10 members of a vigilante group; (b) the looting and burning of villages and the murders of anglophone civilians, allegedly perpetrated by the army, including in Babubock, Bangem and Ndoh in January 2020 and in the villages of Kwakwa, Dadi, Kajifu and Bodam in December 2017; (c) the execution of 10 men in the village of Bole Bakundu on 6 February 2019 by soldiers of the rapid intervention battalion; (d) the execution of 5 civilians, one of whom had a disability, on 4 April 2019 in the village of Meluf by soldiers, gendarmes and members of the rapid intervention battalion; (e) the execution of a man and the destruction of homes in Mankon on 15 May 2019 and the execution of 2 men on 10 July 2019; (f) the execution in July 2018 of 2 women and their children, accused of belonging to Boko Haram, by members of the Cameroonian army; (g) the execution of 4 civilians and the enforced disappearance of 2 others on 26 June 2018 in the village of Mouri, in the Far North Region, by regular army soldiers; (h) the execution of 2 unarmed men by rapid intervention battalion soldiers in an area of Buea known as Great Soppo on 24 September 2018; (i) the death of 4 persons, namely a woman named Zoumtigui Danakoua, a child named Lada Badina, another woman and an unidentified child in Krawa

<sup>49</sup> Ibid., paras. 15 and 55.

<sup>50</sup> A/HRC/WG.6/30/CMR/3, para. 22.

<sup>51</sup> Ibid., para. 24.

<sup>52</sup> E/C.12/CMR/CO/4, para. 5 (a).

<sup>53</sup> CCPR/C/CMR/CO/5, paras. 25–26.



Mafa in the Far North Region, in April 2015;<sup>54</sup> and (j) the death of a man attributed to members of the Bui gendarmerie during an operation carried out to arrest hemp growers on 4 September 2017 in the village of Kifen.<sup>55</sup> In view of reports of the use of live ammunition against demonstrators, and of information provided by the State party regarding the specific instructions for military commanders in the Far North, North-West and South-West Regions to ensure continuous and ongoing training on the use of force for all the personnel under their authority, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, please clarify whether all members of the law enforcement authorities have received training on these instructions.<sup>56</sup>

26. In view of the Committee's previous concluding observations (paras. 41–42)<sup>57</sup> concerning allegations of acts of intimidation and even torture against human rights defenders and journalists, please indicate the measures taken to stop such acts<sup>58</sup> and provide statistical data for the period since 2017 on the number of related complaints, the outcomes of any investigations opened following these complaints and the sentences and penalties handed down. Please also indicate the outcomes of the investigations into: (a) allegations of the torture of Ahmed Abba; (b) allegations of the torture of the anglophone journalist Kingsley Fumunyuy Njoka, during his 23-day incommunicado detention at the military intelligence centre of the Ministry of Defence in Yaoundé; (c) the death in custody following torture of the journalist Samuel Wazizi, who was arrested on 13 August 2019 in Buea; (d) the attack against Maximilienne Ngo Mbe, director of the Réseau des défenseurs des droits humains en Afrique centrale, in August 2019; and (e) the disappearance in August 2018 of Franklin Mowha, member of the Réseau des défenseurs des droits humains en Afrique centrale.

27. Given the recent reports of torture and ill-treatment, including anal examinations, of lesbian, gay, bisexual and transgender persons by the police,<sup>59</sup> and of violence based on actual or perceived sexual orientation, including "corrective rape" by private individuals, please indicate whether the State party is considering repealing article 347-1 of the Criminal Code, which criminalizes consensual relations between adults of the same sex,<sup>60</sup> and article 83 of Law No. 2010/012 of 21 December 2010 Relating to Cybersecurity and Cybercriminality in Cameroon, which criminalizes sexual proposals to an adult of the same sex using electronic means of communication,<sup>61</sup> and announcing a moratorium on its application in the meantime. Please also indicate (a) the measures taken to prevent, investigate, prosecute and secure convictions for violence based on sexual orientation and gender identity and (b) the measures in place to protect lesbian, gay, bisexual and transgender persons and the human rights defenders who assist them,<sup>62</sup> including to encourage victims to report such cases. Please provide data on cases of hate crime identified since 2017, disaggregated by grounds for discrimination, including sexual orientation or gender identity, age group, sex and ethnic origin or nationality of the victim and whether the perpetrator was a public official. Please also provide information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed.

28. In view of reports that corporal punishment is frequently used in family settings and at school, please indicate the measures taken to expressly prohibit corporal punishment in all settings,<sup>63</sup> investigate such practices and put in place awareness-raising programmes about its harmful effects.<sup>64</sup>

<sup>54</sup> CAT/C/CMR/FCO/5, para. 11.

<sup>55</sup> *Ibid.*, para. 55.

<sup>56</sup> *Ibid.*, para. 5.

<sup>57</sup> See also CAT/C/CMR/CO/4, para. 18.

<sup>58</sup> E/C.12/CMR/CO/4, para. 11, CCPR/C/CMR/CO/5, paras. 41–42, and A/HRC/WG.6/30/CMR/3, paras. 30 and 33–34.

<sup>59</sup> A/HRC/WG.6/30/CMR/3, paras. 11 and 14.

<sup>60</sup> E/C.12/CMR/CO/4, para. 24, CCPR/C/CMR/CO/5, paras. 13–14, and A/HRC/WG.6/30/CMR/3, paras. 8 and 11.

<sup>61</sup> CCPR/C/CMR/CO/5, paras. 13–14.

<sup>62</sup> *Ibid.*

<sup>63</sup> A/HRC/WG.6/30/CMR/3, paras. 9 and 49.

<sup>64</sup> CRC/C/CMR/CO/3-5, para. 24.

**Other issues**

29. Given that the prohibition of torture is absolute and cannot be derogated from, not even within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty, including in places of confinement such as homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

**General information on other measures and developments relating to the implementation of the Convention in the State party**

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention since its ratification by the State party, including institutional developments, plans or programmes. Please indicate the resources allocated for this purpose and provide relevant statistical data. Please also provide any other information that the State party considers relevant.

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