



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 2162nd meeting*

Held at the Palais Wilson, Geneva, on Thursday, 14 November 2024, at 3 p.m.

Chair: Mr. Heller

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The meeting was called to order at 3 p.m.

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

Sixth periodic report of Cameroon (continued) (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** said that the President of the Republic had made safeguarding human dignity a major priority of his Government. His commitment to upholding human rights in Cameroon was reflected in the so-called liberty laws passed in 1990 to protect such fundamental liberties as freedom of expression and association. There were more than 350 political parties and more than 300 media outlets in the country, demonstrating the extent to which freedom of expression and association were upheld; criticism, even of the President, was tolerated. The State did not order anyone to commit torture. While isolated incidents of torture might occur, they were immediately investigated and the perpetrators punished. The moratorium on the application of the death penalty attested to the determination of the Government to combat violence in all its forms. Cameroon was a united nation. The current crisis in the country, which was coming to an end, was not one between anglophone and francophone citizens; it had, rather, been triggered by a small number of secessionists. Likewise, the armed forces were not engaged in a war against citizens of the country but conducting law enforcement operations against persons who were committing acts of terrorism. Cameroon was a democratic, law-based State that complied with its international obligations.
3. **A representative of Cameroon** said that a draft law providing for the criminalization of domestic violence had been reviewed by relevant stakeholders. While marital rape was not established as a stand-alone offence in the Penal Code, it was punishable under section 296 of the Code, which provided that any person who compelled a girl or woman to have sexual intercourse with him was liable to a term of imprisonment of between 5 and 10 years. In 2022, more than 1,500 survivors of gender-based violence had received care through the Ministry of Social Affairs. In 2023, in the context of efforts to monitor gender-based violence, the State had provided counselling, guidance, material support and dignity kits, with the support of partners, to more than 1,600 internally displaced women and girls, including victims of sexual violence, from the North-West and South-West Regions. The National Strategy to Fight against Gender-based Violence for the period 2022–2026 had been adopted in 2022; its main objective was to reduce gender-based violence by half by 2026.
4. The ban on abortion in Cameroon was not a complete ban. Under section 339 of the Penal Code, an abortion that was performed by a qualified person to end a pregnancy that posed a serious threat to the health of the mother or was the result of rape did not constitute a criminal offence.
5. Amendments to the Penal Code adopted in 2016, which could themselves be amended in the future, provided for the imposition of terms of imprisonment of up to 20 years and fines of up to 1 million CFA francs (CFAF) for torture, and judges had handed down severe sentences to persons convicted of that offence. In 2022 and 2023, nearly 180 complaints of human rights violations had been received through the toll-free number operated by the police force. Administrative and judicial investigations conducted in response to such complaints had in some cases led to the dismissal of police officers.
6. Pursuant to article 1 of Decree No. 2020/193 of 15 April 2020 on the commutation and remission of sentences, death sentences that had become final before the signing of the Decree had been commuted to sentences of life imprisonment.
7. Under Act No. 2009/004 of 14 April 2009, court fees could be waived or lawyers appointed for persons who could not afford access to justice. Standing legal aid commissions operated at all levels of the justice system. More than 66 per cent of applications for legal aid had been granted in 2023, which represented an increase compared with the previous two years. Under the Criminal Procedure Code, it was mandatory for lawyers to be appointed to

defend minors or persons charged with a capital offence or an offence that carried a sentence of life imprisonment.

8. Police and gendarmerie officers were unable to graduate without completing human rights training, while serving police, gendarmerie and corrections officers were trained continuously on the prevention of torture. Such training was available at the International School for Security Forces, which also trained law enforcement personnel from other countries in sub-Saharan Africa. The body in charge of the National Gendarmerie had provided human rights training to more than 1,000 personnel in 2023. Different ministries had provided their staff with training on subjects such as torture and domestic violence prevention and child protection. Several hundred judicial officials had received such training in recent years. Institutions and organizations that assisted the Government in providing human rights training included the Subregional Centre for Human Rights and Democracy in Central Africa and the United Nations Children's Fund (UNICEF).

9. **A representative of Cameroon** said that the medical examination that prisoners underwent at the beginning of their sentences had played an important role in preventing the spread of coronavirus disease (COVID-19) among prisoners. In the event of a death in prison, a report was written by the prison director and then transmitted via the relevant prosecutor to the Ministry of Justice. An autopsy could be carried out if the death was suspicious. There was no record of any cases of abuse or negligence in prisons.

10. There were 76 functioning prisons in Cameroon. Prisoners were never held incommunicado. The prison population had been 35,438 in 2023, compared to 32,998 in 2022. In 2023, prisons could hold 20,955 detainees, compared to 19,070 in 2022. Prison capacity had been expanded through the construction of new facilities, such as the Doula-Ngoma prison, which could hold 1,500 detainees, and the renovation of a number of existing ones, including Douala and Yaoundé Central Prisons, Djoum Secondary Prison and Kumba, Monatélé, Ambam and Bangangté Main Prisons. In the third quarter of 2024, pretrial detainees had accounted for 49 per cent of the prison population. The budget for the prison policy enhancement programme had increased from over CFAF 20 billion in 2018 to over CFAF 22 billion in 2023. A number of prison employees had received human rights training and more than 700 others had taken refresher courses at the National School of Penitentiary Administration between 2019 and 2022.

11. Forty-four cases of torture had been brought before the courts during the period under review. Five police officers who had been filmed subjecting a suspected thief to inhuman treatment at a police station in Yaoundé had been tried and sentenced to terms of from 1 to 3 months in prison. Suspects in the killing of the journalist Martinez Zogo had been arrested. After the pretrial proceedings, the case had been transferred to the military court of Yaoundé, where the suspects faced charges including failure to obey orders, torture and murder. The reasons for the delays in the case, which was ongoing, had been procedural, with, for example, defence counsel raising motions that the court must address. The investigation into the kidnapping of Paul Chouta was under way. The Minister of Defence had ordered the opening of an investigation into the case of the individual known as Longue Longue, as the case involved members of the military. Although the criminal proceedings against the gendarmerie commander suspected of being responsible for Nseka Abassy's death had been discontinued upon the commander's death, Mr. Abassy's heirs were entitled under Cameroonian law to file suit in civil court. Information regarding a number of other cases, including that of Laurent Tientcheu, and concerning the events in Ngarbuh and Zeleved was provided in the sixth periodic report (CAT/C/CMR/6, paras. 124, 165, 166 and 170–172).

12. **A representative of Cameroon** said courses in human rights and humanitarian law were offered at the training institutes for most professions. The country's flexible legislation on associations and the proliferation of non-governmental organizations (NGOs) also contributed to the protection of human rights.

13. **A representative of Cameroon** said that the Criminal Procedure Code applied to criminal proceedings before both civilian and military courts. Under article 584 of the Code, applications for the immediate release of any persons illegally detained or arrested could be filed with the relevant high court by the persons themselves or anyone else on their behalf.

As the scope of the article was not limited to civilian courts, persons under the jurisdiction of either civilian or military courts could apply for habeas corpus.

14. **A representative of Cameroon** said that confessions obtained under duress were inadmissible under section 315 (2) of the Criminal Procedure Code. A reading of section 315 together with sections 122 (2) and 4 of the Code – which prohibited the use of any form of torture at any point during proceedings and set out the consequences of a violation of a rule of procedure, respectively – showed that any other statements made under duress were also inadmissible.

15. Victims could, according to section 309 of the Code, adduce evidence of any kind as proof. Under article 307, the public prosecution service had the burden of proof in cases where it initiated a prosecution. However, where another party sued for damages in criminal proceedings or initiated a private prosecution, the burden of proof shifted to that party and the public prosecution service took a secondary role at the criminal trial.

16. **Ms. Racu** (Country Rapporteur) said that she would appreciate more detailed information about the shelters and rehabilitation services available to victims and survivors of gender-based violence, trafficking in persons and other forms of violence against women, children and older persons, and about the medical examinations performed on detainees upon their arrival at detention units run by the police or gendarmerie. She wished to know how many documented cases there had been of persons showing signs of injury upon admission, what legal rules or regulations were in place on the reporting of possible cases of torture and ill-treatment, to whom such cases were reported and whether the police and gendarmerie kept internal registers on injuries at their detention facilities. It would be helpful to have the suicide, morbidity and mortality rates among persons in police detention, information on the availability of medical services and medication to persons in police detention and the number of persons, including health workers, working in correctional facilities.

17. She wished to know what measures had been taken to establish a juvenile justice system based on the principle of restorative justice, and how the prison administration, police and gendarmerie ensured that juveniles were separated from adults and that regular inspections were carried out of places of detention accommodating children. It was unclear whether civil society and human rights organizations had full access to places of detention to provide medical, psychosocial and educational support to juvenile offenders. She wondered what steps had been taken to prevent the recruitment and use of children in combat and intelligence-gathering roles by armed groups, which was an issue of great concern to the Committee. Any statistical information on the numbers of child soldiers would be helpful.

18. She would appreciate information about the provision of mental healthcare and conditions at psychiatric institutions and residential care centres. She would be interested to hear which State authorities or institutions carried out inspections and visits to monitor such institutions and centres, what measures the State party planned to take to improve conditions at those institutions and recruit more nurses and psychiatric specialists, and what complaints mechanisms were available for persons with psychosocial disabilities in institutional care.

19. **Mr. Contesse** (Country Rapporteur) said that, while a State might not order its officials to commit torture, the State was responsible for their omissions as well as their actions. He wished to know whether media reports of mass graves were true and, if so, whether those graves had been investigated and what the outcome had been. He would be interested to hear why military courts continued to try civilians for certain offences despite the extensive jurisprudence of international bodies, including the Human Rights Committee and the African Commission on Human and Peoples' Rights, stating that military courts should not have jurisdiction over the civilian population. Given that the State party had been able to cite only one case in which evidence obtained under duress had been excluded by a court, he wondered how compliance with articles 13 and 15 of the Convention was monitored and what mechanisms the courts used to ensure that no one was subjected to torture, violence or coercion. He would like to know what precisely had delayed the investigation into the death of Mr. Zogo. He would welcome a response to his question regarding the number of people who had been punished as a result of complaints of human rights violations made through the toll-free hotline in 2022 and 2023. Lastly, he would appreciate further

explanation of the reasons why the State party had still not ratified the Optional Protocol to the Convention.

20. **Mr. Buchwald** asked what action the State party had taken, such as educational programmes or public outreach, to protect lesbian, gay, bisexual, transgender and intersex persons from physical and psychological attacks and to create conditions that were conducive to reducing violence.

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

21. **A representative of Cameroon** said that further investigation was required to determine the veracity of the reports of mass graves, as false allegations had been made in the past.

22. **A representative of Cameroon** said that the Ministry of Women's Empowerment and the Family had established pilot shelters to care for women victims of domestic violence. A centre had also been set up for victims of trafficking in persons and the Government was working with the International Organization for Migration to provide those victims with psychological care, resettle them and help them start businesses. Reports concerning trafficking in persons could be made via the 1503 hotline number.

23. The Government had launched a project in cooperation with UNICEF to provide training to improve the treatment of child defendants, witnesses and victims within the justice system. Certain judges had developed some degree of specialization in handling cases involving children. Many police stations did not have the space to hold juveniles separately from adults. In some cases, children were placed under the supervision of police officers instead of being held in police cells. Some young offenders were detained at juvenile rehabilitation centres run by the Ministry of Social Affairs as an alternative to prison.

24. **A representative of Cameroon** said that persons in police custody who required medical treatment were referred to healthcare centres or hospitals. Persons held by the gendarmerie could receive treatment at special military hospitals.

25. With regard to the recruitment and use of children by armed groups, including Boko Haram, the security situation in the country had recently improved somewhat and the tactics employed by such groups had changed, with improvised explosive devices now constituting the main threat. The Government, in cooperation with its international partners, had launched initiatives to prevent the use of those devices, as well as small arms and light weapons.

26. The delays in the criminal proceedings in the case of Mr. Zogo, among others, were due to rigorous procedural requirements, rather than any failings of judges or the State. Proceedings were often lengthy as courts must check that all parties had legal representation and had been duly notified of the proceedings and that all documentation was available, in addition to dealing with any pretrial motions by counsel. The situation was yet more complex when many parties or witnesses were involved, all of whom had to be heard.

27. Confessions obtained through physical or psychological coercion or torture were inadmissible in court. Further research would need to be carried out in order to obtain more detailed data on such cases. They were rare, however, and the proceedings were annulled in their entirety when there was evidence of torture or coercion. Cases heard on appeal were not re-examined in their entirety; only the points of law or procedure subject to appeal were considered and, in general, no new evidence was presented.

28. **A representative of Cameroon** said that all individuals were protected by the State and that there was no targeting of lesbian, gay, bisexual, transgender or intersex persons. Such persons were not arrested solely because of their sexual orientation or gender identity.

29. **Mr. Rouwane** said that he wished to recall that, under the Convention, States were required to take measures to prevent and punish all acts of torture and ill-treatment, including those committed by private individuals.

30. **Mr. Kessing** asked whether the trial of civilians in the military courts was standard practice.

31. **Mr. Contesse** said that the reports of mass graves had been published in reliable media sources and that it was the Government's obligation to investigate. He wished to know

what measures the State party had taken to expedite the investigations into the torture or ill-treatment of the individuals named in paragraph 20 of the list of issues prior to reporting (CAT/C/CMR/QPR/6). He wondered whether their torture or mistreatment was related to their criticism of the authorities.

32. **A representative of Cameroon** said that the Government was well aware of the full extent of the country's obligations under the Convention. Moreover, the resources allocated to the police and the justice system to prevent and combat torture were sufficient, given the country's level of development. The Government was in the process of modernizing the justice system and, once more resources became available, it would establish separate prisons for juveniles. The failure to deposit the instrument of ratification of the Optional Protocol to the Convention had been unintentional, the ratification process was nearing completion and the instrument would be deposited as soon as possible. The Optional Protocol had already been incorporated into national law and was applied. Military judges had both legal and military training, meaning that they were well suited to try offences involving weapons, such as terrorism. The penalties handed down by the military courts were not excessive. Nonetheless, the Government would consider the matter with a view to improving the judicial system.

33. He wished to thank the Committee for the constructive dialogue. The Government was firmly committed to undertaking the necessary reforms and mobilizing all available resources to increase transparency, improve the justice system and ensure respect for the rights of everyone who resided in the country, particularly in the most vulnerable areas. Cameroon would continue working closely with the Committee and would widely distribute the Committee's concluding observations among State officials and civil society.

The meeting rose at 5.45 p.m.