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CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF:
TORTURE AND DETENTION

Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1998/38

Addendum*

Visit by the Special Rapporteur to Cameroon

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* The annexes are reproduced in French only.

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Introduction

1. As a result of information received by him in previous years, the Special Rapporteur on Torture of the Commission on Human Rights requested the Government of Cameroon in 1993 to authorize him to conduct a fact-finding mission under his mandate. The mission, which finally took place from 12 to 20 May 1999, enabled him to collect first-hand information from a large number of sources, either orally or in writing. He was thus able to evaluate the situation regarding torture and other ill-treatment in Cameroon and can therefore recommend to the Government a number of measures to be adopted in order to comply with its commitments with a view to putting an end to torture and other ill-treatment.

2. During his visit, the Special Rapporteur met in Yaoundé Mr. Augustin Kontchou-Kouemegni, Minister of State for Foreign Affairs, Mr. Alexis Dipanda-Mouelle, President of the Supreme Court, and Mr. Samson Ename Ename, Minister for Territorial Administration, and also spoke to Mr. Antar Gassagay, Secretary of State for Prison Administration, Mr. Emile-Zéphyrin Nsoga, Director for Penal Affairs at the Ministry of Justice, Mr. André Belombe, Director for Military Justice, and other officials of the Ministry. He also met Mr. Luc-René Bell, Delegate-General for National Security, Mr. Emmanuel Edou, Secretary of State for National Defence with responsibility for the gendarmerie and Mr. Jean-Marie Pongmoni, Governor of the Kondengui prison, and likewise Mr. Solomon Nfor Gwei, Chairman of the National Committee on Human Rights and Freedoms, and some other members of the Committee. At Bamenda, the Special Rapporteur met Mr. Robert Ngambi Dikoume, Secretary-General of the Office of the Governor of the Nord-Ouest Region, Mr. Moïse Elanga Ambela, Prefect of Bamenda, Mr. Francis Melone Mbe, Provincial Delegate for National Security of the Nord-Ouest Region, and General Camille Nkoa-Atenga, Commander of the military region. At Douala, he met General Philippe Mpay, Commander of the military region, Colonel Bobo Ousmanou, Commander of the corps of gendarmes, Mr. Rigobert Medzogo Mendzana, Provincial Delegate for National Security of the Littoral region, Mr. Michel Angouind, Government Procurator, and Mr. Daniel Njeng, Governor of New Bell prison. Lastly, at Maroua, he met Mr. Victor Yene Ossomba, Governor of the Extrême-Nord province. In all those places, and also in Bafoussam, the Special Rapporteur visited various places of detention, such as gendarmerie and police stations, and in particular the Yaoundé and Douala central prisons, and met with people claiming to be victims of torture and other ill-treatment and with representatives of some non-governmental organizations (NGOs), in particular the League for Human Rights and Freedoms, Action of Christians for the Abolition of Torture, the Movement for the Defence of Human Rights and Freedoms, International Prison Watch (Cameroon section), Service Humanus, the Human Rights Defence Group, Volunteers for Prison Inmates and the Human Rights Clinic and Education Center.

3. The Special Rapporteur thanks the Government of Cameroon for having invited him and extended full cooperation during his mission, thus making his task much easier. Thanks also go to the Resident Representative of the United Nations Development Programme and his staff for their logistic support.

I. THE PRACTICE OF TORTURE: SCOPE AND CONTEXT

4. In recent years, the Special Rapporteur has received information indicating that a number of people arrested by the forces of law and order, in other words the police or gendarmerie, have been ill-treated and tortured. They were allegedly beaten and struck, often with machetes or wooden or plastic truncheons, and in particular were subjected to the "swing" or "spit" torture, which consists in tying the victim's hands and feet to a wooden or metal rod, suspending the rod and beating the person, particularly on the soles of the feet. The Special Rapporteur has drawn the Cameroonian Government's attention in particular to allegations received by him about arrest and ill-treatment of a number of members of opposition parties during the presidential elections in October 1992 and 1997 and the general elections of March 1992 and May 1997 which brought the Rassemblement démocratique du peuple camerounais (RPDC) to power. Followers of the two main opposition parties in the two English-speaking provinces of the Nord-Ouest and Sud-Ouest and the Extême-Nord province, namely the Social Democratic Front (SDF) and the Union nationale pour la démocratie et le progrès (UNDP) are said to have been particularly targeted by the mass arrests and ill-treatment (see E/CN.4/1994/31, paras. 71 et seq. and E/CN.4/1998/38/Add.1, paras. 47-48). In addition, the Special Rapporteur transmitted to the Government information about poor detention conditions in most of Cameroon's prisons, endangering the health and even the lives of the detainees. The various detention centres were also reported to be overcrowded, with non-existent or inadequate sanitary and medical facilities and insufficient food provided by the authorities (see E/CN.4/1999/61, paras. 101 et seq.).

5. During his mission, the Special Rapporteur received information from non-governmental sources and a very large number of accounts by witnesses, of which a selection is reproduced in the annex to this report, indicating that torture is widespread and used indiscriminately against many people under arrest. Women, children and elderly people are also reported to be subjected to ill-treatment. However, it appears that most cases are not reported to the relevant authorities because of ignorance, lack of confidence or fear of reprisals on the part of the victims and their families. According to this information, members of the forces of law and order, in other words the gendarmerie, and the police, and a third category of forces, the military, when they are involved in upholding law and order, use various types of torture and ill-treatment. Besides the "swing" torture and the various types of blows inflicted on victims, it was reported that detainees had received gunshot wounds, particularly in the legs, and had had burns inflicted on them. The purpose of those acts was allegedly to extract confessions or to punish or intimidate individuals suspected of having committed crimes or of belonging to opposition parties or other social categories such as journalists or human rights defenders. A number of deaths resulting from torture were also reported. On the subject of levels of responsibility, many non-governmental sources indicated that some of those incriminated act out of ignorance and others out of pure habit, for they have regularly acted that way for a long time without fear of any consequences. However, they recognized the Government's recent resolve to end those practices, even if the steps taken are still greeted with caution.

6. All the officials interviewed admitted that cases of torture and other ill-treatment might have been common in the past, as was noted by the Human Rights Committee in 1994.[1] Everyone, particularly the Minister of State for Foreign Affairs, also emphasized that Cameroon was in the midst of changes which were supported not only by the President and Government but also by the Cameroonian people. The Minister explained, however, that, while the legislation in

force in Cameroon since what was generally known as the "freedoms session" of the National Assembly (1990) guaranteed the basic rights and freedoms enshrined in various international and regional instruments, the task of creating a genuine human rights culture, not only among the forces of law and order but also among the public, still lay ahead. The Special Rapporteur noted the desire of all officials whom he met to improve the human rights situation in Cameroon, particularly in the area of his mandate.

A. The police forces

7. During his mission, the Special Rapporteur visited several detention centres under police authority. In almost all the cells visited the inmates were dressed only in their underwear, which according to the authorities was justified by the need to prevent detainees committing suicide. In the men's cell at the Bamenda criminal investigation service unit, the Special Rapporteur noted that the windows had no glass; a shivering prisoner who had arrived recently complained of the cold during the recent nights. Many accounts also seemed to indicate that the practice of keeping prisoners half-naked throughout their detention, including during questioning, had the additional purpose of humiliating them; some detainees were left in police station corridors in their underwear for all to see (see especially annex II). The Delegate-General for National Security confirmed that the practice of removing prisoners' clothes dated from the colonial era, but said that measures had been taken to put a stop to it.

8. None of the cells visited contained furniture, except for the occasional straw mattress provided by the prisoners themselves, as was the case at the criminal investigations department unit in Yaoundé; hence, detainees slept mostly on the bare concrete floor. The absence of mattresses was justified by some, including the Douala Provincial Delegate for National Security, by the fact that people were held at police stations for only a short time, during questioning and preliminary inquiries. It should be noted here that most of the cells visited were relatively clean. However, with rare exceptions, one of which was the public security authority unit at Bamenda, the Special Rapporteur found the sanitary facilities to be unhygienic, consisting mainly of latrines and a tap. These were generally separated from the cells, but according to the detainees they were accessible either directly or on demand. At the Bamenda criminal investigation service unit, the latrine area was also used for showers. At the service's Yaoundé centre, the Special Rapporteur's team saw a young detainee, his hands protected by plastic bags, emptying excrement from the latrines through a hole at the top of the outside wall.

9. As to custody conditions, the Special Rapporteur can only agree with a division superintendent who said at the seminar on improvement of arrest and custody conditions organized by the National Committee on Human Rights and Freedoms in December 1998 that the cells used are universally appalling; they are cramped, dirty, poorly lit and inadequately ventilated.[2] The superintendent also emphasized the urgent need to provide the police with resources in order to provide food and medical care for people in custody, particularly street children and individuals without relatives in the town of detention.

10. According to the various authorities encountered during visits to police stations, minors are separated from adults and women from men. At the Bamenda criminal investigation service unit, a very young-looking detainee among the adults said that he was 14 years old; the officer in charge of the centre later denied this, but was unable to prove his claim. At the Yaoundé

criminal investigation service unit, the authorities at first claimed that the two women currently in custody were held in a separate cell from the men; however, the Special Rapporteur's team noticed that one of the two women was being held with the men at the time of the visit, and she confirmed that she had always shared a cell with the men. The second woman slept with her nine-month-old child on a straw mattress in the entrance lobby of the police station (see annex II). The guards, when questioned, eventually said that the women could choose between sharing a cell with the men or sleeping in the hall. As to the fact that an infant was being held with its mother, the guards said that the child had been with her when she was arrested and she had been unable to arrange for its care.

11. During the visit to the Douala tenth district police station, the Special Rapporteur asked to see the register of persons in custody. The Douala government procurator had stated that he regularly received custody lists for the various places of detention in order to be able to verify the lawfulness of detentions at a distance, since resources did not permit him or his assessors to visit the facilities. The Special Rapporteur saw that the register began on the day of his visit, 15 May 1999, and indicated that four people were in custody; however, a few minutes earlier, a member of his team had noticed that the register contained only three names. The Special Rapporteur then asked to see the previous register; the deputy superintendent, visibly very nervous, was unable to produce it because it was locked in the office of the superintendent, who had been away since 11 May. Thus, no custody record appeared to have been kept since that date. One of the people in custody said that he had been arrested for receiving stolen goods on 11 May, which matched the register. Hence, his five days of detention could not have been reported to the procurator, who could therefore not have ordered extension of his custody. Despite the insistence of the Special Rapporteur and the Provincial Delegate for National Security, who was present at the time, it was not possible to consult the previous register. The Provincial Delegate assured the Special Rapporteur that he would take the requisite measures. The Special Rapporteur also noticed that no activity took place in that police station, in a busy district, throughout his visit on a Saturday evening. Finally, on Monday 17 May, the Provincial Delegate presented the Special Rapporteur with the previous custody register, to which pages had clumsily been added containing an account of custody from 11 to 14 May. Concerning that incident, the Special Rapporteur is firmly convinced that the refusal to show him the real custody register was an attempt to hide something.

12. On visiting the Yaoundé criminal investigation service unit, the Special Rapporteur's team noted that the vast majority of those in detention had been tortured and, in particular, struck with machetes. They still bore the marks, often fresh, of such ill-treatment, particularly on their feet, legs, arms and back; some also had open wounds, apparently caused by machetes. Some detainees said that, upon being transferred to the Yaoundé unit, they had complained of their treatment in the police stations where they had been held prior to that, and had received the reply that torture was no longer practised in Cameroon. They stated that none of them had received any medical care, with the exception of one (whose name is known to the Special Rapporteur) who said that he had been struck with a machete on the shoulders and with the butt of a firearm on the head, causing heavy bleeding. He had been taken to his parents, who had been allowed to bring him, escorted by a police officer, to a clinic; there he had received stitches, which were still visible when he was interviewed. Additionally, one of the detainees had very recently had all his toenails ripped out, and another, who had been shot in the foot and the knee two months earlier, had still received no attention. Almost all the detainees at the centre were unwilling for the

Special Rapporteur to publicize their accounts because they were afraid of reprisals. They said that the purpose of the ill-treatment was to extract confessions. Some said that they had signed statements against their will.

13. When, at his meeting with the police chiefs, the Special Rapporteur asked whether they were aware of abuses by their subordinates, all replied initially that the police forces assisted the procurators and were therefore under their supervision; thus, the procurators were presented as guarantors of police officers' good conduct. The Bamenda provincial delegate for national security said that, since his appointment eight months earlier, no cases of abuse by his subordinates had come to his attention. However, he assured the Special Rapporteur that, should such cases arise, the guilty parties would be punished immediately. He also explained to the Special Rapporteur that he had a number of assistants responsible for monitoring the various detention units under his jurisdiction and that everything possible was done to ensure the comfort of detainees. The Douala provincial delegate for national security said that, since his appointment in September 1998, there had been a few cases of misconduct by his subordinates; those cases had been investigated and disciplinary action taken. There had been one report of ill-treatment, but it had not been corroborated by the subsequent inquiry. He concluded that such cases must not have occurred in his jurisdiction since the Cameroonian public knew perfectly well to whom it could complain, that is, to the divisional superintendent or to his fourth assistant, responsible for civil security and investigation of police officers, and that he was not aware of any such complaint being lodged.

14. The Delegate-General for National Security told the Special Rapporteur that he was aware of the work that remained to be done in terms of educating the police in human rights and changing mentalities shaped in the previous era (1966-1990) and the transitional period, when the use of force had been widespread. He explained that the police institute's training courses had now been altered to include a human rights dimension; police officers' working conditions were also going to be improved. He also said that financial and material efforts were being made to renovate some cells, which he agreed were stifling. Besides ventilation, running water and mattresses were on the list of priorities. He emphasized that the police needed to demonstrate probity and that there could be no condoning lapses by the forces of law and order, hence, any misconduct was punished. If the offence was liable to criminal proceedings, a superintendent of the criminal investigation service was placed in charge of the investigation and, where appropriate, the individual in question was referred to the prosecution service. The police force also had a disciplinary board whose ultimate sanction was dismissal of the officer concerned. The Special Rapporteur was not provided with any statistics on disciplinary action against police officers, despite his requests. Finally, he was told that the civil population also needed to be educated not only in its rights but also in the remedies available should those rights be violated.

B. The gendarmerie

15. The Special Rapporteur also visited places of detention under the authority of the gendarmerie. The previous general comments concerning detention conditions in police facilities also hold good for the gendarmerie. At Douala, the Special Rapporteur visited the investigations squad. Six people, deemed not to be dangerous, were in the office of the superintendent. Two people had been in detention in the cell in the centre of the courtyard since the previous day. The cell was small (approximately 1.5 m by 2 m), with a wooden floor under

which cockroaches, ants and other insects swarmed. It was lit at all times by an electric bulb and was very poorly ventilated, with air entering only by a small opening above the door. The temperature was stifling on the day of the visit. The adjoining cell was identical in all respects but belonged to the Littoral squad and contained two detainees who had been there for five and four days respectively. They said that they had still not been brought before the prosecution service, even though their questioning appeared to be over, and they did not know under what arrest warrant they were being held. They informed the Special Rapporteur that, since they had arrived, there had been an occasion when seven people had been held together in that small cell, making it extremely hard to breathe and impossible to lie down. The Special Rapporteur heard later that, while he was in the superintendent's office at the beginning of his visit, detainees had been removed from the two cells in question, though he was not able to verify that information.

16. The Special Rapporteur also visited the "anti-gang" cell of the Yaoundé gendarmerie, known as the "Lake Squad": it was approximately 4 m by 1.5 m in size and very dark, with only a small amount of light entering through a tiny opening above the door. Ten people were inside at the time of the visit, but they said that there had been 16 the previous night. The authorities confirmed that six other detainees were carrying out public work outside. Hence, the detainees had taken it in turns to try and sleep, either standing or sitting down. The detainee who had been in the cell the longest - over a month - said that on one occasion 23 people had been held there at once. When the door was shut, the Special Rapporteur experienced the heat, literally suffocating, of the cell. The detainees said that they were not allowed to leave the cell every day for personal hygiene and had to relieve themselves in plastic bottles and bags which they threw outside: the Special Rapporteur was able to see that this was true.

17. Most of the detainees had recent serious bruises and marks from machete and lash blows. They claimed that they were regularly beaten and subjected to the "swing" torture to force them to confess. In one of the interrogation rooms, the Special Rapporteur found machetes casually hidden under a bag, and he found a large number of belts in another room. The gendarmes, when asked, said that they were items of evidence, but none of them carried an identifying label such as to convince the Special Rapporteur that this was true.

18. According to the military regional commander and the gendarmerie commander at Douala, there had been no case of torture or custody exceeding the statutory period since their appointment seven months earlier. The procurators monitored the lawfulness of detentions and extended them where necessary; registers were updated daily for that purpose. The Douala gendarmerie's fight against crime was also claimed to have the purpose of referring suspects to the prosecution service as quickly as possible. The only complaints recorded against the gendarmes were said to concern cases of corruption. Once again, the two commanders stressed the need to educate their staff in human rights following the advent of democracy. They also indicated that, since the media were ready to report and even exaggerate the slightest incident, the forces of law and order needed to avoid any questionable situation and ensure that their conduct was blameless. It was again emphasized that the gendarmes, like the police, assisted the procurators, who supervised and monitored them.

19. The Secretary of State for National Defence with responsibility for the gendarmerie told the Special Rapporteur that certain units under his authority were located in regions very far from the capital, and consequently the reforms of recent years had perhaps been difficult to

implement in those units. He also said that the ultimate sanction for misconduct by subordinates, namely dismissal, was not always an option for the authorities. The recruitment freeze which had been in force for some years and the current staff shortages within the gendarmerie could make it difficult to be rid of troublesome officers. The Secretary of State also emphasized that in his opinion the procurators did not make enough visits to places of detention in order to verify the lawfulness of custody.

20. It should be noted here that the overwhelming majority of people detained by the police and gendarmerie and interviewed by the Special Rapporteur did not know either why they were in custody or what authority had ordered it to be extended. Almost none was familiar with his rights, particularly relating to defence by a lawyer, or with judicial procedures; all had been questioned and had signed confessions or statements, with the wording of which they did not always agree, and this had taken place without the presence of a lawyer. Very few had been brought before a procurator. Some remained in detention without referral to the prosecution service even though they had signed a declaration admitting the offences attributed to them. For example, a detainee at the Douala tenth district police station informed the Special Rapporteur that during his interrogation he had been told to sign a statement with whose wording he did not agree as a condition of referral to the prosecution service. Supported by many eyewitness accounts, the NGOs claim that victims of torture and other ill-treatment, particularly during custody or pre-trial detention, do not know the procedures for lodging a complaint. Many victims do not dare to complain or make statements, even to the NGOs, which all emphasized the issue of education and information.

C. The Maroua "anti-gang" unit

21. Before his mission[3] and when in Maroua, the Special Rapporteur received information about a special anti-gang unit led by a Colonel Pom which is responsible for combating the armed highway robbers who attack, rob and kill travellers in the north of the country. The anti-gang unit is apparently arbitrarily detaining, torturing and summarily executing people suspected of being highway robbers or of having information about highway robbers (see especially annex II). In certain cases, there also seem to be a settling of personal scores and false denunciations; according to the information, the anti-gang units show little concern for investigations and lack of evidence. The special unit was reportedly sent to the Nord and Extrême-Nord provinces in March 1998, composed of some 40 members of the army and the gendarmerie, dressed in civilian clothing and heavily armed; it is active in the three northernmost provinces. The unit allegedly acts outside the law and with total impunity. Moreover, there appears to be a climate of fear in the region, which explains the fact that relatives of victims do not dare complain for fear of reprisals. The regional governor and the military commander of the Extrême-Nord region have reportedly stated on several occasions that they have no authority over Colonel Pom and his men. The staff of the main NGO at Maroua, which collects information on the unit's exactions, have allegedly been subjected to threats and intimidation by anti-gang personnel on several occasions. For example, on 7 May 1999, they learned that an ambush had been set up on a road to prevent them from travelling to a location where the bodies of some 15 people apparently executed by the unit had been discovered. Additionally, a photographer from Maroua who had been providing this NGO with photographs of the bodies of execution victims reportedly disappeared at the beginning of 1999.

22. The Special Rapporteur, on the basis of information received from a number of sources, visited a private house on the outskirts of Maroua, surrounded by a perimeter wall covered with shards of glass. The information had indicated that it served as a detention centre for people arrested and interrogated by the anti-gang unit. The Special Rapporteur's delegation, which included a divisional superintendent, asked to be admitted to the building. Two men, dressed in civilian clothing and armed with submachine guns, replied that they could not admit the delegation without express authorization by Colonel Pom. At no stage did they deny that they were members of the anti-gang unit or that people were detained in the house. They appeared very calm and sure of themselves and of their right to refuse access to the Special Rapporteur. While part of the delegation waited outside the house, the other members went to see Colonel Pom, led by a four-wheel drive vehicle of the anti-gang unit. Colonel Pom, though aware of the Special Rapporteur's mission, refused to come and meet him in front of the building. He also refused to have the house opened, claiming that he had first to check with his superiors in Yaoundé and that he was unable to contract them immediately. That was later officially denied. The divisional superintendent accompanying the Special Rapporteur's delegation showed him a letter from the Secretary of the Office of the President asking all authorities to grant the mission all necessary aid, including access to places of detention. The director of the international organizations department, the contact at the Ministry of Foreign Affairs, said when telephoned by a member of the Special Rapporteur's delegation that the Special Rapporteur could only note Colonel Pom's refusal.

23. According to the Secretary of State for National Defence with responsibility for the gendarmerie, the activities of the Maroua anti-gang unit, which belongs to the so-called "ministerial reserve" or the multi-disciplinary gendarmerie intervention group (GPIG), is, although under his administrative authority, supervised directly by the Minister of State for Defence and the President of Cameroon. This "ministerial reserve", based in Yaoundé, has the role of reinforcing the forces of law and order when public disturbances outstrip local capacity, as is the case in the north of the country because of the presence of the highway robbers. He said that he was not aware of Colonel Pom's refusal to open the house. He also appeared surprised that the Special Rapporteur had received information about the Maroua anti-gang squad detaining people, since they had only an operational capacity, i.e. reinforcing the forces of law and order in the three northern provinces. The Secretary of State said that the unit therefore did not have the power to conduct investigations or detain people; he admitted that Colonel Pom's anti-gang forces did have inordinate powers, but said that if appropriate he could take disciplinary action against them and that the government procurator had the power to institute criminal proceedings against them. In connection with a case of extortion of money relating to stolen cars, a number of members of the unit had been disciplined and were the subject of ongoing criminal proceedings. He confirmed that orders had been given to all units to let nothing interfere with the course of the Special Rapporteur's mission and that Colonel Pom had the authority to let him into the house concerned. The Special Rapporteur firmly believes that he was not allowed into the building to prevent his seeing evidence corroborating the allegations which he had received concerning the treatment of the people reportedly detained there.

D. Prisons

24. It is not within the mandate of the Special Rapporteur to describe and analyse detention conditions exhaustively. In the case of Cameroon, where the International Committee of the

Red Cross has recently signed an agreement with the Government allowing it to make regular visits to all places of detention, the Special Rapporteur did not consider the situation in the prisons to be one of his priorities. However, as with his visits to other countries, he took the opportunity while in Cameroon to visit the central prisons at Douala and Yaoundé, mainly in order to meet people who could testify to the treatment which they had received before being transferred to prison.

25. Already in 1994, the Human Rights Committee noted that detention conditions in Cameroon were often insalubrious and that cases of torture existed.[4] According to the information received before the mission, prisoners, most of them unconvicted, are held in conditions endangering their health and even their lives and representing inhuman or degrading treatment. Overcrowding, unhygienic sanitation, lack of health care and shortage of food are reportedly the main failings in the Cameroonian prison system. Those conditions cannot be blamed only on lack of financial or material resources, but also result from deliberate policies or serious neglect on the part of the relevant authorities.[5] According to NGOs, minors held in those prisons are subjected to sexual abuse by guards and other prisoners and are forced to carry out other prisoners' chores under threat of a beating. Article 29 of the Cameroonian Penal Code provides, however, that minors aged under 18 should serve custodial sentences in special establishments.

26. The Special Rapporteur visited the New Bell central prison at Douala on 16 May 1999. According to the latest census, carried out on 14 May, there were 2,393 people, including 1,604 in pre-trial detention, being held in the prison, 1 hectare in area and designed to hold 800. While it is officially divided into several sections for different categories of prisoner (to house convicted and unconvicted prisoners, as well as minors and adults, separately), in reality it is an open space within which the prisoners are free to pass from one section to another, though the prison governor claims that prisoners sentenced to death, women and minors remain within their own sections. Additionally, most detainees, especially those serving long sentences, live in makeshift shelters, named "kitos", built with the guards' help in the middle of the central courtyard. The governor claimed that it was the only prison in Cameroon where the lack of facilities had led to this solution involving "kitos". While a roll-call takes place every evening in each section, it is physically impossible during the day to separate convicted from unconvicted prisoners. There are 65 full-time guards, responsible for supervision and discipline. The showers and toilets seemed insalubrious to the Special Rapporteur and allow for no privacy as the toilets have no doors and the showers are in the open air. The detainees said that, until a recent visit by the International Committee of the Red Cross, they had had to pay to use the toilets. The governor stated that the detainees received one meal a day, consisting of beans, maize and palm oil; women, minors and condemned prisoners also received rice.

27. The Special Rapporteur visited a cell containing about 10 wooden bunks with straw mattresses, in which, according to the detainees held there, some 140 people were housed every night. Only 90 people could fit on the bunks, and the rest had to sleep on the bare floor or in the adjoining yard when the weather was fine. They said that it was very difficult to breathe at night; air entered mainly through the cell door, which was left open. The Special Rapporteur noticed that other cells were the same in that respect.

28. The Special Rapporteur noted that the sick bay, with an observation room containing four beds, was very basic. The nurse told him that the supply of medicines was totally inadequate, and also emphasized that it was difficult to transfer serious cases to the hospital, since it only accepted patients able to pay for their treatment and made it a condition that a guard should be posted to the hospital to mind sick prisoners. The governor confirmed that the prison only had a budget for medicine, not for sending prisoners to hospital. The lack of care was such that a child thought by the governor to be suffering from tuberculosis had died that morning. The Special Rapporteur then visited the section housing sick prisoners, particularly those with tuberculosis, and noted that the conditions were deplorable and insalubrious. Since the beginning of the year, according to figures supplied by the governor, 30 prisoners have died at New Bell (see especially annex II).

29. The Special Rapporteur visited the minors' section, which contained 42 children to 22 beds: the youngest child said that he was 12 years old and had been hit on the head with a machete at the police station where he had been questioned: it is a fact that he had a recent scar on the top of his head. Most of the minors interviewed had been arrested for theft and said that they had signed statements after being hit with machetes or lashes or being threatened.

30. The women's section contained 27 prisoners, including 6 minors, to 25 beds. Their material situation seemed much better than that of the men. Most had been in pre-trial detention for many months. They did not complain of ill-treatment while in custody or pre-trial detention in the police or gendarmerie stations where they had been arrested.

31. Several prisoners complained of ill-treatment by the guards, especially following an attempted escape (see annex II). They said that the ill-treatment had been inflicted on the orders, or at least with the consent, of the governor. The governor admitted having ordered a beating in at least one case, in order, he claimed, to save the detainee from retribution by the guards (see annex II).

32. The Special Rapporteur also visited the Kondengui central prison at Yaoundé on 19 May 1999. At the time, 2,700 people were being held there, including 2,550 in pre-trial detention; the prison's official capacity is 800. While stressing the recent improvement in detention conditions, the governor then said that the main problem was overcrowding. This is exemplified by the fact that the prison has only 16 toilets and showers. The governor said that part of the overcrowding problem could be resolved by transferring inmates to prisons elsewhere in the country; he could not do that, however, while the individuals were under investigation by the Yaoundé prosecution service. The governor also said that the procedure involved often took too long and that the length of pre-trial detention made it difficult for him to house detainees in acceptable conditions.

33. Unlike New Bell, Kondengui prison strictly separates the different categories of prisoner. The Special Rapporteur noticed that women prisoners, held separately from the men, are accompanied by female warders when attending men's sporting activities in the central courtyard. Each section is administered by certain detainees, who act as go-betweens for communication between the detainees and the guards; in particular, the minors are looked after by adults, who, according to the governor, apply on his instructions quite strict discipline in

order to re-educate them. Regarding this system of self-surveillance, some detainees told the Special Rapporteur that there were prisoner "squads" which laid down the law in the governor's name and were not afraid to use strong-arm methods, but none of the prisoners was willing to speak openly about the system for fear of reprisals. The governor flatly denied that such disciplinary prisoner teams existed and said that the system involved giving responsibility to prisoners by appointing a head of cell and a head of section who worked directly with him. He also stated that when they used violence or overstepped their authority, they were stripped of their positions.

34. The governor also emphasized that, as a result of disciplinary action and training, his staff had been made aware of its responsibilities and that cases of abuse of authority had declined sharply. He explained to the Special Rapporteur the system which he had set up for the disciplining of prisoners, whereby he listened to the version of events of the officer responsible for discipline and of the prisoner and himself decided on the punishment, which could range from banning visits for a few days to sending the prisoner to the punishment cell (for a maximum of 15 days) or assigning him to the most unpleasant tasks, such as those involving the sanitation. The governor stressed that his staff were thus authorized only to note and report prisoners' misdeeds. He told the Special Rapporteur that he had established a large number of social, cultural and sporting activities, and had set up educational discussion sessions at which the detainees could criticize their environment and supervision. He showed the Special Rapporteur his projects, including a "prisoner week" designed to raise public awareness of the problems of prison life.

35. The Special Rapporteur visited several cells. The first was in very good condition and contained 12 beds for 12 prisoners; the rules established by the prisoners of that cell themselves were very strict, according to the governor, which explained why there were so few prisoners. The next cells contained respectively 42 prisoners to 15 beds and 40 prisoners to 14 beds; the inmates explained that most slept on the bare floor and that the beds were reserved for those who had been there the longest. The governor said that there were approximately 400 beds for 2,700 prisoners. The Special Rapporteur then visited death row and the women's section. The material situation there appeared much better than in the previous sections: in particular, there was no problem of overcrowding. Information from a non-governmental source states that the prison is divided into several sections according to social category and in reality according to detainees' financial resources. Detention in a special section requires payment of a sum which depends on the section's salubriousness and organization.[6] The prisoners themselves said that everything was up for negotiation inside the prison.

36. The Special Rapporteur visited the two so-called "screening cells" temporarily housing new arrivals: they were devoid of furniture, a fact that the governor justified by saying that the prisoners stayed there for one night only. When questioned, some of the inhabitants said, however, that they had been there for two or three days. The second cell, almost pitch dark, contained three totally naked men, huddled up and in a clear state of shock: they were accused of the killing of a member of the forces of law and order and had just arrived at Kondengui prison after two weeks of interrogation by the gendarmes. The governor, on being questioned by the Special Rapporteur, who did not conceal his consternation at the sight in that cell, said that he had not been aware that the three men were there in that state; he added that the order to undress

them must have come from a guard, and immediately gave instructions for clothes to be issued to them. He told the Special Rapporteur that he would take steps to punish the guards responsible. He admitted that there were sometimes problems of hierarchical communication and that consequently he was not always aware of what was happening in the various cells. He claimed nevertheless to carry out a daily round when he had the time.

37. The punishment cell, which was very dark and stifling, contained 23 detainees and was obviously overcrowded. The prisoners said that, since being brought there, they had never left the cell, and had to relieve themselves in plastic bags or bottles. Two or three who were obviously weak and in poor health remained lying on the floor throughout the Special Rapporteur's visit. Several of the prisoners said that they had been in the cell for more than 15 days, which the governor had claimed was the maximum stay. Additionally, most did not know how many days their punishment was supposed to last. One said that the punishment for fighting was 30 days in the punishment cell. On return to the governor's office, it proved impossible to consult the disciplinary register indicating the grounds and length of punishments because the head of the discipline office was absent. The governor admitted forgetting one prisoner who should have been released from the punishment cell three days earlier. The prisoner, who was condemned to death and had recently been transferred from Tcholliré prison to Kondengui, had been punished for sawing his foot-shackles without the governor's permission. Indeed, as the NGOs have emphasized, condemned prisoners are chained by the feet in most prisons, Kondengui being one of the exceptions.

38. During his mission, the Special Rapporteur also received information concerning Garoua central prison. Reportedly it consists of six cells covering approximately 72 km^2, each containing 100 to 150 prisoners, who take it in turn to sleep on the beds, and some prisoners have died there of suffocation, exhaustion or hunger. An alleged punishment consists of making prisoners enter the pit latrines, causing dermatosis which is fatal if not treated. According to certain sources, from 1997 to 1998 three to seven prisoners died every day. However, the same sources said that the situation had improved since the appointment of a new governor in 1998. Non-governmental sources stated that some prisons, including Kumba and Messaména, had no toilets, but only pit latrines.

39. On the subject of prison overcrowding, the Special Rapporteur was informed that the Chancellery of the Ministry of Justice had issued circulars instructing that detention should be carried out during investigation only where absolutely necessary. Pre-trial detention is thus intended to be an exception, though it was recognized that conditional release was still badly received by the public, largely because of the problem of corruption. Greater attention to the question of whether an individual needs to be detained pending trial should therefore reduce the prison population substantially. In addition, the NGOs interviewed stated that a large number of detainees were being held for civil offences. Another circular had been sent to government prosecutors to ask them not to keep suspects in pre-trial detention for longer than one year, or six months at Yaoundé and Douala: all suspects were to be brought before a judge during that time. Procurators were also recommended to visit prisons regularly in order to monitor the pre-trial detention situation; according to the information received, that is not the case. The officials who met the Special Rapporteur at the Ministry of Justice said that certain prisons in the provinces were empty, even though the prison-building programme had not kept pace with recent demographic trends and the accompanying increase in crime. It should also be noted that

separation of children from adults and unconvicted prisoners from convicted prisoners, despite being provided for in article 20 of Decree No. 92-052 of 20 March 1992 on the Cameroonian prison system, is not respected.

40. A number of other points deserve attention in connection with prison conditions.[7] The Decree of March 1992 provides that "prisoners shall be entitled to a daily meal. This should be balanced and sufficient to avoid dietary deficiencies and provide prisoners with the energy required for health ..." (art. 29). Most of the prisoners interviewed said that the meal, while daily, fell far short of meeting their needs; most, however, received food from their families and shared it with fellow-prisoners whose families were too far away to help. The Minister for Territorial Administration did say, however, that any prisoner could request a transfer to a prison close to his home in order to be able to receive food from his family. Regarding sleeping arrangements, "all convicted prisoners […] shall have a bed with a mat, a blanket and where possible a mattress and pillow" (art. 30); the Special Rapporteur noted that the vast majority of prisoners did not have a bed, most sleeping on straw mattresses on the floor. Article 30 further states that "all convicted prisoners shall receive a uniform which they shall be required to wear in public"; this was also not the case. Lastly, article 32 provides for all new prisoners to undergo a medical examination when admitted to prison; once again, the Special Rapporteur noticed that many recent arrivals from police and gendarmerie stations had not received the medical attention warranted by their state of health, which he found to give cause for grave concern in some cases. Many recent arrivals had open wounds, some suppurating; apparently their requests for medical attention had been refused. The governor of Kondengui prison admitted that some prisoners arrived with gunshot wounds, but lack of funds or medical personnel meant that they received no care. Prisoners' general state of health appears quite poor: many have skin diseases or digestive problems. The prison regulations provide for training and leisure activities, but the prisons lack the facilities and staff. According to the information received, no prison in Cameroon has visiting rooms where prisoners can converse in private with their families or lawyers.

41. Article 320 of the Cameroonian Penal Code prescribes the death penalty for certain crimes, including premeditated murder, acts of violence against public servants with intent to kill, and aggravated theft. Act No. 90/061 of 19 December 1990 amended the Penal Code, particularly in respect of the last point, establishing that only theft with violence causing death or serious injury is liable to the death penalty. Until 1997, when an execution was carried out at Mokolo, no executions had taken place in Cameroon since 1988. The information received stated that over 100 condemned prisoners were currently held in Cameroonian prisons, particularly at Yaoundé, Douala, Garoua, Dschang and Tcholliré. It appeared that they were held in chains, except at Yaoundé and Douala. This was confirmed by the Kondengui prison governor in respect of a prisoner recently arrived from Tcholliré. A condemned prisoner at New Bell also said that he had been held in chains from August 1995, following his arrest at Njombé and imprisonment at Komkssaba, until he was transferred to New Bell at the beginning of May 1999. At the time of the Special Rapporteur's visit, marks were still clearly visible on his ankles. The reason given for using chains was the absence of high-security prisons in Cameroon and the need to control these dangerous prisoners. Most condemned prisoners bore the marks of wounds which they said they had received in pre-trial detention, when they had been questioned and beaten. Years later, some still had serious wounds which had not yet healed. In particular,

two condemned prisoners at New Bell (whose names are known to the Special Rapporteur) had suppurating wounds: the first had received burns five years earlier when in detention at the Douala military engineers' facilities and the second had been shot in the leg while being arrested by a police officer at Douala.

42. Some of the prisoners interviewed had been condemned to death at the end of the 1970s or the beginning of the 1980s, but had never had their sentences commuted to imprisonment for life or 20 years. Others had been convicted of aggravated theft without violence and did not understand why their sentences had not been commuted since the amendment of the Penal Code, although they knew that the 1990 Act was not retroactive. The Special Rapporteur would emphasize, however, that article 15 (1) of the International Covenant on Civil and Political Rights, to which Cameroon is a party, provides that "If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby". The condemned prisoners at New Bell also did not understand why Decree No. 92/254 of 28 December 1992 providing for the death penalty to be commuted to a 20-year sentence had been interpreted by the prison authorities and the Douala prosecution service as meaning that the balance of the sentence was reckoned as beginning from the date on which the decree was signed and not the date of the warrant committing them to prison. Hence, the number of years already spent in prison is not taken into account in calculating the 20-year sentence. The uncertainty of their fate appeared to worry some, while others said that they were resigned to awaiting execution or spending their lives in prison. Their conditions, especially as regards overcrowding, seemed relatively good as compared with those of other prisoners. Many condemned prisoners complained about the slowness of judicial processes, particularly appeal procedures, and the non-existence of cassation in reality; some even complained that their file had been lost at appeal.

43. On 13 May 1999, the Special Rapporteur visited Bafoussam provincial hospital, where, according to his information, some prisoners were receiving medical care. The first ward which he visited contained six prisoners, who said that they were suffering from tuberculosis: they were chained in pairs to their bed by the feet, leaving them very little freedom to move. Two of them had apparently been held in those conditions for four months, two others for two months, one for one month and the last for one week. They said that their tuberculosis treatment would last for six months. A guard was supposed to come and unchain them at 7 o□clock every morning to allow them to go the toilet, but, according to them, he did not come every day. Otherwise, they had to relieve themselves in plastic bags or bottles, which could be seen by the Special Rapporteur. The small amount of food available to them had been brought by the families of those who lived locally. The second ward contained six more prisoners, including a child of 16, each chained to his own bed, and a seventh, unchained prisoner responsible for buying food for the others; he had been in the hospital for 22 months, waiting for funds to allow his transfer to Yaoundé for an operation on his obviously swollen cheek. Most had been given no medicines and did not know exactly what was wrong with them. On returning to the hospital reception area, the Special Rapporteur asked to speak to the doctor in charge of the wards or to any other responsible person in the hospital and was told that nobody was present. The Special Rapporteur found the state of health of all these prisoners to be very worrying and urgently requiring appropriate care.

E. Traditional chiefs

44. The Special Rapporteur received much information to indicate that traditional chiefs, known as lamida or sultans according to the area, were the instigators of arbitrary detentions and ill-treatment, particularly with respect to their political opponents (see in particular annex II). This was said to occur above all in the north of the country, where these chiefs' traditional power continued to play an important role in society. A good deal of the information concerned the lamido of the Rey-Bouba in Mayo-Rey region, who retained considerable power and had a personal guard, justified by the prevailing insecurity in the region. The governmental authorities stated, however, that there were no places of detention in Mayo-Rey under the authority of that lamido. Non-governmental sources nevertheless indicated that certain people, especially political opponents, had been arrested and detained in private prisons within the palace compound. Other lamida were said to act similarly (see especially annex II). Additionally, it was reported that the forces of law and order acted on the instructions of certain traditional chiefs, arresting and ill-treating people indicated by the chiefs, often political opponents (see especially annex II). The Minister for Territorial Administration explained that the lamida were only supposed to act as a link between the Government and the public, and certainly did not have the authority to arrest, detain or try people; the Minister told the Special Rapporteur that if such cases arose, he would intervene immediately. The Minister for Foreign Affairs also confirmed that the central Government exercised its authority throughout the territory of Cameroon, contrary to some suggestions, and the areas under the authority of lamida were therefore not enclaves beyond the rule of law. The Minister for Territorial Administration emphasized the importance of education, which not only reduced the lamida□s influence on the local people, but also led the lamida themselves to behave in a manner more appropriate to the rule of law. Nevertheless, when they overstepped their authority, the Minister, to whom they were subordinate, could summon them to call them to order; while the chiefs were appointed according to local tradition, their appointment had to be approved by the Ministry of Territorial Administration.

45. According to some non-governmental sources and accounts, it is very difficult, if not impossible, to take legal action against traditional chiefs because of the status and protection they enjoy; in particular, the chiefs do not respond to summonses from the prosecution service. The Secretary of State for Defence with responsibility for the gendarmerie asserted that detention warrants issued by a procurator were always carried out, though he recognized that for traditional reasons certain chiefs were feared and respected. According to him, a detention warrant can be executed if the necessary forces of law and order are mustered.

F. Use of force by the law enforcement services

46. According to the information received, the law enforcement services have on several occasions used excessive force, especially in the handling of demonstrations by the political opposition in the run-up to elections. Some demonstrators are reported to have been seriously injured, including by bullets, and some even to have died from their injuries. Explosive grenades were also reportedly used in some cases. The military, called in as reinforcements, are also said to have used force (see especially annex II). The Special Rapporteur was also told that the law enforcement services used their weapons to arrest certain individuals, even when they were not threatening police security; several people also testified that they had been shot at during arrest.

II. PROTECTION OF DETAINEES AGAINST TORTURE

47. The Republic of Cameroon has two juridical systems, one based on common law and the other on civil law, which apply respectively in the two English-speaking and the eight French-speaking provinces. However, a number of laws have also been issued which apply throughout the country. The Penal Code was the first of these, but the penal procedure codes still need to be harmonized. The English-speaking provinces currently use the Criminal Procedure Ordinance of 1958 and the French-speaking provinces the 1938 Code d'instruction criminelle (Code of Criminal Investigation). Despite certain differences, the two codes of procedure, which have been amended on various occasions, are very similar.

A. Custody

48. Article 9 of the Cameroonian Code of Criminal Investigation provides that judicial custody decided upon at the beginning of a judicial investigation for the purpose of gathering evidence of the offence or after arrest in flagrante delicto may last up to 24 hours. It can be on the order of the Attorney-General, the government procurator, the investigating magistrate, a gendarmerie senior officer or sergeant, a gendarmerie station or squad commanding officer, the Head of the Department of Security or a senior police officer. During the first 24 hours, the suspect's case must be brought before the government procurator, who can extend the custody up to three times. According to information from non-governmental sources, the law requiring that the person in custody must be brought before the government procurator is not complied with in practice. At the conclusion of the custody period, the suspect must be either referred to the prosecution service for formal indictment or released. It should be noted that the institution of habeas corpus, the right to apply to a judicial authority for a ruling on the lawfulness of the detention, exists in the two English-speaking provinces.

49. The NGOs claim that custody limits are never complied with. When he was able to consult the custody register, the Special Rapporteur saw notes to the effect that custody had been extended on the decision of a procurator. However, a large number of people interrogated in the various police and gendarmerie stations visited said that they had been arrested more than three days previously and had not been brought before the prosecution service or the procurator. Again, almost none of the people interviewed knew exactly which authority had ordered custody or what were his rights, particularly to assistance from counsel.

50. While Cameroonian law does not appear to prohibit contact between detainees and the outside world unless the prosecution service has ordered incommunicado detention, there are no legal provisions expressly guaranteeing the right of persons in custody to speak to a lawyer, a legal adviser or members of their family in the hours immediately following arrest. Practice suggests that this is at the discretion of the head of the detention unit. Almost all detainees interviewed at police and gendarmerie stations said that they had been questioned without a lawyer or other third party being present. Consequently, there was no external presence ensuring that the interrogation was carried out in accordance with Cameroonian law. Additionally, certain detainees testified that their families or lawyers had been harassed or threatened when attempting to visit them in custody. A detainee in a police station said, for example, that a lawyer friend had been threatened by the police when she came to the station, and he did not know whether she had been informed of his recent transfer to another station. The Special Rapporteur was informed by

a lawyer whom he met that lawyers did not visit detention units to see their clients, but instead applied directly to the detaining authority for details of the case they were handling. This was confirmed by an advocate-general of the Supreme Court, a member of the National Committee on Human Rights and Freedoms. The Decree of 26 February 1931 on preliminary investigation provides that individuals placed in custody only have the legal right of access to a lawyer when they are brought before the prosecution service. The investigating magistrate is required to inform the accused of his right to appoint counsel from among the members of the Bar. The same source states that the prosecution service takes the initiative of sending for people detained in custody or sends an assistant procurator to the detention unit. He said that, in his experience, when the forces of law and order discover that a case has been brought to the attention of the prosecution service, the individual is released immediately, unless a case can really be brought against him. He said, however, that relatives generally were always allowed access to detainees, if only in order to bring them food.

B. Pre-trial detention

51. Pre-trial detention,[8] which is thus within the purview of the prosecution service, can last as long as the investigation requires. There is no legal framework setting time limits for such detention. As stated above, the Chancellery of the Ministry of Justice has, however, issued guidelines designed to reduce time in pre-trial detention to a maximum of one year, or six months in the Yaoundé and Douala jurisdictions. Article 53 (1) of the Penal Code provides that, in the case of a custodial sentence, the time spent in pre-trial detention is, however, deducted from the sentence. Chapter VIII of the Code of Criminal Investigation states that bail may be granted at any stage of the proceedings, but it must be at the detainee's request. The bail conditions depend on the suspect's bond, on his character and on the seriousness of the offence. Current legislation also provides the suspect with the opportunity to appeal if his bail request is refused, which can hold up the proceedings. All the authorities met by the Special Rapporteur emphasized that pre-trial detention should be the exception and bail the rule. However, the government procurator at Douala said that pre-trial detention warrants had to be issued in cases of violation of physical integrity, misappropriation of public funds, robberies (except where the damage was very minor) and breach of trust (particularly where the breach was committed from base motives and where the sum of the damage was considerable). He also explained that, if the person provided a bond and there was no risk of subornation of witnesses or destruction of evidence, the criminal investigation officer was not obliged to follow the procurator's custody order. The procurator required merely that the accused be present when referred to the prosecution service, at which point the criminal investigation officer had to decide whether the accused needed to be kept in custody during that period. Lastly, it should be noted that Cameroonian law does not provide for any compensation for damage suffered as a result of arbitrary detention. The only exception is in article 55 (2) of the Code of Criminal Investigation, which provides that where it is proved that a magistrate's fault caused pre-trial detention to be unduly prolonged, the magistrate shall bear the cost of compensating the victim. However, the procedure is so complex that few citizens are likely to have the opportunity and the means to avail themselves of it.

52. According to the information received, Cameroon has no detention centre specifically for untried prisoners, even though articles 603 and 604 of the Code of Criminal Investigation require holding centres for untried prisoners to be separate from prisons for the serving of sentences.

Hence, untried prisoners are either held at the police or gendarmerie stations to which they were taken after arrest or transferred to prison. The latter option is what the law requires, but lack of facilities mean that it is not always exercised. The Bamenda provincial delegate for national security told the Special Rapporteur that the shortage of vehicles and staff meant that many detainees were kept in the detention units under his authority when they should long ago have been transferred to prison. The NGOs cite figures, borne out by information from the governors of New Bell and Kondengui prisons, according to which 80 per cent of the current prison population of Cameroon consists of untried prisoners. Many accounts were received indicating that length of detention frequently exceeds reasonable limits, which makes the pre-trial detention inhuman in itself. Some prisoners have reportedly been in pre-trial detention for over seven years. However, the relevant authorities were not able to provide statistics. The Minister for Territorial Administration, responsible for penitentiaries, admitted that the length of pre-trial detentions was one of the causes of the overcrowding problem.

53. It should also be emphasized that untried prisoners cannot benefit from a reduction of sentence following presidential pardons. Equally, article 637 of the Code of Criminal Investigation provides for the public right of action to lapse after 10 years for criminal offences and 3 years for ordinary offences; if prosecution has begun but no verdict has been reached, the time is measured from the date of the last investigation or action. There appear to be very many cases of this kind. To sum up, the information received indicates that pre-trial detention is used not to attain its primary goal of upholding order and security and facilitating investigations, but rather, in the perception both of the public and of the forces of law and order, as a sanction. Thus, at a workshop organized by the National Committee on Human Rights and Freedoms, the head of a provincial national security service commented that certain officials had turned police and gendarmerie stations into correctional institutions and that custody was often ordered in cases with no criminal element.[9] The Special Rapporteur noticed when visiting various detention units that many cases in fact involved civil offences. The Delegate-General for National Security emphasized that it was a violation of Cameroonian law.

54. The heads of the various police and gendarmerie stations visited by the Special Rapporteur all said that the system of visits by a procurator guaranteed that persons arrested were not detained arbitrarily or ill-treated. Procurators have the power to order the immediate release of any person detained arbitrarily. The Douala procurator told the Special Rapporteur that he carried out both announced and unannounced checks on the various detention units under his jurisdiction; ideally, and in accordance with internal instructions, he and his assistants should carry out such checks regularly, not less than once a week. In reality, the shortage of manpower (there are only 9 assistants at Douala, as against 22 at Yaoundé) and equipment, especially transport, oblige him to rely on the heads of the detention units to send him regular custody reports. The detention units keep a register of persons in custody which must indicate, inter alia, the date and hour of entry into custody, the suspect's identity, and the reason and term of custody; that register is to be consulted daily by the head of the detention unit on arrival for duty. Likewise, as every suspect is entitled to a medical examination on arrest, a medical record must be completed for new detainees each morning by the head of unit. A copy of those registers should be sent to the government procurator so that he can monitor detainees' situation; the reports also permit him to verify the lawfulness of detentions. The Douala procurator explained, however, that monitoring detention conditions was not part of his mandate and he could not officially initiate action against a law enforcement official who had committed acts of torture; it

was for the victim to lodge a complaint. If it was proved, on the other hand, that confessions had been extracted by means of torture, the case was dropped and the person discharged. The Penal Code provides that confessions obtained by force are not admissible in court. The Special Rapporteur noted that the only cases in which an action had been brought against torturers were those in which the victim had died, leading to public demonstrations.

55. Regarding the recording of suspects' details in custody registers, the NGOs stated that the registers were updated only very rarely. It appears that many arrests and detentions are not recorded. A lawyer told the Special Rapporteur that unlawfully detained persons were released or hidden when the forces of law and order were expecting a visit by a procurator. It should be recalled that the Special Rapporteur was unable to consult full custody registers or records on various of his visits, especially that to the Douala tenth district police station, and thus was unable to check whether they were kept properly up to date and whether the documents for extension of detention had been completed by the prosecution service. On the subject of the frequency of procurators' visits, the senior officers at the Yaoundé criminal investigation service unit said that the last visit had taken place more than five months previously. Most heads of all types of detention unit declared that they had confidence in their subordinates and assured the Special Rapporteur that their staff respected Cameroonian law and its prohibition of torture and other ill-treatment; nevertheless, the Special Rapporteur drew their attention to the lack of institutional structures ensuring constant compliance with the law.

56. The heads of police and gendarmerie stations explained that, since family and friends had to bring water and food to detainees because nothing was provided, they were also able to ensure that detainees were properly treated. However, it should be noted that visitors are not always allowed direct access to detainees and, as emphasized above in paragraphs 5, 12, 20 and 21, fear of reprisals prevents many from making complaints against police officers. Many non-governmental sources have said in addition that the public is still not familiar with its rights and with complaint procedures; victims and their relatives often are not even aware that it is possible to bring complaints against public servants. On the subject of provisions, mention should be made also of the "new man tax" which is apparently common, especially in the English-speaking provinces. Every new arrival in a cell is required to pay a sum of money to the head of cell for the purchase by the guards of essentials such as food or toilet paper for all the occupants of the cell. According to the information received, part of that money is also retained by the guards. Several accounts have reported violence by the head of cell, with the guards' permission, as a means of extracting the tax.

C. Administrative detention

57. Act No. 90/054 of 19 December 1990 on the upholding of order provides that the administrative authorities may order administrative detention of individuals in order to maintain or restore public order and as part of the struggle against large-scale bandit activity. Such detention may be ordered by a governor or prefect for a renewable period of 15 days; the law does not state how many times the detention may be renewed. According to the Minister for Territorial Administration, a prefect's decision may be revoked by a governor and a governor's decision by the Minister himself if they consider the grounds invoked for an administrative detention to be insufficient. The Minister said that the number of administrative detentions had declined considerably in recent years, but could not provide precise figures. He also admitted

that, in the past, when custody had not been covered by the Code of Criminal Procedure, the judicial authorities had themselves used administrative detention as a means of avoiding the formalities involved in judicial proceedings. During the Special Rapporteur's visits to police or gendarmerie detention units, it was often impossible to establish whether there were administrative detainees present, for the authorities were generally unable to produce the relevant registers. The Bamenda provincial delegate for national security said that no cases of administrative detention had come to his attention since his appointment eight months earlier. The director of the criminal investigation service at Yaoundé confirmed that tendency, but said nonetheless that of the 58 people in custody on the day of the visit by the Special Rapporteur's team, 20 were under detention warrants issued by prefects or governors. He denied, however, that they were in administrative detention, saying that it existed only when emergency laws were in force. There appears to be some confusion between administrative detention and detention under Act No. 90/047 of 19 December 1990 on the state of emergency, which authorizes prefects and governors in regions where a state of emergency has been declared to detain any person who may pose a threat to public security for a period respectively of 7 and 15 days. Article 6 of the Act provides that the Minister for Territorial Administration may, on the same grounds, order the detention of any person for a period of two months, renewable once. While the authority ordering the detention may vary, the detainees are all subjected to the same regime and held in the same establishments under the same conditions.

D. The judicial system

58. Many sources, including NGOs, have on various occasions cast doubt on the independence of the judiciary.[10] Politics and corruption are said to play a prominent role in the administration of justice. The Special Rapporteur was told of many cases. Yet the Cameroonian Constitution of 18 January 1996 established a judicial authority, with independence guaranteed by the Head of State, which appoints judges on the advice of the Supreme Council of Justice. According to judicial sources cited by one NGO, judges consult the authorities on the approach to adopt in sensitive cases. Hence, it has been noticed that politically sensitive trials are handled with care and generally in a manner favourable to the authorities.[11] Corruption, which is recognized by official and non-governmental sources as a major problem in Cameroon, was also identified as a source of injustice. The government procurator at Douala admitted that there were bound to be black sheep in all State organizations, but said that steps had already been taken in the sphere of justice, including the suspension of some judges.

59. A presidential decree of April 1997 established that offences committed in a military establishment or using firearms or weapons of war, particularly those connected with large-scale bandit activity and organized crime, shall be tried by military tribunals. It was explained to the Special Rapporteur that only the military could properly appreciate the nature of the equipment used. However, military judges receive the same training as judges in civil courts, and officials at the Ministry of Justice said that the sentences handed down by military tribunals were no more severe than those from civil courts. Moreover, it was possible to appeal against the sentences in the civil courts. Only the Minister for Defence could initiate the public right of action before a military tribunal. Since the gendarmes were part of the armed forces, they were brought before military tribunals when they committed offences in the performance of their duties, whereas offences committed by police officers were tried by the civil courts.

60. There is no independent authority responsible for conducting inquiries into offences committed by members of the forces of law and order. Each force, be it the gendarmerie or the police, therefore carries out inquiries into allegations concerning its own members. All authorities emphasized, however, that the police officers or gendarmes responsible for investigating allegations against the forces of law and order conducted the inquiries with full impartiality; this was guaranteed by the procurator in whose name the inquiries were carried out. The Ministry of Justice officials claimed that the close collaboration, to the point of complicity, which could ordinarily exist between procurators and the forces of law and order stopped as soon as the law was overstepped. The procurator therefore has to adopt a sort of split intellectual personality in order to supervise the inquiry conducted into his regular associates. The officials claim that supervision of the procurator by his superiors ensures impartial conduct of the inquiry. However, the information received indicates that members of the forces of law and order are seldom investigated or indicted for torture and other ill-treatment. The NGOs also shed doubt on the idea that such investigations could be completed, since each participant would seek to protect his colleagues out of solidarity. All the officials asserted, nevertheless, that all cases of torture in detention were reported to the prosecution service and inquiries conducted. The Special Rapporteur did not receive any statistics on this or precise information about judicial decisions in such cases, even though the authorities claimed that there had been several. The NGOs stated that impunity was still the rule, even if there had been some improvements. As emphasized above, part of the impunity problem seems to stem also from the victims' failure to register complaints because they are unfamiliar with their rights and the procedures, lack confidence in the justice system and fear reprisals. The Special Rapporteur noted from interviews that many victims had indeed failed to complain for those reasons. Some victims had merely described their cases to NGOs, which had not always advised them to make a formal complaint, often limiting themselves to writing to the authorities concerned. Additionally, the NGOs informed the Special Rapporteur of a specific problem connected with the defence of the needy: the officially appointed lawyers were reportedly unwilling to give due attention to the cases assigned to them because they were paid very little. Hence, many people were poorly defended and received heavy sentences for minor offences because of lack of money.

61. The Special Rapporteur also received information on members of the forces of law and order who had been tried for torture. It is reported that, in the case of a prosecution service official who had been ill-treated while inspecting custody arrangements in a Yaoundé police station in 1995, the police officers concerned, tried for offences including unlawful arrest, unlawful imprisonment, failure to provide assistance and actual bodily harm, were sentenced on 1 March 1996 by the Yaoundé Court of Major Jurisdiction to up to 10 years' imprisonment. The Central Court of Appeal (sitting at Yaoundé) subsequently reduced the sentences to a maximum of two years' imprisonment. In the case of Paul Njodomegni, who died as a result of torture inflicted on the night of 6/7 November 1997 at the Yaoundé fifth district police station, two police officers, an inspector and a constable, were charged with committing torture and their superior, a superintendent, with abetting torture. The Yaoundé Court of Major Jurisdiction reduced the charges to, respectively, fatal wounding and failure to provide assistance, and sentenced them on 5 June 1998 to five years' imprisonment and a further one year's imprisonment suspended. The Central Court of Appeal finally upheld the conviction of the two officers, while recognizing "mitigating circumstances", and judged the superintendent not guilty for lack of evidence. The two officers were sentenced to two years' imprisonment and

three suspended and ordered to pay jointly with the Republic of Cameroon 10 million CFA francs in damages. It is further reported that, in the case of Emile Maah Njock, who died as a result of torture including burns from an iron, inflicted in the Yaoundé third district police station, a superintendent and an inspector were sentenced by the Mfoundi Court of Major Jurisdiction to six and 10 years' imprisonment respectively for abetting torture and committing torture. On 9 February 1999, the Central Court of Appeal reduced the superintendent's charge to failure to provide assistance and reduced his sentence to one year's imprisonment and a fine of 250,000 CFA francs; the inspector was found guilty of torture and sentenced to eight years' imprisonment. They were also jointly ordered to pay 10 million CFA francs to the victim's family; the court declared the Office of the Delegate-General for National Security to bear civil responsibility.

62. The slow pace and ineffectiveness of justice, leading to protracted pre-trial detention, were mainly attributed by the authorities to staff shortages and above all lack of funds, and to a lesser extent to magistrates' lack of training. The 1972 edict had attempted to resolve the problem of shortages of judicial staff by giving procurators the power to institute proceedings and investigate. That reform does not appear to have had the anticipated effect; on the contrary, it gives rise to a problematic situation whereby there is no independent judge in charge of the judicial inquiry, which is thus conducted by the prosecutions department handling the criminal proceedings. There is also no visiting magistrate: convicted prisoners come under the prisons administration, an integral part of the Ministry of Territorial Administration. Cases are also very frequently adjourned. For example, the government procurator to the Buea Court of First Instance said at a seminar organized in 1996 by the National Committee on Human Rights and Freedoms that in criminal cases, once an appeal is lodged, it takes so long for a decision to be taken that the appellant serves his sentence several times over while waiting.[12] It was also reported that detention continued long beyond discharge or acquittal, since judicial decisions are not always duly conveyed to the prison management; it appears that detainees are themselves obliged to obtain them. According to the NGOs, some files are even lost and it also happens frequently that people who have spent years in pre-trial detention are released for lack of evidence.

E. The recent criminalization of torture

63. The new article 132 bis of the Penal Code[13] entitled "Torture", which is defined (item 5) in terms similar to those in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984),[14] criminalizes acts of torture, establishing a system of penalties of varying severity (items 1 to 4) depending on the seriousness of the physical or mental injury inflicted by members of the forces of law and order. In compliance with international law, exceptional circumstances such as a state of war, a threat of war or internal political instability, and defence on the grounds of an order from a superior officer, are not admitted by the article. It also makes torture an international offence, allowing the national courts to try any Cameroonian citizen or resident for committing such acts abroad, whether or not they are punishable in the country where they were committed. A foreign citizen who enters Cameroon after committing such acts in another country is liable to extradition following a preliminary inquiry to establish the facts (article 28 bis of Act No. 64/LF/13 of 26 June 1964). However, the Cameroonian Extradition Act (1964) provides that no one may be sent back to a country where his life or person may be endangered. This is guaranteed by the extradition

procedure. On the advice of the Court of Appeal, the extradition file is sent to the Ministry of Justice, which verifies that the substance and form fulfil the criteria. The extradition is finally put into effect by presidential decree. The President of the Republic is bound by an unfavourable Court of Appeal judgement. The Ministry of Justice is also studying a project to include all the basic human rights in the right to non-refoulement.

F. The National Committee on Human Rights and Freedoms

64. The Republic of Cameroon has recently established a national institution for the promotion and protection of human rights, the National Committee on Human Rights and Freedoms, created by Decree No. 90/1459 of 8 November 1990 and in operation since February 1992. Its mandate includes receiving denunciations of human rights violations and reporting them to the President of the Republic and to other competent authorities, visiting all types of detention units, proposing human rights measures to the public authorities and organizing training programmes. The last of these functions is regarded as paramount, given the lack of awareness among the public and the forces of law and order. The Committee's relatively broad mandate allows it to take action in a large number of cases, even though its staff is small. A delegation makes frequent visits to places of detention in order to attempt to stop violations of individuals' human rights. The Chairman of the Committee commented, however, that some of the Committee's recommendations had not been implemented by the authorities. The Committee can also provide informal legal assistance. Since the beginning of 1999, the Committee has received only seven allegations of torture, though its members admit that the number of cases must certainly be far higher. To date, the Committee's activities have been mainly of a confidential nature and its recommendations have been made available only to the relevant authorities. However, the Committee has decided to make part of its activities public and has begun by publishing a five-year report of its activities from February 1992 to February 1997; in future, reports should be published annually.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

65. The Special Rapporteur received excellent cooperation from the Government in the way of availability of most of the senior and other responsible officials he sought to meet, up to and including ministerial level. The only exception was the Minister of State for Defence who did not grant the interview sought by the Special Rapporteur. The overall cooperation was also evident in the ready access the Special Rapporteur was given to official institutions, including prisons and gendarmerie and police stations, whether on planned or unannounced visits. Again, the only exception was the denial of access to the special "anti-gang" unit which, according to all the official sources with which he spoke, was under the direct authority of the Minister of State for Defence.

66. As in other countries of the Central African region, there are fissiparous forces at play that make the State difficult to govern. Tribal loyalties compete with loyalty to the nation. The move in 1972 from a federal to a unitary State has left substantial portions of the English-speaking part of the original federation disaffected. Some elements of the political opposition, a major expression of which is the Social Democratic Front (SDF), widely supported

in the areas in which the English-speaking minority predominates, believe that the results of the 1992 presidential and parliamentary elections were not an accurate reflection of their electoral performance and that the same applies to the 1997 parliamentary elections. They boycotted the 1997 presidential election, arguing that the absence of an independent electoral commission undermined confidence in the eventual outcome. The Special Rapporteur expresses no view on the reasonableness of these suspicions; he confines himself to noting them as a political fact affecting the governance of the country.

67. The Special Rapporteur also has no reason to doubt the public insecurity provoked by a substantial crime problem, some of it organized. Certainly, the problem of highway robbery in the northern provinces, complicated as it is by its transfrontier connections with Chad and Nigeria, would be a challenge to any Government. Nevertheless, by the standards of the region, the country enjoys considerable stability. This is clearly a matter for some legitimate satisfaction on the part of the Government, not least because of the relatively respected role in the region to which this stability conduces.

68. Cameroonian law, inspired by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the State is a party, clearly criminalizes torture. Various other provisions of the law would catch other prohibited ill-treatment. It is, nevertheless, clear from the mission that the law is flagrantly disregarded by police and gendarmerie officials. Indeed, the large number of places in various parts of the country in which he met people who still showed signs of what could only have been recently inflicted physical torture, as well as many others whose testimonies convincingly alleged torture at the time of the first arrest (but not necessarily in subsequent remand detention in prisons or even in other police or gendarmerie establishments) lead the Special Rapporteur to conclude that torture is resorted to by law enforcement officials on a widespread and systematic basis. The denial of access to the “anti-gang” headquarters at Maroua and the initial concealment of the detainees’ register at the 10th arrondissement police station in Douala, and the Special Rapporteur’s consequent grave concerns at what might have been happening to those who may have been detained in those places, merely serve to confirm what he was able to perceive with his own eyes and other senses.

69. Torture is generally used for the standard purposes of obtaining information relevant to the maintenance of law and public order, obtaining confessions to crimes from persons suspected of having committed them and administering instant, extrajudicial punishment. It also seems that neither youth nor age are factors tending to protect persons deprived of their liberty from being inhumanly treated.

70. There remains the question of the level at which political responsibility arises. The Special Rapporteur has no doubt that torture is condoned if not encouraged at the level of the heads of the places of detention where it takes place. Local police and gendarmerie chiefs, having usually come from the ranks, must be presumed to be aware of and to tolerate the practice. If the top leadership of these forces and those politically responsible above them do not know what the Special Rapporteur’s delegation was able to discover in a few days, it can only be because of a lack of will to know. Moreover, when it comes to severe disruptions of public order, be they of a political nature, as in the English-speaking provinces in 1991-1992 and 1996-1997, or major violent criminality, as recently in the northern provinces over which the

special “anti-gang” unit based in Maroua has jurisdiction, it is clear that the security forces, both military and gendarmerie, are led to believe, from a level not lower than ministerial level, that the rule of law, comprising such inhibitions as the prohibition of torture and seemingly even murder, is to be no obstacle to the priority objective of restoring public order. Positive developments, however, include the adoption in 1997 of article 132 bis of the Criminal Code criminalizing torture and the recent decision to grant the International Committee of the Red Cross access to places of detention. This may indicate political will to confront the problem.

71. A number of factors can be identified as contributing to this situation, both systematic and legal-institutional. At the systematic level, corruption, within both law enforcement agencies and organs of the administration of justice (procuracy and judiciary), was frequently indicated to the Special Rapporteur by official as well as non-governmental interlocutors as being a key factor. Another was a freeze on recruitment of personnel, leading superiors to prefer to retain rather than dismiss undisciplined subordinates. Indeed, despite one or two high-profile prosecutions of law enforcement officials, where deaths occurring under torture had provoked a public outcry, there appeared to be a climate of impunity. There was also a general perception that judges and prosecutors were and considered themselves as officials of the Ministry of Justice, and thus subject to the authority of the executive power.

72. In general, the situation described above could only persist in a climate in which the law enforcement personnel involved considered that they enjoyed immunity for their actions. The few cases in which there have been prosecutions concerned ill-treatment of an investigating magistrate and two notorious deaths in custody. Even in the latter, flagrant cases, the judiciary seemed reluctant to find law enforcement officers guilty of torture as such and thus impose or maintain sentences appropriate to that crime.

73. A number of legal-institutional problems were apparent. First of all, the prevalence of different bases of arrest and detention (administrative, preliminary investigation, remand ordered by a prosecutor in a police or gendarmerie station, as well as remand in a penitentiary) resulted in many inmates having no idea of the formal authority responsible for their deprivation of liberty. The delay in access to a lawyer - most had none, nor the means for one, and officially-designated lawyers were not trusted, even by those who knew they had a right to one - was another factor. It is the case that, because no food is usually provided, families are encouraged to bring food. But even where families have the means and are located sufficiently close to the place of detention to bring food, they will not necessarily have access to the detained family member; nor will they, for the most part, know how or to what authority to complain if they fear something untoward has happened, even if they are not too afraid for themselves or their detained relative to raise their voices.

74. In any event, it is also clear that the system provides inadequate remedial channels. The Special Rapporteur found a generally shared, but manifestly unjustified, official faith in the ability of the chain of command to guarantee proper behaviour by law enforcement officials. As indicated above, the chain of command, where not directly implicated, generally evinces no serious will to prevent and redress abuses.

75. Prosecutors have also failed to discharge their responsibilities. They are supposed to make regular inspection visits to ensure that those under detention are lawfully detained. Chief

prosecutors admitted lack of resources to do this as often as they would wish, and those inspections that do occur do not necessarily extend to a review of the treatment of those held. Their very willingness to order detention in the exiguous conditions that apply in most places of deprivation of liberty suggests that they must be prone to accept a degree of penury as simply a fact of life attendant on detention. Also, the fact that most of their working lives are spent in collaborating with the law enforcement officials in their jurisdictions no doubt militates against a too confrontational posture towards their regular collaborators.

76. Visits to two penitentiaries and one prisoner's wing of a civilian hospital could not aspire to the thoroughness required for a comprehensive assessment of conditions of detention. Perhaps the most notable and most evident factor was the appalling overcrowding, particularly in the sections where adult male remand and convicted prisoners were kept, unsegregated. Lack of resources was stated to be the reason. The same reason was also given for the paucity of medical facilities. Here it was agreed, however, that the more serious cases would be eligible to be sent to a civilian hospital. In fact, it seemed some hospitals would not treat the prisoners without payment - and the prison authorities did not have the means. In any event, if the conditions of treatment the Special Rapporteur found in Bafoussam hospital are typical, then the therapeutic benefits of such transfers are questionable. Finally, prisoners' allegations concerning the arbitrariness of the warders, (abusive use of disciplinary power and direct resort to physical assault) appeared to be confirmed by one prison governor who admitted ordering a bastonnade on a recaptured escapee, with a view to preventing worse from his warders, and the finding of three naked prisoners accused of murdering a gendarme in a large, bare, dark screening cell, while the other such cell was crammed with the rest of the recent arrivals.

77. As noted above, one positive element in the dismal situation described in the preceding paragraphs is the recent arrangement permitting the International Committee of the Red Cross to visit places of detention in Cameroon on its own conditions. This work only began in February 1999. Its reports and recommendations to the authorities will, in keeping with its normal operating methods, be confidential. Its traditional professionalism should ensure that it is in a position to bring matters such as those described in the present report to the immediate attention of high governmental authorities. Any benefits of its work will have to be assessed over a substantial period of time.

B. Recommendations

78. Accordingly, the Special Rapporteur makes the following recommendations, by way of first basic steps towards the systematic reduction of the practice of torture and other prohibited ill-treatment.

(a) The highest political authorities should proclaim in public statements and internal governmental instructions that torture and other ill-treatment committed by public officials will not be tolerated and that those found to have been involved in committing or tolerating such acts will be instantly removed from the public service and prosecuted with the full vigour of the law;

(b) Exceptions should be made to any policies restricting the recruitment of public officials, so that posts vacated by persons dismissed for such offences may be subject to recruitment;

(c) A separate fully resourced corps of prosecutors, with specialized independent investigative personnel, should be established to pursue serious criminality, such as torture, committed or tolerated by public officials;

(d) A body such as the National Commission on Human Rights should be endowed with the authority and resources to inspect at will, as necessary and without notice, any place of deprivation of liberty, whether officially recognized or suspected, to publicize its findings regularly and to submit evidence of criminal behaviour to the relevant prosecutorial body and the administrative superiors of the public authority whose acts are in question; reputable non-governmental organizations, some of which already provide humanitarian assistance in some penitentiaries, could be associated with these functions;

(e) The family and lawyers of persons deprived of liberty should have unmonitored verbal and visual access to such persons within 24 hours or, at most, in exceptional cases, 48 hours;

(f) Medical facilities should be provided for the examination by a doctor independent of the service in question of any person deprived of liberty within 24 hours of such deprivation;

(g) The special "anti-gang" unit based outside Maroua, if not disbanded, should be brought under effective political and administrative control, and the record of its personnel, including its commander, should be minutely scrutinized with a view to pursuing and prosecuting anyone involved in, or tolerating, torture or murder;

(h) The gendarmerie and police should establish special services designed to investigate complaints of, and to weed out, serious wrongdoing, such as torture;

(i) Major resources need to be deployed to render the plant and facilities of all places of deprivation of liberty suitable to ensure minimum respect for the humanity and dignity of all whom the State deprives of liberty;

(j) All non-violent first-time offenders or suspected offenders, especially those under 18, should be released; nor should any such suspected offenders be deprived of liberty until the prison overpopulation problem has been resolved;

(k) The system of using prisoners in an auxiliary disciplinary capacity should be discontinued;

(l) The Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers should be invited to visit the country. A particular focus of such a visit might be prosecutorial and judicial reluctance or inability properly to monitor the treatment of persons deprived of their liberty, especially by the police and gendarmerie, and to prosecute and convict law enforcement officials responsible for torture and to impose the corresponding sentences.

Notes

[1] "The Committee deplores the multiple cases of torture, ill-treatment, extrajudicial execution and illegal detention, suffered in particular by journalists and political opponents. Torture and ill-treatment seem to be practised systematically by the security forces, and on several occasions their brutality has caused the death of the victims" (CCPR/C/79/Add.33, para. 11).

[2] National Committee on Human Rights and Freedoms, "Rapport de l'atelier sur l'amélioration des conditions d'arrestation et de garde-à-vue", December 1998, p. 9.

[3] See Amnesty International, "Cameroon: Extrajudicial Executions in North and Far-North Provinces", December 1998.

[4] "[The Committee] also deplores the fact that such brutality [torture] is practised in prisons, as well as non-respect for the provisions of article 10 of the Covenant in detention centres where men and women, convicted and unconvicted prisoners, adult and juvenile offenders are held in the same, generally insalubrious, cells" (CCPR/C/79/Add.33, para. 12).

[5] Amnesty International, "Cameroon: Blatant Disregard for Human Rights", 16 September 1997, p. 33.

[6] International Federation of Human Rights (FIDH), "Cameroun: arbitraire, impunité et répression", May 1998, p. 32.

[7] See especially International Prison Watch, "Etude sur la situation des prisons au Cameroun", by Philippe C. Akoa, commissioned by the United Nations Development Programme.

[8] On pre-trial detention, see Antoinette Ekam, "Considérations sur la détention préventive", Cahier africain des droits de l'homme, No. 1, November 1998, Association pour la Promotion des Droits de l'Homme en Afrique Centrale, pp. 89-111.

[9] National Committee on Human Rights and Freedoms, "Rapport de l'atelier sur l'amélioration des conditions d'arrestation et de garde-à-vue", December 1998, p. 12.

[10] United States Department of State, "Country Reports on Human Rights Practices for 1998", vol. I, April 1999, p. 46.

[11] International Federation of Human Rights (FIDH), "Cameroun: arbitraire, impunité et répression", May 1998, p. 6.

[12] National Committee on Human Rights and Freedoms, "Rapport du séminaire de formation des juristes sur les droits de l'homme", January 1996, p. 22.

[13] Act No. 97-9 of 10 January 1997 (see annex I).

[14] It is interesting that Act No. 97-7 of the same date authorized the President of the Republic to ratify the Convention against Torture. For a more detailed study of article 132 bis of the Cameroonian Penal Code, see Edouard Kittio, "Observations sur le nouvel article 132 bis du Code pénal relatif a la torture" and Félix Onana Etoundi, "La responsabilité des membres de la police judiciaire depuis le nouvel article 132 bis du Code pénal sur la torture" in Cahier africain des droits de l'homme, op. cit., pp. 35-52 and 133-146.