



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

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## Committee against Torture

Forty-fourth session

26 April–14 May 2010

### List of issues to be taken up during the consideration of the fourth periodic report of Cameroon (CAT/C/CMR/4)\*

#### Article 1

1. Please provide the Committee with the text of article 132 bis of the Criminal Code, containing the definition of torture in Cameroonian legislation, and indicate whether the Convention against Torture can be directly invoked in the national courts. Please cite specific examples and statistical data on any cases in which the provisions of the Convention have been invoked in the courts.

#### Article 2

2. Please update the information concerning the new Constitutional Council (paras. 8 and 11–14), in particular the appointment of its members, their mandate and their status within the government administration.

3. Please provide additional information on the main conclusions concerning the situation of human rights in Cameroon contained in the annual reports of 2005, 2006, 2007 and 2008 of the Directorate of Human Rights and International Cooperation.

4. Please indicate which ministerial department the new special division for the monitoring of the police services, the so-called “police of the police” is a part of and how its independence is ensured.

5. Please indicate the number of police officers, security personnel, prosecutors, magistrates, registrars and judges per 100,000 inhabitants, their distribution in the territory of the State party and the budget resources allocated for their work.

6. Please define the terms “social interest” and “public order” in article 64 of the Code of Criminal Procedure, in the interests of which the Minister of Justice may terminate criminal prosecution. Please explain the rationale behind the article and provide any examples in which it has been invoked.

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\* Paragraph numbers in brackets refer to the State party report, issued as document CAT/C/CMR/4.

7. Please provide information on any law or administrative measure that may limit safeguards for detainees, particularly the right to be heard by a judge as soon as possible, the initiative being taken, where necessary, of bringing a case before the courts, the right to contact family members or a person of one's choice and to inform them of the situation, and the right of access to legal counsel and an independent doctor from the outset of deprivation of liberty.

8. Please provide information on the conformity of the National Commission on Human Rights and Freedoms (CNDHL) with the Principles relating to the Status of National Institutions (Paris Principles, annex to General Assembly resolution 48/134), in particular on how its independence is ensured. What resources does the CNDHL have? Please also indicate how many investigations of allegations of torture have been started and what the findings have been. How have the CNDHL's recommendations been implemented?

9. Please inform the Committee about measures taken to combat the phenomenon of kidnappings and extrajudicial executions of journalists, political activists, etc.

### **Article 3**

10. Please provide information on the authorities competent to take a decision to expel, return or extradite a person, the training they receive and the information made available to them to guide their decisions. Are the decisions of these authorities subject to appeal?

11. Please provide data, disaggregated by age, sex and nationality, for the years 2005, 2006, 2007 and 2008 concerning:

- (a) The number of asylum requests registered;
- (b) The total number of asylum requests granted and the number of applicants whose requests were granted because they had been tortured or because they might be tortured if they were returned to their country of origin;
- (c) The number of forcible deportations or expulsions (please indicate how many of them involved rejected asylum-seekers);
- (d) The countries to which these persons were expelled.

### **Articles 4, 5 and 7**

12. Please indicate whether the legislation of the State party which establishes universal jurisdiction is applicable to offences under article 4 of the Convention.

13. Please indicate whether the State party has rejected, for whatever reason, requests for extradition from another State concerning a person suspected of having committed an act of torture. If so, please indicate the number of requests and rejections as well as the outcome of any prosecution that was instituted, including the sentences imposed and actually served.

### **Article 10**

14. Please provide information on the training given to, or planned for, including under the Istanbul Protocol, public officials and officers and medical personnel responsible for monitoring and treating persons who are arrested, taken into police custody, questioned or

detained, in order to ensure that they are able to detect the physical and psychological signs of torture.

15. Please also provide information on the results of the above-mentioned training programmes and on any studies conducted to assess their impact.

## Article 11

16. Please provide information on the regulations, instructions and interrogation methods currently in effect in Cameroon. Please also indicate how often they are revised. Please provide more specific information on mechanisms in place to inspect prisons, police stations and other places of detention. How does Cameroonian legislation define “flagrant offence”? What are the mechanisms through which the prosecuting authorities monitor the activities of judicial police officers in the framework of initial investigations or the investigation of a flagrant offence?

17. Please provide data disaggregated by age and sex on the number of convicted prisoners and the number of persons in pretrial detention throughout the territory of the State party as well as the number of persons in pretrial detention who have had access to the assistance of legal counsel and a doctor of their choice and have been able to inform their family or a person of their choice of their detention.

18. Please provide statistics disaggregated by age and sex on the duration of custody and pretrial detention and on measures taken by the Government of Cameroon to ensure that the statutory time limits are respected by security personnel.

19. With regard to the demonstrations of February 2008 (para. 37), please provide:

(a) Data disaggregated by age, sex and duration of detention concerning the persons arrested;

(b) Information concerning the number of persons arrested who were assisted by a lawyer at the trial, and indicate how many of them received free legal aid;

(c) Information on the time granted to the prisoners awaiting trial to prepare their defence;

(d) The total number of persons held for questioning for offences committed in the course of the events of February 2008, as well as the number of convictions, releases, persons awaiting trial and appeals;

(e) Information on measures taken to investigate violations of human rights, including the right to life, committed by security personnel.

20. Please provide data disaggregated by age and sex for the years 2005, 2006, 2007 and 2008 concerning the number of persons who died in custody, the cause of their death and the outcome of any investigations.

21. Please indicate whether the Government has ordered independent investigations into the murder of detainees during prison mutinies, for example the mutiny at New Bell Prison, Douala, on 29 and 30 June 2008.

22. Please indicate specific measures taken to implement the recommendation made by the Committee in paragraph 9 (b) of its conclusions and recommendations (CAT/C/CR/31/6) concerning the possibility of extending the period of police custody depending on the distance between the place of arrest and the place of custody.

### **Articles 12 and 13**

23. Please provide additional information on the “rapid response battalion”, the special unit set up to combat banditry and highway robbery (para. 99):

- (a) Who is responsible for this unit;
- (b) What measures have been taken by the Government to investigate allegations of torture levelled against the battalion;
- (c) Have there been any convictions of persons belonging to this special unit following accusations of torture or cruel, inhuman or degrading treatment?

24. Please indicate:

- (a) What body or authority is responsible for judicial and administrative investigations of civil servants suspected of having committed acts of torture or cruel, inhuman or degrading treatment;
- (b) Whether the civil servants suspected of having committed acts of torture or cruel, inhuman or degrading treatment are suspended during investigation and trial as a preventive measure and whether they may resume their functions in their service once they have served their sentence or during a suspended sentence and, if so, for what period;
- (c) The administrative sanctions imposed on civil servants convicted of acts of torture or cruel, inhuman or degrading treatment;
- (d) The number of complaints against civil servants suspected of having committed acts of torture or cruel, inhuman or degrading treatment, as well as the number of investigations and convictions throughout the territory of the State party.

25. Please describe the administrative and judicial remedies available to detainees who claim that they have been victims of torture and the guarantees provided to fellow inmates who give testimony to ensure that they are not subjected to any reprisals. Please also describe the procedure. Please indicate whether complainants are transferred to places where they are protected from the alleged torturer. Please provide statistics on the complaints lodged and give examples of decisions handed down.

26. Is there a draft law on the protection of victims and witnesses? If so, please provide information on its content and any impediments to its adoption.

### **Article 14**

27. What specific measures have been taken by the State party to facilitate compensation of any victims? What is the procedure to obtain compensation in the event of torture, including rehabilitation measures? Is such compensation available only to nationals, or is it also available to other groups, such as refugees and non-nationals? Please indicate whether there have been cases where persons have received compensation following cases of torture or ill-treatment. If so, please indicate the amount that they received and the number of such cases and describe the type of violence to which the persons in question were subjected. Please indicate whether the State party makes physical, psychological and social rehabilitation services available to victims.

### **Article 15**

28. Paragraph 210 of the report of the State party indicates that, under article 315 (2) of the Code of Criminal Procedure, evidence obtained through torture is not admissible. Please

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provide examples of any cases which have been dismissed by the courts because evidence or testimony was obtained through torture or ill-treatment. Please also inform the Committee about measures which Cameroon has taken to ensure that convictions are not based on confessions.

### **Article 16**

29. Please indicate the measures taken to combat prison overcrowding, such as alternative measures, new prisons or the speeding up of judicial procedures for prisoners awaiting trial.

30. Please indicate the legislative and administrative measures taken to combat violence against women and children, in particular in places of detention and in the family environment. Please indicate similar measures taken concerning genital mutilation. Please also inform the Committee of the number of prosecutions of suspected perpetrators of genital mutilation or other harmful traditional practices, the number of convictions and the length of sentences.

31. Please update the information contained in paragraphs 141 to 143 of the State party's report with regard to the proposal to reform article 297 of the Criminal Code exempting a rapist from punishment if he marries the victim.

32. Is there a specific legal framework which protects children from trafficking? Please indicate what measures have been taken to investigate, prevent and eradicate this phenomenon and to rehabilitate children who are victims of trafficking.

33. The Committee notes the large number of patients in Cameroon suffering from HIV/AIDS, cancer and other illnesses causing moderate or severe pain. Is there a policy or plan of action for administering palliative care, such as morphine? Please provide information on the supply and distribution of medicaments for patients in severe pain caused by their illness.

### **Other questions**

34. Please reply to the follow-up questions sent on 17 February 2006, since there has been no reply to the letter.

35. Please provide information on the legislative, administrative and other measures that the Government has taken to respond to the threats of terrorism, and please describe if, and how, these measures have affected human rights safeguards in law and in practice. Please describe the training of law enforcement officers in this regard and indicate the number and type of convictions handed down under the relevant legislation, the recourse which persons have who are the subject of anti-terrorist measures and the number of complaints for failure to comply with international norms, their outcome and the follow-up given to them.

36. Does the State party envisage ratifying the Optional Protocol to the Convention against Torture? If so, has it established or designated a national mechanism to conduct periodic visits to places of detention in order to prevent torture or other cruel, inhuman or degrading treatment?

37. Please indicate the measures taken following the State party's commitment in the course of the universal periodic review in February 2009 to combat corruption.