



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

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Committee against Torture Eighty-first session

Summary record of the 2159th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 13 November 2024, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 2158th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Sixth periodic report of Cameroon (CAT/C/CMR/6; CAT/C/CMR/QPR/6)

1. *At the invitation of the Chair, the delegation of Cameroon joined the meeting.*
2. **A representative of Cameroon**, introducing his country's sixth periodic report (CAT/C/CMR/6), said that Cameroon was committed to promoting and protecting human rights and recognized torture as being an unacceptable violation of human dignity.
3. During the reporting period, the Government had implemented a series of initiatives designed to help the country meet its international obligations, including legislative and institutional reforms intended to prevent torture and ensure that perpetrators were held to account. It had also established a national preventive mechanism and was in the process of ratifying the Optional Protocol to the Convention. Human rights protections in the context of deprivation of liberty had been strengthened, and human rights issues had been incorporated into the course content of initial and ongoing training provided to law enforcement officials.
4. Despite the progress that had been made, challenges remained against a backdrop of regional conflicts and internal sociopolitical crises. When cases of human rights abuses were reported, investigations were launched, judicial proceedings were initiated, perpetrators were punished and victims were provided with redress.
5. Cameroon was committed to eradicating torture through, *inter alia*, improving detention conditions, strengthening freedom of expression and ensuring that court rulings reflected the grave nature of torture offences. It had also intensified its cooperation with international partners, civil society and human rights protection mechanisms.
6. **Ms. Racu** (Country Rapporteur) said that she would like to know what progress the authorities had made in establishing a central detention register for all police and gendarmerie detention facilities. The delegation might comment on any relevant measures that had been taken to give practical effect to the fundamental safeguards set out in law, with a particular focus on the time limits for police custody. According to information received by the Committee, hundreds of people had been arrested without a warrant since 2017 in the context of post-election protests or as part of the fight against armed groups, including Boko Haram. She would welcome an update on any steps that had been taken to reduce the number of such arrests and ensure that all cases of detention in police custody were subject to judicial review.
7. The Committee had received reports of numerous cases, particularly in English-speaking regions, in which political activists, journalists, human rights defenders and terrorist suspects placed in detention had been deprived of legal assistance for prolonged periods. She wished to know how soon after their arrival detainees were permitted to have contact with their legal counsel and with family members, on what grounds the duration of initial detention could be extended beyond 48 hours and how many such extensions had been granted during the reporting period. She would welcome details of the circumstances in which a person could be held without bail and of the application process for legal aid. It was unclear whether detainees were informed of their right to obtain legal assistance and, if they were, how soon after their arrest they were provided with that information. She would be interested to learn more about the practical application of section 236 of the Criminal Procedure Code, which stipulated that persons held in police custody beyond the legal time limit or without valid justification were entitled to compensation for the harm suffered, including statistics on the use of that mechanism.
8. She would like to receive more information about medical examinations of detainees on admission to police custody, including the procedures used in identifying and documenting signs of torture, and she wondered whether police and gendarmerie detention facilities maintained injury registers and medical records for detainees. She wished to know whether there were any internal regulations that set out the procedure for reporting injuries and what the procedures were for administering medication in police custody and for transferring detainees to public hospitals where necessary. She would appreciate clarification

as to whether the medical staff who examined detainees on admission to detention facilities reported to the police or the gendarmerie or to the health authorities.

9. It would be helpful to know whether representatives of the Cameroon Human Rights Commission were given access to all places of detention, including psychiatric facilities and detention units run by the military or the intelligence services. She would welcome details of the number of monitoring visits that had been conducted, the major findings from those visits and any ensuing recommendations on which the Government had taken action. It was unclear whether the Commission's reports were made public. She would be interested to know how the authorities ensured the Commission's functional and budgetary independence. She would also like to know more about the work of the Subcommission on the Prevention of Torture, including how and where it conducted its visits, whether its monitoring teams included medical professionals and psychiatrists, where its reports could be found and what its main findings and recommendations had been. She would be grateful for clarification of who was responsible for deciding which institutions would be visited and when, as well as of the specific budgetary or logistical resources that had been allocated to the Subcommission to ensure that it was able to discharge its mandate in an independent manner. It was not clear whether human rights non-governmental organizations (NGOs) had access to all places of detention and whether any national standards were in place to regulate such access.

10. While the Committee welcomed the establishment, in 2016, of new offences in the Penal Code relating to violence against women, it was concerned that very few investigations had been launched into complaints of such offences. Reports suggested that the perpetrators of sexual violence and of harmful practices such as child and forced marriage, female genital mutilation, breast ironing, the stigmatization of widows and the kidnapping of children, especially young girls, for the sale of organs or for magic or religious rites continued to act with impunity. She wished to receive statistical data for the French-speaking and English-speaking regions of the State party, disaggregated by type of offence and ethnic origin or nationality of the victim, on cases of violence against women and children, including sexual violence, trafficking in persons, female genital mutilation and breast ironing, that had occurred since 2017. The delegation might provide details of the number of cases recorded, complaints submitted, investigations opened, prosecutions brought, judgments and sentences handed down and of the reparation provided to survivors of violence, as well as details of the methods of redress that were available to victims. She would also appreciate information about the measures taken by the State party to prevent and combat female genital mutilation, the financial compensation provided to victims and the status of the planned revisions to the National Plan of Action for the Fight against Female Genital Mutilation. In addition, she would like to know what steps the authorities had taken to amend the Penal Code to criminalize domestic violence and marital rape and what protective measures were available to victims of domestic violence and gender-based violence beyond dignity kits and financial support. Information on any shelters for victims, including their capacity and the services provided there, would be helpful.

11. The Committee was concerned at reports that refugees and asylum-seekers from Nigeria had been subjected to ill-treatment by members of the armed forces and had been forcibly expelled en masse for alleged collaboration with terrorist movements. The Government reportedly did not provide identity documents to refugees in a timely manner; she would welcome an account of how the authorities were seeking to address that shortcoming, as well as of the legal and practical solutions in place to ensure that identity cards issued by the Office of the United Nations High Commissioner for Refugees (UNHCR) were sufficient to permit refugees to travel freely within the country and ensure their socioeconomic integration. It would be useful to know how refugees and asylum-seekers were integrated into the labour market and how any barriers to their employment were addressed.

12. She wished to know how many people had benefited from the unofficial, temporary protection granted by the State party to foreign nationals in Cameroon who might not meet the requirements for refugee status and how the State party ensured that the unofficial status of such persons did not expose them to harassment and abuse by employers in the informal sector. She would be grateful for information on reception conditions for refugees, including in terms of their access to water, sanitation facilities, food and other necessities. She would

also like to find out how the State party coordinated its refugee response, whether it had updated any of its laws or practices with a view to improving the situation of migrants and asylum-seekers and how it ensured that unaccompanied migrant children in detention were held separately from adults. It would be helpful for the delegation to indicate what complaint mechanisms were available to refugees, which authorities handled complaints from refugees, how many complaints had been submitted and, of those, how many had been investigated. She wondered whether the State party had established procedures for the identification of torture victims among asylum-seekers in Cameroon and how it ensured that refugees were not subjected to torture and ill-treatment when returned to their countries of origin. She wished to learn more about the challenges facing internally displaced persons, the assistance provided to them and the steps being taken to avoid displacement and to prevent violence, including the sexual exploitation of women and girls, among internally displaced persons.

13. She would appreciate clarification regarding the causes of deaths in custody in the State party, particularly in the light of reports that many such deaths resulted from violence among detainees or from unlawful actions or excessive use of force by law enforcement officials. She would like to know how and by whom deaths in custody could be reported, whether there were any barriers to reporting and, if so, what the State party was doing to remove them. It would be helpful to have data on deaths in custody during the reporting period, disaggregated by the place of detention and the sex, age group and ethnic origin of the deceased, as well as the information previously requested by the Committee on deaths in mental health facilities and police stations and investigations into those deaths. She wished to know what procedures were in place for the examination of the bodies of deceased detainees and whether the costs of autopsies and forensic examinations were covered by the State. The delegation might explain what the State party was doing to prevent violence, including self-mutilation and suicide, among prisoners.

14. She welcomed the measures taken by the State party to improve material conditions of detention, including the building of new prison facilities and the increase of prisons' food budgets. However, prisons in Cameroon continued to suffer from overcrowding, prisoners had inadequate access to food, water, sanitation facilities, heating, ventilation, lighting and medical care, and the Committee had received reports of a lack of physical, recreational, educational or work activities of any kind. In addition, there was only one women's prison in the country. She wished to know how the State party intended to overcome the shortcomings in its prison system, including through administrative, legislative and judicial measures, improve infrastructure and conditions of detention, including in facilities run by the police and the gendarmerie, and increase the number of staff, including medical staff, in correctional facilities. She wondered whether a strategy was in place to reduce overcrowding, including through the use of non-custodial penalties. She would like to find out what impact the 2020 decree issued by the President of the Republic on the commutation and reduction of sentences had had in terms of reducing the country's prison population. Updated data on prison and cell occupancy rates and average cell space per inmate would be appreciated.

15. **Mr. Contesse** (Country Rapporteur) said that he wished to know what steps the State party had taken to bring its Penal Code into line with article 4 (2) of the Convention and to ensure that no statute of limitations was applicable and that no mitigating circumstances could be invoked in cases of torture or ill-treatment. He would also like to know how many cases of torture had been brought before the courts during the reporting period, how many had been tried and what sentences had been handed down. The delegation might indicate how many cases of torture were pending before the courts, how long court proceedings in such cases typically lasted and what the maximum length of such proceedings had been during the reporting period.

16. He would like to find out whether the State party intended to amend its legislation to establish reasonable time limits on police custody in terrorism cases and to abolish the jurisdiction of military courts over civilians. He wondered whether detainees appearing before military courts could file habeas corpus petitions. It would be helpful to have the text of the articles of the decree on the prison system in Cameroon that regulated family visits for persons sentenced by military courts.

17. He wished to know whether Cameroon had concluded extradition agreements with other States parties to the Convention during the reporting period and, if so, whether the

agreements included as extraditable offences the conduct referred to in article 4 of the Convention. He would also like to know whether, during the period under review, the State party had exercised its jurisdiction over any person for an offence referred to in articles 4, 5 or 16 of the Convention. It would be helpful to have examples of cases, if any, where the State party had accepted or requested mutual legal assistance from another State party in a case of torture or ill-treatment. He wondered whether the State party had concluded any agreements on mutual legal assistance with other countries, international courts, international institutions or other entities during the period under review.

18. He was keen to learn whether individuals were required to complete human rights training before entering the armed forces, the police or the prison, immigration or border control services. He also wished to find out whether the training module on the prohibition, prevention and punishment of torture was compulsory for members of the defence forces, whether it included refresher training, who its target audience was and what the breakdown of participants was by profession. It would be helpful to see the materials used in training sessions on sanctions against State employees in cases of torture, the proper treatment of asylum-seekers, the principle of non-refoulement and techniques for identifying victims of torture and other types of violence. The delegation might indicate how often public officials received training, whether any mechanisms had been developed to assess the effectiveness of training, to what extent training programmes raised awareness of issues affecting women, children, persons with disabilities, members of the LGBTIQI community and other vulnerable groups, how the principle of non-refoulement was addressed in training programmes, what types of violence other than torture were covered in training on techniques for identifying victims of violence and whether training was provided on how to identify asylum-seekers who were victims of trafficking in persons and gender-based violence.

19. He wished to know how the State party decided which government employees would be invited to participate in its capacity-building programmes and whether it intended to offer such programmes regularly and make participation compulsory for all civil servants. It would also be helpful to know how the State party had ensured the effective implementation of the recommendations made at the training seminar held by the Ministry of Justice in February 2019 for stakeholders from the justice sector, whether the State party planned to begin regularly offering the train-the-trainer workshop that it had held in July 2018 for health personnel involved in the medical care of rape victims, whether judges and prosecutors received training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and whether any training was provided to forensic doctors and other medical personnel on how to detect and respond to physical and psychological signs of torture.

20. He would appreciate an update on the investigations into several high-profile cases involving allegations of torture: those of Martinez Zogo, Paul Chouta, Ramon Cotta and the singer Longue Longue. In particular, he was curious to learn what mitigating factors had resulted in the downgrading of the torture charges against those involved in Mr. Zogo's death to complicity in torture. He also wished to know on what charges Mr. Cotta was being held, whether any investigations had been undertaken into the alleged ill-treatment or torture of Mr. Cotta, Mr. Chouta or Longue Longue and, if so, what the findings had been to date. Information on the current status of the investigations into the cases of Bouba Yaouba, Edmond David Ngoumpoungoun Ntieche, Aboubakary Siddiki, Abdoulaye Harissou, Blaise Eleme Koagne Nyepo and Wirba Didymus Nsoseka would be appreciated. He wondered whether the 13 police officers involved in the arbitrary detention and death in custody of nine Boko Haram suspects in the period up to 2018 and the prison officers responsible for the inhuman treatment of detainees in 2017 had been punished and, if so, what sanctions had been imposed. If any criminal investigations into those cases had yet to be opened or were ongoing, he would be interested to hear when they would be completed, and he would appreciate statistics on the number of cases that were pending and the number that had been dismissed. He also wished to know what mechanisms and programmes were currently in place to protect witnesses and victims of torture, and when the State party expected the protection programmes to be fully operational.

21. He wondered when the State party would amend the Penal Code to prohibit the admission into evidence of all statements, not only confessions, that had been made as a result

of torture, in accordance with article 15 of the Convention, what standard of proof was used to determine whether confessions had been made as a result of torture, what criteria the courts used to determine whether confessions had been obtained through coercion, violence or intimidation, whether the admission of evidence obtained through torture constituted grounds for appeal in any judicial or administrative proceedings, whether decisions arising from judicial or administrative proceedings in which such evidence had been used were reversible on appeal, why criminal judges had not been included in the capacity-building sessions on the admissibility of evidence and whether the State party provided any other training in that area for criminal judges. He would welcome statistics on the number of cases in which the exclusionary rule with regard to evidence obtained under torture had been applied during the reporting period, and data on the number of appeals that had been lodged on the basis of the use of such evidence. Details on the outcome of the investigation into the case of Jean Fai Fungong, a victim of torture by State officers, would be appreciated. Had the perpetrators been convicted and, if so, what penalties had they received?

22. He would be interested to hear how the State party guaranteed independent and fair investigations into allegations of human rights violations committed by State officials, when such officials were responsible for conducting the investigations. It would be helpful to have statistical data on the number of people who had used the community policing hotline, and on the number of individuals who had been investigated and subsequently prosecuted and punished as a result of complaints made through the hotline. He wondered what measures had been taken to investigate suspected mass grave sites, such as the one at Mindif, whether any systems were in place to enable civilians to report suspected mass graves for investigation and whether the State party would exhume, analyse and identify bodies at a site if the presence of a mass grave was confirmed. He would appreciate data on extrajudicial killings, disaggregated by type of offence and the gender, age group and ethnic or regional origin of the victim, covering the period 2017–2024, as well as any additional information in relation to the cases referred to in the list of issues prior to reporting (CAT/C/CMR/QPR/6, para. 25).

23. **Mr. Iscan** said that he would appreciate up-to-date information on the functioning of mechanisms such as the commission on compensation for unlawful detention or police custody since the submission of the State party's report in January 2022. He wished to know whether the commission had been given the necessary mandate and allocated the required financial and human resources to provide compensation to all victims of torture; how the State party ensured that all such victims received redress, especially in circumstances where the perpetrator was unknown; what the commission's procedure for granting compensation was; how many victims had been awarded compensation; how the State party planned to further improve rehabilitation programmes for all victims; and whether the Government cooperated effectively with NGOs in providing rehabilitation services. Concrete examples, with statistical data, of ongoing cooperation with NGOs would be helpful.

24. **Mr. Buchwald** asked whether there was a specific provision in the State party's law according to which a superior could be held criminally responsible for the acts or omissions of a subordinate, and whether the exclusion of pain or suffering arising from, inherent in or incidental to lawful sanctions from the definition of torture in section 277-3 of the Penal Code covered sanctions that were lawful under national legislation, international law or both.

25. **Mr. Kessing**, expressing concern at the harsh punishments imposed on journalists and human rights defenders, said that he wondered whether Kingsley Fumunyuy Njoka, a journalist who had been sentenced to 10 years' imprisonment, had received a fair trial and had been treated in a manner that conformed to the Convention. He wished to know what steps had been taken to ensure that human rights defenders were not exposed to ill-treatment and received fair trials in accordance with international standards.

26. He would be interested to learn what measures the State party had introduced to protect lesbian, gay, bisexual and transgender persons, and the human rights defenders who assisted them, from systematic attacks by State and non-State actors. He would welcome statistical data, disaggregated by grounds of discrimination such as sexual orientation and gender identity, on all hate crimes committed since 2017.

27. **Mr. Tuzmukhamedov** said that he wished to know whether the moratorium on the death penalty applied to both death sentences and executions. If it applied only to executions,

he would be interested to hear how many death sentences had been handed down since the submission of the State party's report and what offences those sentenced to death had been charged with. He wondered whether capital offences were established in laws other than the Penal Code, how many inmates remained on death row, how many such inmates had been released since the submission of the State party's report, what the grounds for their release had been and how many commutations or pardons had been granted by the President over the same period.

The meeting was suspended at 11.50 a.m. and resumed at 12.15 p.m.

28. **A representative of Cameroon** said that police custody was regulated under sections 118–226 of the Criminal Procedure Code. As a measure of deprivation of liberty, it could be used only under certain conditions as stipulated by law. The criminal investigation police could hold suspects for no longer than 48 hours. That period could, on an exceptional basis, be extended by the public prosecution service. The fundamental rights of suspects held in custody were established in the Code. All suspects were informed of the reasons for their detention, of the prohibition on torture and of their rights to receive humane treatment, take breaks during questioning, remain silent and be assisted by legal counsel. The Ministry of Justice placed particular emphasis on the latter right when conducting its yearly visits to places of detention, and police and gendarmerie stations displayed the names of lawyers for detainees to contact. Persons in police custody had the right to receive visits from family and friends, to be given adequate nutrition and to be examined by a doctor. Detainees were read their rights before being placed in custody, and a record of that fact was sent to the public prosecution service.

29. Criminal investigation officers and members of the security forces received initial and in-service training on, and generally respected, the legal safeguards for persons in police custody. Failure to uphold the rights of detainees resulted in the annulment of the proceedings, pursuant to section 4 of the Criminal Procedure Code. Victims of illegal detention by the police could appeal to a habeas corpus judge, who could order their immediate release. A complaint could also be filed with the commission on compensation for unlawful detention or police custody, which had been established under the Supreme Court and was now fully functional. The commission comprised judges and representatives of civil society organizations with extensive experience in human rights cases and was responsible for bringing claims for compensation against perpetrators of violations such as unlawful or arbitrary detention. It had received 19 applications and had rendered 13 decisions. In one case, the State had been ordered to pay the plaintiff 40 million CFA francs (CFAF) for multiple counts of unlawful detention in a judgment handed down on 25 September 2024. In a similar decision rendered that same day, another plaintiff had been awarded compensation of CFAF 50 million.

30. **A representative of Cameroon** said that, owing to an administrative issue, his country had been unable to complete the process of ratifying the Optional Protocol to the Convention. However, steps had been taken to remedy the issue and ratification was expected in the coming weeks.

31. **A representative of Cameroon** said that the number of cases received by the commission on compensation for unlawful detention or police custody had been steadily increasing since the Government had begun raising awareness of its work.

32. Homosexuality did not conform to the moral values of Cameroonian society, of which the State was the guarantor. That stance was compliant with the main United Nations human rights instruments and the African Charter on Human and Peoples' Rights. In practice, acts of homosexuality were only investigated when performed in public or reported to the police, and prosecutions and convictions for homosexuality were few and far between. LGBTQ persons benefited from all procedural, institutional and legal safeguards to guarantee a fair trial and they received equal treatment before the courts. They also enjoyed protection from all physical and psychological attacks and were entitled to seek redress before the courts on the same footing as all other citizens.

33. The normative framework on civil liberties, including the freedoms of association, assembly and expression, and the relevant international treaties to which Cameroon was a party enabled human rights defenders to carry on their activities freely to the extent permitted

by law. Like other citizens, they were protected by the administrative authorities and security forces. Allegations of rights violations against human rights defenders were investigated, the perpetrators were prosecuted and, if found guilty, punished, and victims were granted compensation. All journalists and human rights defenders were tried in accordance with the law and in full compliance with the principle of due process. Cameroon cooperated with regional and international mechanisms with a mandate to protect human rights defenders, including the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, and received and processed complaints regarding violations of their rights.

34. The Cameroonian courts continued to impose the death penalty only for the most serious offences. All persons sentenced to death had the right to apply to the President of the Republic for a pardon, through the Department for Criminal Matters and Pardon of the Ministry of Justice. All such applications had been granted and no one had been executed for more than 35 years. The death penalty remained on the statute books merely to dissuade people from committing heinous crimes.

35. The permanent members of the Cameroon Human Rights Commission met on a daily basis, and the Commission's budget had increased every year since its establishment in 2019; the Subcommission on the Prevention of Torture was funded from the same budget. Commission members had the right freely to visit places of deprivation of liberty, including police cells, prisons and psychiatric institutions, and over 600 such visits had been conducted across the country in 2023. The Commission published an annual report on the human rights situation in the country.

36. **A representative of Cameroon** said that his country hosted more than 500,000 refugees, mostly from the Central African Republic, Nigeria and Rwanda. Its refugee policy was based on the Global Compact on Refugees. In 2022, the United Nations High Commissioner for Refugees had visited several refugee camps in the far north of the country, including the Minawao camp, one of the largest. In accordance with the Government's assimilation policy, no distinction was made between Cameroonian nationals and refugees, and their fundamental rights, including the rights to life, health, education and freedom of expression, were guaranteed. UNHCR had helped the Government build schools for refugees, who also had the right to attend Cameroonian primary, secondary and higher education institutions. The Government was in the process of introducing a special identity card for refugees, and local authorities and UNHCR offices were responsible for identifying refugees and monitoring their numbers. He was unaware of any mass graves in Cameroon, and no mass killings had been perpetrated by State actors. All verified reports of such graves would be duly investigated.

37. **A representative of Cameroon** said that the military courts in Cameroon were courts under ordinary law with special jurisdiction; the offences tried by the military courts were listed in section 8 of the Code of Military Justice. Military court judges were graduates of the National School of Administration and Judicial Training and received the same training as civilian judges. All appeals were heard by the civilian courts as there was no military court of appeal, and military judges sat alongside civilian ones. Persons who were tried by the military courts enjoyed the same due process safeguards as in the criminal courts, and the rules on the initiation and conduct of prosecutions and the rendering of judgments were governed by the Criminal Procedure Code. No binding provisions of international law prohibited the trial of civilians by military courts, provided that the law was upheld and a fair trial was guaranteed.

38. **A representative of Cameroon** said that a joint team of the Delegate General for National Security and the Ministry of Foreign Affairs issued biometric identity cards to refugees.

39. **A representative of Cameroon** said that registers were kept of detainees held at police and gendarmerie stations, and prosecutors were able to inspect those registers at any time. The national preventive mechanism comprised a team of doctors who compiled reports on any potential human rights violations and forwarded them to the public prosecution service for follow-up.

The meeting rose at 1 p.m.