



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

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Forty-fourth session

Summary record (partial)* of the 930th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 28 April 2010, at 10 a.m.

Chairperson: Mr. Grossman

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* No summary record was prepared for the rest of the meeting.

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

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

Fourth periodic report of Cameroon (CAT/C/CMR/4; CAT/C/CMR/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Cameroon took places at the Committee table.*
2. **The Chairperson** invited the delegation to introduce the fourth periodic report of Cameroon (CAT/C/CMR/4).
3. **Mr. Nkou** (Cameroon) said that combating torture and cruel and inhuman treatment was a key part of the policy of the Head of State. The Committee had previously expressed certain concerns and had sought additional information in that respect, including information on: the place of the Convention in Cameroon's legal system and the possibility of invoking its provisions before domestic courts; the general human rights situation in Cameroon; legislative or other measures limiting the guarantees afforded to persons in detention; compensation for victims of torture; and the steps taken by Cameroon following its participation in the universal periodic review in February 2009.
4. Article 45 of the Constitution of Cameroon gave primacy to the international treaties concluded by Cameroon over domestic laws. Courts were therefore able to apply the Convention's provisions directly, and there was no need to incorporate the Convention into domestic law. Cameroon had ratified most of the international human rights instruments, and the annual reports issued by the Ministry of Justice recorded the various administrative and judicial decisions reached on human rights cases. Impunity for violations of civil and political rights was a thing of the past.
5. As to guarantees afforded to persons in detention, article 37 of the Code of Criminal Procedure provided that such persons must have every reasonable opportunity to contact their families, to appoint a lawyer and gather evidence for their defence, to consult a doctor and receive medical treatment, and to take the necessary steps to secure their release on bail. His Government was endeavouring to strengthen the independence and effectiveness of the National Commission on Human Rights and Freedoms, with a view to bringing it into conformity with the Paris Principles. On the question of compensation for torture, under the ordinary law of Cameroon a guilty verdict against a perpetrator created a right of compensation for the victim, which was automatic when the judgement became final or a settlement was reached.
6. Following its participation in the universal periodic review, and with a view to achieving the goals set in its national governance programme, Cameroon had stepped up its fight against corruption, had updated its legislation on the subject, and had strengthened the capacity of the institutions concerned and civil society to combat corruption. It would soon be submitting a report on those efforts to the High Commissioner for Human Rights.
7. Democracy in Cameroon was assured through the multiplicity of political parties and the existence of four trade-union federations, several hundred NGOs, a free and independent press and dozens of independent radio stations. The rights of all citizens were guaranteed, thanks to the separation of powers. War crimes and crimes against humanity were unknown in Cameroon. Cases of torture were rare. Access to free primary education was a government priority, together with public health and the protection of women and children. The greater part of the State budget was devoted to education, health and culture, and the Government waged an unremitting fight against poverty. Safety nets and integrated services had been put in place to deal with the crises in food and energy supplies and the

financial and environmental crises. However, Cameroon's development needs were such that enhanced international advocacy and cooperation remained essential.

8. **Ms. Sveaass**, Country Rapporteur, recalled that the fourth periodic report of Cameroon had been due in 2000. However, since that time the Committee had been able, in November 2003, to consider its third periodic report. She welcomed the replies given by the State party to the Committee's concluding observations on its third report and its written replies to the list of issues (CAT/C/CMR/Q/4/Add.1). She commended the steps taken by the State party to reform its legislation in order to reflect its international obligations more closely, and to strengthen the rights of the people. Had the State party considered ratifying the Optional Protocol to the Convention? Among the reforms introduced by the State party, she particularly welcomed the establishment of the Constitutional Council, the transfer of prison administration to the Ministry of Justice, the creation of a Directorate for Human Rights and International Cooperation, and the establishment of a Special Police Oversight Division. It was also gratifying that the Committee on Human Rights and Freedoms had become the National Commission on Human Rights and Freedoms and was expected to operate in conformity with the Paris Principles. She would like to know more about the State party's plans to strengthen the independent functioning of the new Commission and to disseminate and act on its conclusions.

9. The list of issues (CAT/C/CMR/Q/4) requested the text of article 132 bis of Cameroon's Criminal Code, containing the definition of torture. She repeated that request, given that the text was not obtainable from the Internet. She was glad to learn that the Convention was directly applicable in the courts of the State party, and that its provisions took precedence over related laws. She would like to know the number of cases in which the Convention had been applied directly and the outcome of those cases.

10. Paragraphs 24 to 34 of the State party's report, and its written replies to the list of issues, mentioned a number of court cases involving allegations of torture or other cruel, inhuman or degrading treatment by police or gendarmerie officers or prison staff. However, little statistical data was contained in the report, and it was not clear whether the cases mentioned accounted for all those known to the Government or were merely a representative sample. She requested a complete report on the public officials, including police, military and other officials, who had been accused and investigated for torture or cruel, inhuman or degrading treatment or punishment, and the sentences or sanctions imposed in each case.

11. The importance of independent monitoring of places of detention could not be overstated. According to the report, monitoring of the State party's prisons had included visits by the International Committee of the Red Cross to the prison where a number of people had been detained following the riots in February 2008. The report referred to the "positive cooperation of the prison authorities" (para. 37). She wondered what that meant and whether the prison premises had been opened up for independent inspection. She requested detailed information about unannounced visits. How often did they take place? Who made them? What happened to the reports on the visits? And what steps were taken to ensure accountability in places where abuses, torture or other acts of cruelty had taken place? According to paragraph 39 of the report, the organization "New Human Rights – Cameroon" conducted regular visits to places where women and children were detained. She requested information on the reports submitted following those visits.

12. Concerning the basic legal rights enjoyed by persons in custody, including the right to medical attention, the right to consult a lawyer and the right to notify relatives and others, she would like to know what was done to ensure that those rights were respected in all cases. Was there a full registration system for persons in custody? How long could a person be kept in custody before being brought before a judge? What rules applied to pretrial detention? And what were the possibilities of appeal? According to paragraph 92 of

the written replies, the total prison population in 2009, including untried and convicted prisoners, amounted to 23,196. However, that number included almost 15,000 pretrial detainees, compared with just under 9,000 convicted prisoners. What was the reason for the discrepancy? She would like to see comparable figures for previous years, together with percentages of pretrial detainees in relation to the total prison population, and information on the length of time spent in pretrial detention. As to juvenile detainees, what were the charges against them and how long were the sentences of those convicted?

13. It appeared that 1,168 persons had been detained following the public demonstrations in February 2008. Many must by now have been released. Had there been any allegations of torture by those persons? And had any investigations taken place following the incidents? What replies had the State party given to claims of human rights violations and irregularities in connection with the protests? What investigation had the State party made into the case of Mr. Jacques Tiwa, a member of the non-governmental organization CODE, who had not participated in the demonstrations but had been beaten by members of the security forces and subsequently died?

14. There appeared to be a wide gap between the country's legal measures and reforms, and the practical implementation of all those measures. A report issued by the United States Department of State pointed to human rights abuses in Cameroon, including torture, beatings and other abuses by the security forces, especially of detainees and prisoners. Prison conditions were said to be harsh and life-threatening. Journalists were harassed and serious limitations were imposed on the press and on freedom of speech and assembly.

15. In the case of Mr. Philip Njaru, a journalist and human rights activist who had been severely beaten, the United Nations Human Rights Committee had found violations of articles 7, 9 and 19 of the International Covenant on Civil and Political Rights, and had determined that Mr. Njaru was entitled to an effective remedy and full compensation. What action had been taken to comply with that decision?

16. The Committee had very recently learned of the death of the journalist Mr. Bibi Ngota in prison in Yaoundé. Mr. Ngota, the editor of the publication *Cameroon Express*, had been in detention since February 2009 following his allegations of corruption against the authorities. His health had deteriorated in prison, and requests for his transfer to hospital had been rejected. What were the reasons for his detention? What sentence had he been serving? Why had he been denied hospital treatment? And would his family be awarded compensation? The State party had promised an investigation into the case, and she would like to know the remit of the investigators. She also urgently requested the State party to examine the situation of other detained journalists and human rights defenders.

17. The Committee was concerned about reports of serious torture and ill-treatment in prisons, involving everything from very poor conditions, to beatings, abuse and torture. There seemed to be little possibility of reporting such events and pressing charges against the perpetrators. However, there was a growing awareness in the State party of the issue of torture, although the problem of impunity persisted and the abuses in prisons were very far from being eradicated. Additionally, reports from Amnesty International and others confirmed constant threats and attacks against journalists and human rights defenders.

18. Referring to Decree No. 92/52 of 27 March 1992, which sought to abolish the use of disciplinary measures against detainees that might constitute cruel, inhuman or degrading treatment, she hoped that that also included the abolition of the use of chains and solitary confinement. She asked for information on action taken in that respect. Aware that Cameroon engaged in collaboration with the European Commission on issues of major relevance to the Committee, she asked the delegation to elaborate on progress made.

19. The Committee was highly concerned about a number of incidents where severe abuse of women had taken place in certain areas of the State party. She wished in particular

to refer to a case which was more than 10 years old, but in those 10 years there had been repeated initiatives and requests for investigation and justice. However, no information had been forthcoming from the Cameroonian authorities on any measures taken. On 17 April 1998, members of the 11th Navy Battalion of Ekondo Titi had perpetrated a number of rapes, other torture and looting in the Ndian Division, South-West Province. A number of women had been forced to engage in very degrading acts, beaten and raped, thereby suffering severe injuries and abortions in the case of some pregnant women. Reports on the violence had been sent to the Cameroonian authorities on several occasions, the first time in 1998 to the Prime Minister and Head of Government, Mr. Peter Mafany Musonge. There had been no response. Some of those assaults against civilian women had not only been led by high-ranking naval officers but had also been abetted by local authorities.

20. Obligation to prevent also related to other groups, in particular groups made vulnerable through traditional practices and other social problems. The primary concern there was that any legislation against female genital mutilation should be implemented, and that means should be in place to protect all people, especially children, women and elderly persons, against violence at home and in the streets. She asked what was being done to increase public awareness of domestic violence. When would the bill to prohibit sexual and gender-based violence and discrimination be adopted? And what currently happened when such cases were reported? What happened when traditional practices, including breast-ironing, were performed?

21. As a health worker, she was very interested to hear what was being done to train medical and other health personnel in the detection, documentation and treatment of torture. Were health personnel actively engaged both in prevention and in therapy and redress after torture and abuse had taken place? She also wondered whether training was provided about the Istanbul Protocol, the manual for detection, and so on.

22. Finally, since asylum-seekers and refugees could apparently be punished in the State party for illegal entry and lack of documentation, she asked what safeguards were in place to ensure that people in such situations were not arbitrarily detained.

23. **Mr. Gaye** praised the quality of the State party's report and written replies, remarking that he had recently visited Cameroon, for which he predicted a great future if it continued on its chosen path of democracy and respect for the rule of law.

24. Turning to the State party's written replies, he sought clarification with regard to the Constitutional Council, which was not yet operational although its constituent instruments had been drafted. He found it curious that in the written replies it was stated that the mandate of its members might "under certain circumstances" be renewable. Usually a mandate was either renewable or it was not. He therefore wondered about the meaning of "under certain circumstances", which appeared to introduce an undesirable element of uncertainty.

25. Referring to the special division for the monitoring of the police services, he observed that it fell administratively under the Department for National Security, and asked whether that did not entail problems of independence, objectivity and impartiality. Should it not be organically more independent of that Department?

26. On the juridical front, he said that he was struck by the fact that the Minister of Justice was empowered to halt a legal procedure under certain circumstances, for example if criminal proceedings against an individual entailed, in the Minister's view, a threat to public order. It was essential that the power to override normal legal processes be monitored, and he asked if use of that power could be challenged before a judge as an abuse of authority.

27. He saw a contradiction concerning arrests and related procedural guarantees: while article 37 of the Code of Criminal Procedure stated that a detainee was entitled to all reasonable facilities to enter into contact with his family, to consult a lawyer and so on, article 116 of the same Code stated that the arresting officer was absolutely obliged to inform the detainee, immediately upon arrest, of his or her right to consult a lawyer. If, then, consulting a lawyer was a right, the detainee did not need “all reasonable facilities”. There was a need to make the two articles consistent, stipulating clearly whether or not such contacts were a right.

28. Furthermore, while article 37 did make mention of examination by a doctor, it did not say that it should be an independent doctor. How was the doctor chosen? There was a need to guarantee the independence of the doctor; otherwise, there could be problems of objectivity and impartiality.

29. Act No. 90/047 of 19 December 1990 on states of emergency provided that the administrative authority could hold in custody for a period of two months, renewable once, individuals considered to pose a danger to public security. He asked whether that law was still in force and, if so, whether thought had been given to relevant guarantees if the law was no longer in force, that would be a positive development.

30. A similar concern applied to operations to combat banditry, in the context of which suspects could apparently be held in custody for a period of 15 days, renewable, even if they had not committed a criminal offence. He sought clarification of the legal basis for that provision.

31. Observing that the documents submitted by the State party appeared to use the terms “application for immediate release” (*“requête en libération immédiate”*) and “habeas corpus procedure” interchangeably, he asked whether there was a difference between them.

32. The delegation had given information on cases of wrongful arrest or detention, annulled by decisions for immediate release by the judge. While that was a positive development, he asked whether the offending officers had been punished. There was no information on that in the written replies.

33. Referring to a potential problem concerning the presence of a government representative on the National Commission on Human Rights and Freedoms, he recalled that the State party had undertaken to assign that representative on a purely consultative basis, in order to guarantee his or her independence. He asked whether there had been any developments in that respect. He had the impression that when it came to follow-up on its recommendations, the Commission simply relied on promises by the authorities. He therefore asked whether it would not be better to have a more structured procedure to ensure more effective follow-up.

34. Recalling the case of the former police officer from Poli who had been found guilty of the extrajudicial execution of seven persons and sentenced to 15 years in prison, he asked what were the penalties stipulated by law for the crimes in question. He also wished to know the penalties applicable to his accomplices.

35. The military tribunal had jurisdiction over any offence to do with the country’s weapons law. However, such an offence might well be committed by a civilian. He saw a problem in that the military tribunal seemed to have excessively wide jurisdiction and might be called upon to try civilians.

36. Additionally, any offence involving a member of the armed forces automatically fell under the jurisdiction of the military tribunal. However, when a soldier committed a crime against a victim who was a civilian, and the crime had no military aspects at all, it seemed to him that the military tribunal should not be involved. He invited the delegation to comment. He also wished to know whether the Supreme Court had a monitoring function

with regard to the application of the law by the military tribunal, and a responsibility to overturn its decisions if they in any way ran counter to the law.

37. The report, in paragraph 134, quoted Decree No. 75/7000 to the effect that “Military judges, solely in the exercise of their duties, are independent of the military command system and have their own hierarchy”. He sought clarification of the meaning and scope of that provision, and whether it had any impact on the exercise of judges’ jurisdictional functions.

38. He asked whether an appeal against an extradition decision by the Indictments Division of the Court of Appeal could be filed with the Court of Cassation on the ground that the person to be extradited would be at risk of torture in the requesting country.

39. According to the State party’s reply to question 10 of the list of issues, a person who was to be expelled pursuant to a decision by the Prime Minister was entitled to file an appeal. It was unclear, however, whether decisions regarding removal or refoulement taken by administrative authorities were subject to appeal. If they were, would the appeal have suspensive effect and which court would issue the final ruling?

40. The State party had not indicated whether physicians were trained to detect the physical and psychological effects of torture. Provision should also be made for practical assessments of the effectiveness of such training.

41. He noted that, pursuant to article 137 of the Code of Criminal Procedure, the State Prosecutor could visit police and gendarmerie stations and order the immediate release of persons pursuant to a writ of habeas corpus. He failed to understand why a person who had been granted a writ of habeas corpus would continue to be held in police custody. He also asked for clarification of article 118 (3) of the Code, which implied that the authorization of the State Prosecutor was not required in all cases of police custody.

42. The Committee had requested statistics disaggregated by age and sex on the duration of custody and pretrial detention in question 18 of the list of issues. No statistics had been provided in the State party’s response.

43. The Cameroonian authorities had pledged to take action against some unacceptable privileges accorded to traditional chiefs. Some chiefs had dispensed private forms of justice, committing acts that constituted torture and ill-treatment. Although the report provided details of legal action taken against a number of chiefs, the Committee had received information to the effect that they continued to engage in illegal practices. He therefore wondered whether the penalties imposed had the requisite deterrent effect or whether more rigorous action should be taken. Traditional chiefs also played an important role in the settlement of land disputes, to the detriment of the regular courts. What was the State party’s position with regard to their encroachment on that area of positive law?

44. He regretted that the authorities had failed to conduct an independent judicial inquiry into the riots that had occurred in February 2008. Moreover, the *flagrante delicto* procedure had been applied in almost all cases of arrest and prosecution. He wished to know whether any judicial investigations had been conducted or whether the guilt of the accused had been taken for granted. Had there been any acquittals? There was also a discrepancy in the figures provided: 1,168 persons had been detained and 1,137 persons had appeared in court. He asked the delegation to explain.

45. He also requested information regarding the outcome of the judicial inquiry into the murder of detainees during the prison riots in 2008.

46. In its reply to question 9 of the list of issues, the State party mentioned that the Garoua military court had opened an inquiry into the death of Mr. Oumarou during an

attack by the Rapid Response Battalion of Maroua-Salack. Had any members of the Battalion been prosecuted?

47. What penalties had been imposed on the two persons convicted in the case known as “the disappearance of the Bépanda nine”.

48. In its response to question 27, the State party referred to compensation for victims of torture under the general system of compensation for administrative malfunctions. As such malfunctions often involved criminal offences, he suggested that the authorities should render the perpetrator responsible for payment of compensation to the torture victim.

49. The large number of deaths in prison was undoubtedly attributable, *inter alia*, to overcrowding, inadequate infrastructure, poor hygiene and lack of health-care facilities. He invited the delegation to comment on the apparent discrepancy between the provisions of Cameroonian law and actual conditions in places of detention.

50. In its reply to question 30, the State party said that the staff attending to women prisoners were either women or specially selected prison staff. He asked what was meant by “specially selected”.

51. In its reply to question 35 concerning terrorism, the State party mentioned a provision of Act No. 97/012 of 10 January 1997 that permitted border-post officers to expel or deny entry to “suspicious persons” even if they held an entry visa. What grounds could be invoked in support of the conclusion that a person was “suspicious”?

52. He requested information on cases in which persons had been prosecuted for corruption in Cameroon.

53. Lastly, he asked whether Cameroonian criminal legislation defined cruel, inhuman and degrading treatment and, if so, what penalties it imposed.

54. **Ms. Gaer**, referring to paragraph 40 of the report, noted that the senior doctor at Douala prison medical centre and the prison governor had prepared a report showing that 25 prisoner deaths had been recorded between January and October 2003, and not 72 as previously alleged, and that the deaths had been due to natural causes, such as HIV/AIDS and tuberculosis. She queried the independence and neutrality of the report and asked whether the other alleged 47 cases had been investigated.

55. According to paragraph 52 of the report, the Government’s action to improve detention conditions was dependent on financial resources, which were not always available. Yet in paragraph 69 the State party expressed the opinion that concern about overcrowding in cramped cells had been exaggerated, adding that whenever the authorities noticed an increase in numbers in a particular prison, they alleviated overcrowding by transferring convicted prisoners to less highly-populated facilities. She asked whether any such action was being taken in the case of Maroua Central Prison, which had space for 150 prisoners but now held more than 1,000, and in that of Kondenguie prison in Yaoundé, which had space for 700 prisoners and had held 3,500 in September 2008.

56. According to paragraph 88 of the report, 10 million CFA francs had been allocated to the Prison Administration Directorate for the purchase of record-keeping materials for prisons. She asked whether the funds had been used and whether records were now systematically kept in both pretrial detention facilities and prisons.

57. Paragraph 97 of the report mentioned a bill on military judicial organization, which would allow a civilian victim of an offence to institute public proceedings before a military court. Had the bill been adopted? And had any civilian victim instituted such proceedings?

58. It had been alleged that some traditional chiefs maintained private prisons. Had any action been taken to supervise such prisons and to ensure that they complied with the Convention?

59. The details of cases provided in the section of the report dealing with the Committee's recommendation in paragraph 8 (a) of its concluding observations were exemplary. However, paragraph 24 simply mentioned that Senior Police Constable Kedio Ntchingue and Constable Jean-Marie Enyegue had been charged with common assault before Yaoundé-Centre court of first instance but provided no details of the outcome of the proceedings. Police officer Boubakari Modibo had been convicted of manslaughter and sentenced to two years' imprisonment, suspended for five years. Would he be permitted to resume his police duties after five years? Similar questions arose in connection with other cases mentioned.

60. **Mr. Mariño Menéndez** noted that the Code of Criminal Procedure that had entered into effect on 1 January 2007 allowed the Minister of Justice to terminate criminal proceedings on the ground of State security. Such a provision probably constituted a breach of the State party's obligations under the Convention and raised the issue of State responsibility at the international level. Although victims could initiate civil proceedings to obtain redress, persons who might have committed serious crimes would nonetheless enjoy impunity.

61. Turning to the issue of vulnerable groups, he asked whether Act No. 2005/006 of 27 July 2005 concerning the status of refugees had been made more specific. He was concerned at reports of ill-treatment of refugee women and children, including cases of children being subjected to forced labour and forced marriage of women refugees, which had occurred as a result of the imprecision of that Act. He also asked whether there were specific punishments for forced marriage in Cameroon. He understood that such matters were dealt with by customary courts and asked for further information on the scope of activity of those courts and on women's access to them.

62. In its written replies the State party had said that refoulement was ordered at the point of entry to Cameroon by the senior immigration officer at the frontier post. He asked the delegation to explain how that procedure was applied.

63. He expressed concern at the situation of indigenous peoples in Cameroon, and particularly Pygmies. He asked whether there was any legislation to protect them and, in particular, whether Cameroon was party to the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) and, if so, whether that Convention was applied to Pygmies in respect of their land rights.

64. The extension of military court procedures raised a number of issues, particularly with regard to the length of pretrial detention. He would therefore like to know what progress had been made regarding adoption of the bill to amend the procedure relating to pretrial detention.

65. **Ms. Belmir** was concerned that article 32 of the Code of Criminal Procedure actually encouraged the practice of torture by law enforcement officials since inhuman and degrading acts were not considered acts of torture under the Code. Agents took advantage of that provision to practise torture with impunity. The issue required clarification.

66. With regard to the events of February 2008, she stressed the importance of establishing the truth. People had a right to know what had happened, victims were entitled to receive compensation and survivors should be rehabilitated. She urged the State party to continue its efforts to investigate those events. She was also concerned at the use of a shoot-to-kill policy during those events and in response to prison escapes. She expressed the hope that the situation would be addressed and that such acts would not go unpunished.

67. Cameroon faced a number of serious issues regarding the protection of children, including trafficking in children, the corruption of minors, public indecency in the presence of a child aged under 16, abduction and assault. She urged the State party to take action to tackle those issues.

68. **Ms. Kleopas** said she understood that legislation existed in Cameroon to protect the basic rights of persons in detention, such as access to a lawyer and doctor. However, information reaching the Committee suggested that, in practice, detainees were not informed of their rights. She asked whether that happened because police officers were not aware of the law owing to inadequate training or whether it was the result of corruption.

69. The prison situation was a matter of grave concern. For example, Douala prison, which had been built to house 800 inmates, currently held over 3,500 in extremely poor conditions. She understood that the National Commission on Human Rights and Freedoms was a government body and that there was no independent body empowered to visit places of detention. She urged the Government to ratify the Optional Protocol and subsequently set up such an institution. That would represent a significant development in the prevention of torture. She also wondered why NGOs were not allowed to visit places of detention since they could act as independent inspectors of conditions.

70. **Mr. Bruni**, referring to measures to prevent acts of torture, noted that paragraph 114 of the State party's report said that five provincial torture prevention committees had been established to help communities with torture victims. However, if those committees were providing assistance to victims, they were not in fact preventing torture. He would therefore like that point to be clarified and to know who those victims were and why they had been tortured.

71. In connection with article 2 of the Convention, he noted that article 132 bis of the Criminal Code stated that an order from a superior officer could not be invoked as a justification of torture. He wished to know what procedure existed in practice that allowed a subordinate to challenge an order from a superior that might otherwise result in acts of torture.

72. He encouraged the Government to ensure that the Istanbul Protocol was brought to the attention of medical personnel in places of detention, since it was very important for investigation purposes.

73. He noted that two programmes to improve the functioning of the judiciary had been implemented in cooperation with the European Fund for Development, which had provided 9 million euros in funding since 2005. He would like to know the outcomes of those programmes.

74. With respect to prison overcrowding, he asked whether the Government could provide statistics on the average occupancy rate in Cameroonian prisons.

75. Lastly, he encouraged the Government to make a contribution to the United Nations Voluntary Fund for Victims of Torture, which had been created by the General Assembly (A/RES/36/151). Cameroon had previously contributed to the Fund but, according to information he had received, had not done so since 2001.

76. **The Chairperson**, noting that article 132 of the Criminal Code incorporated a provision prohibiting torture, asked what sanctions were available and how many people had been punished.

77. Noting that the National Commission on Human Rights and Freedoms was made up of members appointed by presidential decree, he asked for details concerning current members' professional and educational backgrounds. In its written replies the Government indicated that 25 cases of alleged torture had been referred to the Commission but only 15

cases had been investigated. He asked what the outcome of those investigations had been and why the other 10 cases had not been investigated.

78. The State party had indicated that members of State institutions could visit detention centres. He asked whether such visits could be made unannounced and how many visits had in fact taken place.

79. Accredited humanitarian organizations were able to visit detention centres. He asked the delegation to provide information on the criteria required for accreditation and the number of accreditation requests that had been refused.

80. The Committee had received information indicating that some prisoners who had been sentenced to death were kept in chains. He asked how many were held in such conditions and whether any alternative form of detention was being considered. He also asked what the duration of that procedure was before the death sentence was carried out.

81. Reports had also reached the Committee indicating that prisoners who had completed their sentence were kept in detention for a period of between 20 days and 5 years pending payment of a debt, and that 5 per cent of detainees were in that situation. He asked the delegation to comment.

82. In response to question 27, the Government had indicated that numerous victims had obtained compensation. He asked how many people were concerned and how much they had received.

83. The State party had said that, under article 315 of the Code of Criminal Procedure, evidence obtained through torture was not admissible. He would like to know how many times that article had been applied.

84. On the issue of exemption from punishment for rapists who married their victims, he asked how many cases of a rapist marrying his victim had been recorded and whether any social stigma was attached to victims who refused to marry their assaulters.

85. On question 32, the State party had replied that under Act No. 2005/015 of 29 December 2005 trafficking charges could be brought when the victim was aged under 15 and had sustained injuries or died as a result of acts relating to the offence. He asked the delegation to provide information on the number of relevant cases that had actually been brought.

86. In its reply to question 35, the Government had stated that Act No. 2001/19 provided for a penalty of life imprisonment for 11 different offences. He asked the delegation to specify what those offences were and to indicate the numbers of persons sentenced under that legislation.

The discussion covered in the summary record ended at 12.20 p.m.