



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

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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 585th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 November 2003, at 10 a.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.585/Add.1.

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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)

Third periodic report of Cameroon (CAT/C/34/Add.17; HRI/CORE/1/Add.109)

1. At the invitation of the Chairman, Mr. Bidima, Mr. Djoukeng, Mr. Lissou, Mr. Mahouve, Mr. Mandandi, Ms. Mfoula, Mr. Ndjemba Endezoumou, Mr. Ngantcha, Mr. Pongmoni and Mr. Youssifou took places at the Committee table.
2. Mr. NDJEMBA ENDEZOUMOU (Cameroon), introducing the third periodic report of Cameroon (CAT/C/34/Add.17), said that since 1990 the President of Cameroon had promulgated a series of laws to lay the foundations for a free and democratic society, culminating with the amendment of the Constitution in 1996 by Act No. 96/06, which incorporated human rights into constitutional law, established an independent judicial power and instituted administrative decentralization. The third periodic report covered the period from 1996 to 2000 and comprised four parts. Part One analysed the implications of the amended Constitution, which provided for the establishment of the Constitutional Council, the Supreme Court and a bicameral legislature. It also set out a number of principles aimed at protecting human rights, prohibiting torture, cruel, inhuman or degrading treatment and establishing the presumption of innocence.
3. Part Two was the most extensive section and provided information on new measures and developments relating to the implementation of the Convention. On 10 January 1997, three important laws had been promulgated: Act No. 97/009, incorporating in the Criminal Code appropriate penalties for torture, which could not be justified on any grounds; Act No. 97/010, establishing the extradition regime to combat acts of torture committed on national territory and abroad; and Act No. 97/012, establishing the conditions governing the entry, stay and departure of aliens, which established the right to appeal against administrative measures for deportation. In addition, on 4 April 1997 regulation No. 97/01, authorizing courts to order compensation for injury resulting from assault causing bodily harm, had been adopted.
4. Numerous regulations had been adopted in respect of the police, gendarmerie, security forces and prison officers with a view to prohibiting ill-treatment. They contained strict measures governing detention, and failure to abide by them would result in disciplinary action. The regulations served to remind the officers concerned that the rights and freedoms of detainees must be respected at all times. The effectiveness of those measures was monitored internally by police and gendarmerie officials as well as by the judicial authorities. Violations were punishable under article 132 of the Criminal Code.
5. Members of the military and the gendarmerie were regularly brought before the courts for offences constituting human rights violations, in particular torture and ill-treatment, as paragraphs 120-135 of the report made clear. It was strictly forbidden to use violence or torture during questioning to extract confessions, and evidence thus obtained was inadmissible. A number of cases showed that efforts were increasingly being made to combat torture and other forms of ill-treatment and that legal action was systematically taken against the perpetrators of such offences. Since 1990 more than 500 complaints had been lodged against national security officials of various ranks for human rights violations. A presidential decree of 16 April 2003 had

set up a discipline board under the Department of National Security which ruled on disciplinary offences, including the assault of a superior or a subordinate and violence, assault or brutality against a law enforcement officer or detainee. Such offences could result in disciplinary and criminal sanctions. Pursuant to two decrees of 27 March 1992, on regulation of the prison system and the special status of prison administration officials, and to order No. 080 of 16 May 1983 of the Ministry of Territorial Administration, on the disciplinary system for prison administration officials, sanctions were routinely imposed on all prison personnel found guilty of torture or any other ill-treatment of inmates.

6. A 1995 presidential decree had led to the establishment of a prison health-care office under the Ministry of Territorial Administration. Health staff had been recruited and funds made available to purchase medicine for prisoners. To remedy the problem of overcrowding three new prisons had been constructed, and studies were under way for the construction of additional prisons in Yaoundé, Douala and Kaélé.

7. A total of 6,037 prisoners had benefited from the general amnesty of November 2002: 1,757 had been released and 4,280 had had their sentence reduced. In 2002 the Department of Prison Administration had launched a programme to recruit between 700 and 1,000 prison workers, and the salaries of senior staff had been raised. A seminar for the latter had been held in October 2003 on the theme of respect for human rights and security requirements in the prison environment. The need for modernization had been highlighted, and since 60 recommendations addressed to the Government, prison governors, the National School of Penitentiary Administration and civil society had been adopted. The President had called for a debate on the reform of the prison system and the drafting of a new prison policy.

8. One of the duties of security police superintendents was to ensure the safety of persons held in police custody. A circular letter dated 6 April 2001 from the Department of National Security on the improvement of conditions of police custody prohibited all acts that violated the dignity of persons held in custody, including the stripping of inmates. In a circular dated 8 July 2003, police officers were urged to ensure that photographs of suspects taken for public information purposes had greater regard for the decency and human dignity of the individuals concerned.

9. In order to enhance the efficiency of the Inspectorate-General of the Judiciary, certain provisions of Decree No. 96/280, on the organization of the Ministry of Justice, had been amended by Decree No. 2000/372 of 18 December 2000. Efforts to improve the material and working conditions of judges had been made by Decree No. 97/6 of 22 January 1997. To bring the justice system closer to persons being tried, nine new courts had been established, including two open courts in Yaoundé and Douala. The supervision of pre-trial detention was a major concern and had been the main theme of a meeting of heads of the Court of Appeal held in February 2002. On instructions from the Ministry of Justice, all public prosecutors had started to monitor pre-trial detention in their respective jurisdictions. It had also been recommended that a judge should be appointed to monitor pre-trial detention at the district and national levels. Government consultations were under way to expedite procedures for persons awaiting trial.

10. There were two types of bodies independent of the executive power which ensured the protection of human rights: the National Committee on Human Rights and Freedoms set up in 1990 and the parliamentary commissions of inquiry provided for under article 35 of the

amended Constitution of 1996. Cameroon sought to cooperate in international efforts to combat torture by, inter alia, the drafting of appropriate extradition legislation. It had also contributed to the work of the International Criminal Tribunal for Rwanda. The annual reports of the President of the Tribunal to the General Assembly and the Security Council had highlighted Cameroon's cooperation in transferring suspects to the Tribunal headquarters.

11. With regard to education, he noted that corporal punishment and other forms of violence were prohibited under Act No. 98/004 of 14 April 1998. The prohibition against torture was an integral part of the human rights component of training courses for civilian, military, judicial, medical and law enforcement personnel. Raising awareness about the prohibition against torture was also one of the functions of the two new colleges for the gendarmerie, the National Committee on Human Rights and Freedoms and the International Committee of the Red Cross (ICRC) regional office in Cameroon. Information was also provided in the country's mass media. More than 1,100 police officers and superintendents had graduated from the National Police College, and more than 3,700 constables had completed their training in 2003. According to a presidential decree dated 16 April 2003, applicants for the National Police College, and police training centres must be upright citizens with no previous convictions.

12. Cameroon was determined to combat torture despite its financial and other constraints, but, like other developing countries, required support. It was difficult to feed the steadily rising prison population with dwindling resources, and Cameroon was pinning its hopes on assistance from the international community in curbing underdevelopment and protecting human rights. Participation in the Heavily Indebted Poor Countries' Debt Initiative and the establishment in 2001 of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa were important steps in that connection.

13. In September 2001 the Special Rapporteur on Prisons and Conditions of Detention in Africa of the African Commission on Human and People's Rights had visited selected detention sites in Cameroon. Relevant reports had also been submitted to the Commission under the African Charter on Human and People's Rights and to the United Nations Committee on the Rights of the Child. On 12 October 2000 Cameroon had signed the declarations relating to articles 20 and 21 of the Convention against Torture and had contributed to the United Nations Voluntary Fund for the Victims of Torture. It had also endeavoured to provide information concerning human rights issues brought before international courts. He reiterated the pledge made when Cameroon's second periodic report had been considered to submit all future reports in timely fashion. He also assured the Committee that due attention would be paid to its comments and concerns regarding the third periodic report.

14. Mr. CAMARA, Country Rapporteur, commended the State party for being one of the few countries in sub-Saharan Africa to have consistently fulfilled its reporting obligations to the Committee, albeit with some delay. Furthermore, the current report had been prepared in accordance with the Committee's guidelines and made due reference to the concluding observations and recommendations of the Committee on Cameroon's previous report. Clearly, Cameroon was taking steps to fulfil its obligations under the Convention.

15. However, it seemed that Cameroon's remarkable efforts to bring its legal system into line with international standards were not always followed up in practice and that certain practices that were incompatible with the rule of law persisted. For example, he had a number of concerns

with regard to the right to personal freedom. In Cameroon persons could be held in normal police custody for a maximum period of 24 hours, renewable on three occasions, or in military custody for up to 16 hours; however, they could also be placed in administrative detention as a preventive measure for renewable periods of 15 days. It seemed that all administrative detainees were subjected to the same regime, regardless of the reason for their detention. He would therefore be interested in knowing whether a register was kept that indicated how long and why a person was being held. Such a register would permit more effective monitoring of the situation.

16. He also sought information about the legislative provision that stipulated that the duration of custody could be prolonged in order to take into account the time taken to transfer the detainee to court. It seemed somewhat excessive to allow an additional 24 hours of custody for every 50 kilometres to be travelled, regardless of the state of the country's infrastructure.

17. It appeared that certain tribal chiefs had the power to place persons in detention. Yet according to universally accepted standards, that power was the preserve of an independent judiciary. The Committee would welcome information about such detention and would like to know whether any control mechanisms were in place.

18. The delegation should provide further information about the role of public prosecutors in Cameroon's legal system; for example, it would be useful to know the degree of independence and influence they enjoyed.

19. He wished to know more about military tribunals and the other exceptional jurisdictions that operated in Cameroon, including the State Security Court. He would be interested in knowing in particular which jurisdiction applied in cases involving high-ranking Government officials who violated the law in the course of their duties. He wondered whether the Ministry of Defence had the power to prosecute individuals accused of committing acts of torture. He would also like to know whether the military courts had the competence to hear cases involving civilians and what role the Ministry of Defence played in the operation of those courts.

20. He welcomed the information provided in the report in connection with articles 1 and 4 of the Convention. It was clear that the legislation of Cameroon had been brought into line with the provisions of the Convention.

21. Under article 33 of the Criminal Code, obeying an order from a legitimate authority constituted grounds for absolute discharge. According to paragraph 121 of the report, however, it was prohibited to carry out a manifestly illegal order. The delegation should explain what was meant by "manifestly illegal", since under article 2, paragraph 3, of the Convention an order from a superior officer or a public authority could not be invoked as a justification for torture.

22. The State party should provide more information about its extradition procedures. Under article 3 of the Convention, no State party could extradite a person if there were substantial grounds for believing that that person might be subjected to torture. As far as he understood, the Cameroonian courts had only eight days to decide on the admissibility of a request for extradition, and that decision could not be suspended, rendering an appeal virtually pointless. However, he noted with satisfaction that the Yaoundé Court of Appeal had refused to extradite a number of Rwandans accused of genocide on the basis of the situation obtaining at that time in Rwanda.

23. The report of the Special Rapporteur of the Commission on Human Rights on the question of torture on his visit to Cameroon in 1999 (E/CN.4/2000/9/Add.2) referred to a number of cases that were relevant to the period under review. The delegation should provide some updated information about the status of those cases.

24. Mr. YU Mengjia, Alternate Country Rapporteur, said that he welcomed the efforts being made by the Government of Cameroon to implement the provisions of the Convention. He noted with satisfaction that extensive measures were being taken to provide human rights education and training, including to law enforcement personnel, in compliance with the provisions of article 10 of the Convention and pursuant to the Committee's recommendations. He particularly welcomed the fact that the National Committee on Human Rights and Freedoms and various non-governmental organizations (NGOs) had taken part in such activities. It was to be hoped that the Government would continue to pursue its efforts in that regard.

25. The section of the report dealing with article 11 of the Convention contained very little information, presumably because the information presented in Cameroon's preceding reports apparently still applied. The report stated only that, owing to a lack of financial resources, the prison supervisory commissions had been unable to meet as regularly as they had wished and that the Government had authorized ICRC to visit all its detention centres. Nevertheless, a considerable amount of information about article 11 had been provided elsewhere in the report in connection with other articles.

26. The incorporation into the Criminal Code of article 132 bis, which criminalized torture, and other provisions pertinent to the Convention was a very positive step. Yet despite the progress made by Cameroon in the legislative field, the Committee continued to receive allegations of torture and ill-treatment there, particularly in connection with corruption. Allegedly, the legislative provisions aimed at preventing torture and ill-treatment were not always implemented. For example, the Committee had been informed that it was not uncommon for detainees to arrive at prisons with wounds and torture marks. He would like to know the delegation's views regarding those allegations. He also requested additional information about the claim that gendarmes could not be brought to justice for crimes committed in the course of their duties unless authorization was given by the Ministry of Defence.

27. According to paragraph 286 of the report, the maintenance of custody registers needed to be systematized for all detention centres and the registers needed to be made accessible to the public. It would be useful to know what concrete steps were being taken to achieve that goal and what obstacles were foreseen.

28. Public prosecutors and members of the National Committee on Human Rights and Freedoms reportedly conducted very few visits to places of detention. It would be useful to know whether any conclusions and recommendations were produced following the visits that did take place and whether those findings were made public.

29. In its concluding observations and recommendations on Cameroon's previous report, the Committee had expressed concern about the continuing practice of administrative detention and had recommended that the State party should consider transferring responsibility for prison administration from the Ministry of the Interior to the Ministry of Justice. Judging by the information provided in section V of the current report, the State party had no intention of

accepting that recommendation. According to paragraph 255 of the report, placing the prison administration under the Ministry of Justice would not constitute a panacea, even though it might make it possible to monitor the execution of sentences more closely. However, placing the prison administration under the Ministry of Justice had more advantages than the State party appeared willing to acknowledge.

30. The report indicated that the information provided on article 12 in the previous report still applied. During its consideration of that report, the Committee had expressed concern about the imbalance between the large number of allegations of torture or ill-treatment and the small number of prosecutions and trials. It had recommended that the State party should energetically pursue any inquiries that had been opened into allegations of human rights violations and, in cases that had yet to be investigated, order the opening of prompt and impartial inquiries, with any findings reported to the Committee. It was clear that efforts were being made to comply with the Committee's recommendation in that regard; however, he wondered whether there was any truth in the allegation that investigations and proceedings were undertaken only when deaths had occurred. He also wished to receive updated information about the disappearance in 2001 of nine adolescents who had been charged with a very insignificant offence.

31. The report indicated that, in addition to the customary avenues for lodging complaints, persons claiming to be victims of acts of torture could also approach the National Committee on Human Rights and Freedoms, which reportedly received an average of 500 such applications a year. Some facts and figures on those applications should be provided. The delegation should also indicate whether local prosecutors could bring complaints against law enforcement officers suspected of torture or ill-treatment and provide information on any judicial provisions governing such procedures.

32. In its review of the State party's previous report, the Committee had expressed concern at the absence of legislative provisions for the compensation and rehabilitation of victims of torture. According to paragraph 230 of the current report, the question of the rehabilitation or re-education of torture victims was under study. The Committee had also recommended that the State party should introduce provisions into its legislation on the inadmissibility of evidence obtained through torture. In paragraph 232 of the current report the State party recognized that the adoption of an appropriate legislative provision would provide national courts with a legal basis for substantiation in judicial decisions of the reasoning on the inadmissibility of such evidence. He wondered whether the State party had acted on that recognition and taken steps to adopt appropriate legislative provisions.

33. Although Cameroonian law contained no specific offence of cruel, inhuman or degrading treatment or punishment, the State party claimed to be able to deal with such cases on the basis of similar or equivalent offences in the Criminal Code. However, the Committee had received information from a number of NGOs alleging that the State party sometimes acquiesced in tradition-bound and obviously discriminatory acts against women, including acts that were harmful to their physical health and resulted in mental trauma. He asked how prevalent such acts were and what steps the authorities envisaged to discourage them.

34. He recognized that Cameroon's unfavourable legacy and enormous economic difficulties made the struggle to improve conditions in many areas doubly hard. However, he encouraged the State party to persist in the knowledge that every improvement, however modest, was well worth the effort.

35. Mr. EL MASRY praised the Cameroonian report and the State party's efforts to honour its international commitments, which set it apart from many other States in the region.

36. The Committee had received reports that traditional chiefs known as "lamidos" or "sultans" were the instigators of arbitrary detention and ill-treatment, particularly with respect to their political opponents. Their guards allegedly even practised torture, which had led in one case to the death of the victim, David Dilwa. Mr. Dilwa had been arrested for theft by the territorial gendarmerie, which had decided to release him for lack of evidence. However, the sergeant concerned had handed him over to a traditional chief who had subjected him to torture, with lethal consequences. More information should be provided about the scope of the authority of local chiefs. It seemed that their main task was to act as a traditional court if they were accepted by both parties to a dispute. He wished to know whether the law authorized them to arrest suspects and conduct investigations. It was allegedly extremely difficult to question them about their misbehaviour: did that mean that they were above the law in practice?

37. Mr. MERIÑO MENÉNDEZ agreed with Mr. El Masry that Cameroon was setting an example to States parties in sub-Saharan Africa.

38. According to paragraph 76 of the report, supervision of administrative detention by the courts was possible. He would appreciate more information about the possible role of the courts and wished to know whether administrative detention was ordered in cases of unpaid debt.

39. He asked whether there were any figures concerning recourse to incommunicado detention of prisoners, especially in Nkondengui prison. Apparently such detention, which greatly increased inmates' vulnerability, was regularly used as a form of punishment.

40. He asked whether it was true that in some prisons detainees were required to pay for medical care themselves. Did the draft Code of Criminal Procedure guarantee access to counsel for all prisoners and, if so, under what conditions?

41. In its review of Cameroon's second periodic report, the Committee had welcomed the fact that the principle of non-refoulement, as set forth in article 3 of the Convention, had been applied in the Cameroonian courts. He trusted that there had been no change in legislation or practice in the meantime and that the State party continued to ensure that no person was extradited to a country where he or she was in danger of being subjected to torture.

42. Mr. MAVROMMATIS expressed satisfaction at the incorporation of articles 1 and 4 of the Convention into constitutional law. There was still, however, some discrepancy between legislative provisions and practice, and it was incumbent on the State party to study ways and means of rectifying the situation. Problems relating to conditions of detention were compounded by security considerations and the invocation of tribal customs and practices. He recommended the introduction of measures such as unannounced inspections of places of detention.

43. He asked why exceptional jurisdictions were still considered necessary and what competence they enjoyed. He wondered, for example, whether people other than military personnel were tried in military courts. He also wished to know what measures were taken to ensure that exceptional courts, including courts that tried politicians, complied strictly with international human rights norms.
44. Mr. GROSSMAN asked whether military courts were composed of a single judge or a bench of judges and what kind of training judges received. Were the proceedings public, were defendants given access to counsel, and could they appeal to, or seek some other remedy from, civilian courts? He would also welcome figures on the number of cases that had resulted in convictions and details of the categories of charges brought against defendants. He, too, wished to hear about the scope of the jurisdiction of military courts and their compatibility with the State party's international obligations if they were authorized to try civilians.
45. He wished to know more about the procedures that were available to deal with allegations of torture and whether a register of complaints existed. It would be useful to have some indication of the proportion of complaints that led to judicial proceedings. Was there any legal remedy available where the prosecutorial authorities failed to act on a complaint of torture?
46. Ms. GAER said that she had had difficulty interpreting the statistics in paragraph 99 of the report. Table 1 indicated that 18 police constables had been convicted, whereas table 2 showed that 22 disciplinary cases involving police constables were pending and 11 had been resolved. Yet there was no indication of what period the statistics referred to, nor was it stated whether the Cameroonian authorities regarded the violations in question as cases falling within the scope of the Convention. With reference to tables 3, 4 and 5 in paragraph 109 of the report, she noted that there had been three or four times more complaints than disciplinary proceedings in the years indicated. Could the State party explain why? It would also be helpful to obtain more information about the age and gender of the victims of human rights violations during the period 1997-1999.
47. She had been pleased to learn from paragraph 100 of the report that the principle of segregating men, women and children in places of detention was scrupulously observed. However, according to information that the Committee had received from NGOs, female prisoners were still occasionally housed with male prisoners and continued to be subjected to sexual violence at the hands of prison officers and State officials. The reporting State should comment on those allegations, describe how it monitored inmates at risk from sexual violence and indicate how sex abusers were brought to account.
48. Although the detailed list of cases involving human rights abuses committed by members of the armed forces (paras. 120-125 and 129-135) clearly indicated that a serious human rights problem existed in Cameroon, she nevertheless wished to commend the Government for its frankness and its willingness to take action. She had been particularly impressed by the case in which the court had annulled the entire proceedings on the ground that the confessions obtained had been extracted in flagrant and manifest violation of human rights (paras. 134 and 215). However, she wished to know whether that had been an isolated case and how long it had taken the court to establish that the confessions had been extracted under torture.

49. The Committee would be grateful for further information about the State party's training programmes for law enforcement officers, especially training in how to conduct inquiries. It would also be useful to know whether any efforts had been made to monitor the subsequent performance of police officers who had undergone training. The reporting State should furnish statistics on deaths in prisons: were such deaths investigated as a matter of course? The Committee had been apprised that there had been 72 deaths at the central prison in Douala in the past year alone, and it had been alleged that as many as half of the deceased had died within a few days of arrival. Obviously, the Committee would be interested to hear the State party's comments on the matter. Likewise, with reference to allegations of attacks on Christian worshippers in Douala in September 2000, she wished to know whether the attackers had been identified, whether an investigation had been carried out, and whether any measures had been taken to prevent attacks instigated by the local authorities.

50. The World Organisation against Torture (OMCT), an NGO, had informed the Committee that article 297 and article 73, paragraphs 1-4, of the Criminal Code specified that if a rapist agreed to marry his victim he would be exonerated of his crime. If such a provision was indeed operative in Cameroonian law, it could surely be construed as being contrary to article 16 of the Convention. Were there any plans to review the provisions of the Code with reference to rape?

51. Mr. RASMUSSEN, referring to the recommendations made by the Special Rapporteur of the Commission on Human Rights on the question of torture following his visit to Cameroon, noted that the Cameroonian Government had been asked to provide medical facilities for the examination by an independent doctor of any person deprived of liberty within 24 hours of being taken into detention. Such a procedure would make it possible not only to detect signs of torture but also to prevent the spread of communicable diseases. In the context of article 10 of the Convention, the Committee would appreciate more information about forensic training with a view to detecting torture. The State party should describe what happened if a detainee presented signs of torture, indicating specifically whether the detainee or his lawyer received a medical certificate enabling him to initiate legal proceedings. Mindful that the Cameroonian Government had considered the possibility of establishing rehabilitation centres for torture victims, the Committee would appreciate knowing whether those plans were any further advanced. Lastly, he wished to know whether medical examinations were organized for victims of psychological torture, and whether it was true that young offenders in the prison system were segregated from adults at all times.

The public part of the meeting rose at 12.10 p.m.