



**Consortium of UPR Follow-up Organizations and UN Treaty Bodies (The Consortium)**

# **CAMEROON: THE CRUEL REALITIES OF TORTURE**

**Monitoring report of the treaty bodies :  
Human Rights Committee and Committee Against Torture  
(September to November 2024)**

**Yaoundé, Citizen's Tea on November 29, 2024**



# **CAMEROON:** **THE CRUEL REALITIES** **OF TORTURE**

---

**Monitoring report from treaty bodies :**  
**Human Rights Committee and Committee Against Torture**  
**(September to November 2024)**



# 1. INTRODUCTION

**The Committee against Torture** considered Cameroon's sixth periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at its 2159th and 2162nd meetings, held on November 13 and 14, 2024, and adopted its concluding observations at its 2169th meeting, held on November 21, 2024.

During the 142nd session of the **Human Rights Committee**, the Committee analyzed the implementation of the ICCPR in Cameroon and formulated a list of questions to the State. The session, chaired by Ms Tania María Abdo Rocholl of Paraguay, examined the reports submitted by Cameroon under the International Covenant on Civil and Political Rights (ICCPR), together with Iceland, Turkey, Pakistan, Greece, France and Ecuador, was an excellent opportunity for Cameroon's civil society organizations to bring before the Committee their analysis of the human rights situation in general, and of civil and political rights in particular, and to call on the government to do so.

The State of Cameroon acceded to the International Covenant on Civil and Political Rights (ICCPR) on June 27, 1984, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on December 19, 1986, which are among the international human rights treaties ratified by Cameroon, and which include the right to life, freedom of expression, freedom of assembly, the right to a fair trial, protection against torture, and the prohibition of slavery, among others.

The State of Cameroon has therefore freely undertaken to respect, protect and promote human rights, under the supervision of each competent Committee.

Cameroon's civil society plays a fundamental role in this process, contributing to the implementation of international human rights commitments. Human rights NGOs have seized the opportunity presented by Cameroon's transition to the 3rd cycle of the Universal Periodic Review (UPR) to launch a drive to converge their actions in monitoring Cameroon's commitments. It was with this in mind that **the CSO Consortium for the follow-up of the UPR and the United Nations Treaty Bodies** was set up.

The Consortium's member organizations naturally played a decisive role in Cameroon's appearance before both the Human Rights Committee and the Committee Against Torture in 2024.

This report aims to present the actions of NGOs before the above-mentioned Treaty Bodies. Emphasis will be placed on Cameroon's appearance before the Committee against Torture, the Committee's recommendations and the position of the Consortium's member organizations.

## 2. PRESENTATION OF THE CONSORTIUM ORGANIZATIONS

The reports were submitted by the following civil society organizations:

**a. Mandela Center International** is an international non-governmental, independent, non-political and non-denominational organization, in special consultative status with the UN (ECOSOC), specializing in the defense of human rights, legal assistance, governance and democracy, the environment, worldwide. MCI was founded in 2015 and its International Permanent Executive Secretariat is based in Yaoundé-Cameroun, with offices in forty (40) countries around the world. Its main area of activity is torture and legal assistance.

**Executive Secretariat:** Rue, Polyclinique Bastos, Yaoundé Cameroun, Tel/WhatsApp. 00237 679 79 81 80 / 694 058 494, B.P. 13 869 Yaoundé, ***www.mandelacenterinternational.org, Email: mandelacenterinternational@yahoo.com***

.....  
**b. NOUVEAUX DROITS DE L'HOMME CAMEROUN**, NGO with Statute Consultative body to the United Nations. Founded in 1977 and recognized in Cameroon in 1997, NDH is one of the leading human rights organizations in Cameroon, specializing in civil and political rights.

**Address:** 32, Rue Polyclinique Bastos, BP 4063 Yaoundé-Cameroon, **Tel: (237) 242 01 12 47, Fax: (237) 242 21 38 63, Email : ndhcam@yahoo.fr , Website: www.ndhcam.org.**

**c. Center Africain d'Etudes et de Formation sur la Démocratie et la Paix (CEFODEP Center)**

The Centre Africain d'Etudes et de Formation sur le Développement, la Démocratie et la Paix en Afrique "Futur Afrique" is a pan-African non-governmental association created in 1997 and recognized by the Cameroonian authorities on February 27, 1997 under Number 1997 21/RDA/J10/BAPP. Its short name is CENTRE CEFODEP.

**Address:** Porte 801 à 813 immeuble Kenny, Avenue KENNEDY BP : 13969 Yaoundé/Cameroun : +237 677524594 / contact@futurafrique.org

**d. . The Coalition of Civil Society Organizations for Human Rights and Peace in the English-speaking regions and other affected regions** (Coalition) was created on December 29, 2019 by some thirty organizations from the English-speaking regions and other regions affected by the war in Cameroon. It comprises 31 CSOs based in 05 regions (North-West, South-West, Littoral, Centre, West).

.....  
**e. All Women Together.** Founded in 2012 AWT's mission is to provide multidimensional support to young Cameroonian girls/women with a view to contributing to the promotion of peace; empowerment and feminine leadership.

**www.allwomentogether.net Tel 676 825245**

.....

**f. Conscience Africaine-CA** is an organization that works to promote democracy, raise awareness and provide legal and judicial assistance to vulnerable people, LGBTQI+, and build the capacity of CSOs. Founded in 1997, it is based in Douala with a pro- gramme operational secretariat in Bamenda, Cameroon.

.....

**g- Civil Society Platform for Democracy.**

Created in 2007, La Plate-Forme is a legal grouping of associations and personalities from Cameroonian civil society, set up with the aim of promoting peaceful changeover through the ballot box in Cameroon. The Platform's aim is to promote, share and capitalize on all human rights experiences and practices; to initiate alliances with social and civil society movements; and to educate citizens in the virtues of civil peace, social justice and democracy. The Platform currently comprises 74 CSOs in the 10 regions of Ca- meroun and in the diaspora.

**h. Positive Generation.**

Created in 1998 and legalized in 2003, POSITIVE-GENERATION is an association for the promotion of health and human rights. It is made up of a multidisciplinary team, most of whom are community players. It currently has some sixty members, and is based in Yaoundé Ngoa-Ekellé, near the University of Yaoundé I. It is run by a staff of 8. Its main areas of intervention concern human rights and health, and can be broken down into the following areas: Community mobilization on rights and health; promotion of social, economic and cultural rights; protection of vulnerable groups.

**NB.** The Report submitted to the Human Rights Committee benefited from the support of With the support **of** the **Geneva Centre for Civil and Political Rights**



# 3. LEGAL FRAMEWORK FOR REPORTING

NGO action before the treaty bodies is based on a normative basis structured by specific treaties: the ICCPR for the Human Rights Committee, and the CTPTCID for the Committee Against Torture.

**The Committee against Torture** has long recognized the work of NGOs and thanks them for their reports and participation in these information meetings, particularly local and national NGOs, which provide Committee members directly with country-specific information.

NGOs, national human rights institutions and national preventive mechanisms can collaborate with the Committee in a number of ways:

- Written information to be taken into account in preparing and adopting the preliminary list of points to be dealt with and the list of points to be dealt with drawn up prior to submission of the report;
- Written information to be taken into account when examining the State party's report;
- Briefings for NGOs, national human rights institutions and N P M s during the sessions;
- Written information

Written information from NGOs, national human rights institutions and national preventive mechanisms is submitted to the Committee as part of the examination of the State party's report to the Committee. at least four weeks before the opening of the session.

Civil society actors and national human rights institutions can contribute to the Committee's work in a number of ways. The Committee adopted a document on its relationship with civil society actors (CCPR/C/104/3) during its work, 104th session, New York, 12-30 March 2012.

**The Human Rights Committee**, for its part, considers that the collaboration of national and international non-governmental organizations (NGOs) working to promote and protect human rights is essential to the promotion and implementation of the International Covenant on Civil and Political Rights (hereinafter "the Covenant") and its Optional Protocols.

Since the early 1990s, Cameroonian NGOs have played an important role in the implementation of the Covenant, contributing to the Committee's activities at all stages. NGOs, such as Nouveaux Droits de l'Homme, submit alternative reports to the Committee in connection with the examination of States parties' reports and the follow-up procedure to the concluding observations; they help individuals to submit communications; they provide information to the Committee during its sessions and generally improve the visibility of the Committee and its activities. In general, they provide important information that is useful for the conduct of the Committee's activities and have a positive impact on the Committee's work.



catalytic role in strengthening the implementation of the Covenant at national level. Given that the examination of States parties' reports is based on a constructive dialogue with States, the Committee considers it necessary for the dialogue to be based on the information it receives not only from States parties, United Nations bodies and national human rights institutions, but also from NGOs, in order to be informed and constructive. NGOs therefore have a key information role to play in the report review process, at all stages, including in drawing up the list of issues and following up the Committee's concluding observations. NGOs are invited to submit parallel reports containing information on the implementation of the Covenant, comments on States parties' reports and their written replies to the list of issues, as well as information on the State party's follow-up to previous concluding observations. They undertake to ensure that their reports reach the secretariat well before the deadline indicated by the latter.

The Committee encourages NGOs to contribute to the follow-up procedure to the concluding observations. They may submit written information, including an assessment of the measures taken by the State party to give effect to the recommendations on which the Committee has requested follow-up. This information should be received by the date on which the State party is due to send its report (i.e. one year after the adoption of the concluding observations), or once the follow-up report has been made public. It should cover only the implementation of those recommendations for which the Committee has requested follow-up.

Finally, the Committee welcomes and encourages the efforts made by NGOs to raise awareness of the Covenant and the two Optional Protocols, as well as its concluding observations, views and general comments.

*It is therefore within the framework of this well-defined scheme by the United Nations that **the NGOs of the UPR Follow-up Consortium and the Treaty Bodies** have been working since 2018 to produce the various reports and for Lobbying actions both in Geneva and in New York.*

# 4.METHODOLOGY

The drafting of the recent reports was made possible thanks to the contribution of civil society organizations under the leadership of Mandela Center International, grouped under the label "**Civil Society Consortium for the Follow-up of the UPR and the United Nations Treaty Bodies (UPR Consortium)**".

The aim is to conduct the process of evaluating Cameroon's implementation of the CAT and ICCPR as part of the written information for the examination of Cameroon's State Report.

The process of gathering information and drafting the report was marked by various activities, including :

- **Documentary research:** the Consortium working group consulted a wide range of documentary resources from a variety of sources. These included legal and regulatory texts, official reports from both government and non-government institutions and bodies, press documents and articles, etc.). The diversity of information sources has led to a triangulation and cross-checking of information to arrive at more reliable data;
- **Gathering information from the field:** some of the documents that served as a basis for the work were the result of field research conducted upstream by members themselves in direct contact with actors, victims or people concerned/touched by the issues raised. To carry out such work, since 2016 Nouveaux Droits de l'Homme has been running a training program for human rights CSO actors on SDR (Surveillance, Documentation and Rapportage) of HR, with over 400 actors trained in the ten regions of Cameroon.
- **Consultation of resource persons:** the updating of certain data required recourse to resource persons external to the coalition.

# Two reports produced by the Consortium and submitted to the Treaty Bodies

## a) Report to the Committee Against Torture

The civil society report is intended more as an alternative contribution to complement, enrich and deepen the State party's report.

The 45-page alternative report to the CAT gives additional and alternative information to that provided by the State in its report, on the implementation of articles 1 to 16 of the Convention; information on other questions; information on measures and developments concerning the implementation of the Convention. It is structured around the following thematic headings: the criminalization of torture (ARTICLE 1 and 2), fundamental legal guarantees (ARTICLE 11); the Cameroon Human Rights Commission (CDHC) and the National Mechanism for the Prevention of Torture (MNPT), torture and ill-treatment during demonstrations and responses to security crises (articles 13 and 16); inhuman conditions of detention as a form of torture and ill-treatment (article 11), access to justice and impunity (articles 12 and 13) and, finally, reparation and rehabilitation of torture victims (article 14).

In its previous concluding observations (CAT/C/CMR/CO/5), the Committee requested the State party, the State of Cameroon, to provide certain information on these issues.

## b) Report to the Human Rights Committee

The 25-page report on the ICCPR covers Non-discrimination, the constitutional and legal framework for implementing the Covenant (Art. 2, 3 and 5); the Right to Life - (Art 6); the Right to Liberty and Treatment of Prisoners (Art. 7, 9, 10 and 11); the lawfulness of detention and security of the person (art. 2, 9 and 10); the right to freedom of movement (Art 12); the right to a fair trial, equality before the law and independence and impartiality of the judiciary (Art 14, 15 and 16); refugees and asylum-seekers (art. 7, 12 to 14, 24 and 26); Prohibition of propaganda for war, national, racial or religious hatred (art. 20); Civic space (Art 18, 19; 21, 22); Right to freedom of opinion and expression (art. 19); Right to peaceful assembly and demonstration (Art. 21); Right to freedom of association (Art 22) and Participation in public affairs and right to vote (art. 25).

The approach was based on feedback from the experiences of various civil society players, and other information gathered through documentary research. Discussions and exchanges took place on an individual basis with various national and international players, including the Human Rights and International Cooperation Department of the Ministry of Justice, and the heads of the treaty bodies of the United Nations Centre for Human Rights and Democracy in Central Africa (UNCHR-DAC).

For the latter, Consortium members benefited from the support of the Geneva Centre for Civil and Political Rights, whom we would like to thank.

# 5. CONSORTIUM ACTIONS IN GENEVA

In addition to the involvement of Consortium members in the UPR process in Geneva in October 2023 and April 2024 before the Human Rights Council, the Consortium remained very active in the process before the Human Rights Committee in October 2024, and before the Committee against Torture in November 2024.

This report will focus more on actions before the Committee against Torture.

## Concerning the Torture process.

As a prelude to the examination of this report, the Consortium produced a 45-page **alternative report** to paint a picture **of the torture situation** in Cameroon, taking apart, point by point, the false allegations made by Cameroonian government officials.

The strong CSO Consortium delegation present in Geneva, Switzerland, participated in formal and informal pre-sessions with the ten experts of the United Nations Committee against Torture on Tuesday, **November 12, 2024** at the **Palais Wilson** in Geneva.

During these closed-door meetings with the Committee's experts, a strong oral statement was made (see attached document).

This was to inform the Committee that, in the context of acts of torture and ill-treatment, arbitrary detentions and deaths in custody, many people from the Far North region suspected of supporting Boko Haram, including children - **248** people - whose investigations announced by the Government from **2017 to 2020** have not resulted in a criminal investigation by the Public Prosecutor's Office. The same applies to the hundreds of people suspected of being Anglo-Saxon separatists (**486**) or opposition activists in the repression of peaceful marches during the post-electoral crisis of 2028, who were subjected to serious acts of torture and ill-treatment.

The Consortium strongly deplored before the Committee's experts the extreme levity of the sanctions handed down to the few perpetrators who have been prosecuted, insisting on the fact that almost all of the 256 complaints filed since 2017 against defense and security force agents for acts of excessive use of force against civilians, have not resulted in trials.

It should be pointed out that the cases documented were made as part of the assistance program for victims of torture that Mandela Center International has been running with its partners since 2018. The data presented to the Committee has been collected in accordance with the **Guidelines for the-**

**the Lund-London Guidelines, and above all the universal principles of the Commissions of Inquiry and Fact-Finding Missions on International Human Rights Law and International Humanitarian Law, established in New York, USA and Geneva, Switzerland, in 2015.**

Cameroon has ratified 7 of the 9 international human rights treaties and is therefore committed to respecting, protecting and promoting human rights, under the supervision of the relevant Committee. With the exception of the Sub-Committee on the Prevention of Torture, all the treaty bodies examine periodic reports from States parties on the implementation of treaty provisions at national level.

It should be pointed out that the review process includes questions put to the State by the relevant Committee, followed by responses from the State and information provided by civil society and national human rights institutions (NHRIs), which form the basis of the State's review during a dialogue between the Committee's experts and the State under review, culminating in "Concluding Observations" containing recommendations for further action.

## 6. EXAMINATION OF REPORTS

During the examination of Cameroon's report on November **13 and 14**, 2024, the Committee's experts, led by the two rapporteurs, **Ms. Ana RACU** and **Mr. Jorge CONTESSE**, the Cameroonian delegation comprising, among others, representatives of the Ministries of External Relations and Justice, under the leadership of Mr. SALOMON EHETH, Permanent Representative of Cameroon to the United Nations in Geneva, fielded hundreds of questions relating to the worrying human rights situation in Cameroon.

### A) Main concerns of the Committee Against Torture

The Committee warned against the "extremely broad" jurisdiction granted to military courts, insisting that civilians should not be tried by military tribunals, following information received by the Committee that in 2018 more than 330 people had been sentenced to death in Cameroon, a third of them for terrorism-related offenses, and that almost all of these sentences had been handed down by military tribunals, sometimes on the basis of confessions obtained under torture.

The Committee noted that, according to non-governmental organizations (NGOs) and lawyers, the Government does not allow independent human rights groups access to prisons to assess conditions, while questioning the training of judges and prosecutors in **the 2022 Istanbul Protocol** (Manual on the Effective Investigation and **Documentation** of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), as well as the indicators to be observed when assessing the admissibility of confessions;

The Committee was extremely shocked by the persistence of acts of torture and by the refusal of the Cameroonian authorities to open investigations against the perpetrators of acts of torture, citing a long list of emblematic cases such as **Arsène Salomon MBANI ZOGO** alias Martinez ZOGO, Sieur **LONGKANA AGNO Simon**, alias "Longuè Longué", whose investigations announced by the Minister of Defense have not led to any arrests despite the cruelty of the images, **Steeve AKAM** alias Ramon COTTA, **Paul CHOUTA**, tortured and left for dead on March 09, 2022, **Samuel WAZIZI**, **NJOKA Kingsley FOMONYUY**, **NDONGO BILOGO Olivier**, **Edmond David NGOUMPOUNGOUN NTIECHE** or the case of **WIRBA DIDYMUS NSOSEKA**, repeatedly tortured for five months in the premises of the Judicial Police, the Bafut military camp and the premises of the General Directorate of External Research in Yaoundé, after his arrest on **February 19, 2018 in Mankon**.

## B. Disappointing reaction from the Cameroon delegation

In its attempts to disguise the realities of massive human rights violations and the cruelty of torture practices in Cameroon, the Cameroonian delegation has fallen back on the cult of President Paul BIYA to assert that Cameroon is a democratic state governed by the rule of law, for which human dignity is a major axis of BIYA's governance, and that there is no such thing as "state torture" in Cameroon, insofar as the law punishes cases of torture, or blunders, which may occur but are never the result of a state decision, and which are punished.

Presenting his country's report, Mr. Salomon Eheth, Permanent Representative of Cameroon to the United Nations in Geneva, indicated that his Government had implemented a series of initiatives aimed at bringing practices into line with the State's international engagements. In addition to internalizing the Convention, he emphasized that reforms had been undertaken at regulatory and institutional levels to prevent acts of torture and punish the perpetrators. The establishment of a National Mechanism for the Prevention of Torture, alongside other existing mechanisms such as administrative and judicial controls, is proof of this decisive commitment, he declared.

The deposit of instruments of ratification of the Optional Protocol to the Convention is nearing completion, the Permanent Representative reported.

The rights of citizens have been strengthened in the context of peace-restoration operations in areas beset by security crises, and human rights violations perpetrated there, notably through the use of torture, are constantly repressed, continued the head of the Cameroon delegation. These guarantees have been extended to the supervision and execution of measures of deprivation of liberty, he added.

Despite these efforts, Mr. Eheth acknowledged, pitfalls remain. Regional conflicts and internal socio-political crises create a difficult environment in which abuses cannot be ruled out, he pointed out. In such cases, investigations are launched and precautionary disciplinary measures are taken pending the outcome of legal proceedings. These lead to the punishment of the perpetrators and possible compensation of the victims, the Permanent Representative assured.

During the dialogue, the delegation stressed in particular that all persons tried by military courts enjoy the same guarantees of a fair trial as in civilian courts.

There is no such thing as **"state torture"** in Cameroon, said the delegation, stressing that the law punishes cases of torture, which, when they do occur, are never the result of a state decision and are punished.

The conflict in the North-West and South-West regions is not a conflict between French-speaking and English-speaking people: it involves a handful of people who are attempting to secede through violence," said the delegation.



# 7. THE CONSORTIUM'S POSITION ON THESE SENSITIVE POINTS

**The Consortium des OSC pour le Suivi de l'EPU et des OT** (under the umbrella of Mandela Center International) remains **deeply disturbed** by the Cameroonian authorities' denial of the existence of **mass graves** and **incommunicado detentions** in Cameroon, as well as their justification of the trial of civilians by **military courts**, the situation of the Commission des Droits de l'Homme du Cameroun (CDHC), the failure to open judicial investigations into several cases of torture and cruel, inhuman and degrading treatment, and the self-glorification of the operation of **the Commission d'indemnisation** des personnes victimes de garde à vue abusives et détention provisoire ;

## I- About mass graves

The Consortium is able to affirm that the **410** dead out of the **450** arbitrated kidnapped by the army on Saturday, **December 27, 2014** in the market towns of Magdémé and Doublé, in Cameroon's Far North, were buried in a mass grave that houses a base of the elite unit of the Cameroonian army and that Colonel **Charles Gustave ZE ONGUENE**, who was head of the gendarmerie in the Far North at the time of the events, was appointed, by Décret Présidentiel **N°2019/11 du 05 mars 2019** portant réorganisation des responsables au Ministère de la défense, Conseiller technique auprès de Ministre délégué à la Défense chargé de la défense mis pour emploi auprès du secrétaire d'Etat auprès de ministre de la défense chargé de la gendarmerie, just like those mass graves revealed by journalist **Moki Edwin Kindzeka**, in the Voice of America, in **2022 and 2023**, in the localities of Guzang, Menchum, Manyu and Ndian, in the English-speaking regions.

In the early hours of **Saturday** night, **December 27, 2014**, men and young boys were locked in two cells within the gendarmerie legion in Maroua, the main town in the Far North. The next morning, according to survivors' accounts, only around twenty people saw the light of day. The death toll in the cell next door was 03 out of the 105 people who had been engulfed in this hell on earth the day before. Two days after their arrests, 45 of them were taken to the Maroua central prison, more than 70 km from their villages of origin, Magdémé and Doublé, both in the Mayo-Sava department.

These 45 men were the only known survivors of a terrible sweeping operation that resulted in the enforced disappearance of over 450 men and boys. Organizations, members of the Consortium, have begun further documentation of the filiations of the 410 people who died of asphyxiation, including 03 who died in detention. The aim is to find the common grave or mass grave where the bodies were buried. On the basis of the victims' NICs, Mandela Center International was able to obtain reference points for the reconstruction of facts or documentation.

Certainly, on March 03, 2015, a presidential decree dismissed Colonel Charles Gustave Zé Onguéné, who was head of the gendarmerie in the Far North at the time of the events. Although an investigation was opened and Colonel Zé Onguéné was charged with negligence and breach of legislation relating to detention, no one was informed of the status of the proceedings against him until the announcement of judgment no. 255/COR of 18 October 2018, which we have never been able to consult.

In Maroua, the 42 survivors of the sweep operation of December 27, 2014, who were in custody, were released in July 2017 and found not guilty of the crimes of armed gang (i.e. belonging to Boko Haram), secession and murder, but guilty of the crime of insurrection. The deafening silence of the Cameroonian state remains, and for the families of the missing, 17 years after the events, mourning remains impossible.

## II. On incommunicado detention

With regard to incommunicado detention in Cameroon, the Consortium is in a position to assert that, apart from the Police and Gendarmerie Units, as well as the officially recognized prisons created in application of Decree N°92/052 of March 27, 1992 on the penitentiary regime in Cameroon and other texts formalizing certain places of detention such as the SED, citizens continue to be held in police custody in incommunicado detention centers such as the General Intelligence Directorate or the "Lac" detention center in Yaoundé, in the premises of the Directorate of Military Security located within the Cameroonian Ministry of Defense and its territorial branches, in the Directorate of Territorial Surveillance, in the various camps or military bases in the Anglophone and northern regions of the country, where the practice of torture as well as cruel, inhuman or degrading treatment are recurrent, and the State agents working there are not officers or agents of the judicial police within the meaning of article 79 of the Code of Criminal Procedure.

Torture and cruel, inhuman or degrading treatment are recurrent practices in these detention facilities, which are not police or gendarmerie security rooms. The public servants who work there are not officers or agents of the judicial police within the meaning of ARTICLE 79 of the Code of Criminal Procedure: *a) officers and non-commissioned officers of the gendarmerie; b) gendarmes in charge, even on an interim basis, of a gendarmerie brigade or station; c) police commissioners; d) police officers; e) police inspectors who have passed a judicial police officer examination and taken an oath; f) civil servants exercising, even on an interim basis, the functions of head of an external service of the Sûreté Nationale*".

## III. On the use of machetes in police and gendarmerie units

Although Lettre-Circulaire N°190256/DV/MINDEF/01 of January 18, 2019 from the Ministre de la Défense, relayed by Note N° 00000153/MRP/GN/244 of January 23, 2019 from the Secrétaire d'État auprès du Ministre de la Défense chargé de la Gendarmerie Nationale prohibited torture practices and authorized human rights organizations to access places of deprivation of liberty, in practice, this letter is not respected by any gendarmerie unit. In fact, torture and ill-treatment are still practised in these places, and no credible human rights organization has been authorized to enter them, apart from the Cameroon Human Rights Commission, which also serves as the National Mechanism for the Prevention of Torture. Machetes used as tools of torture are still deployed in several gendarmerie units, including the Secretariat of State for Defense, and no measures have been taken to prohibit their use.

#### IV. On the trial of civilians by military courts

According to international human rights law, military tribunals cannot, under any circumstances, try civilians, as demonstrated by the abundant case law of the Inter-American Commission on Human Rights (IACHR), the African Commission on Human and Peoples' Rights (ACHPR) or the Human Rights Committee (HRC) on the cases of Chile, Syria, Peru, Jordan or Lebanon, as well as **the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa** adopted from November 15 to 28, 2007 in Niamey, Niger at the end of the 33rd Ordinary Session of the African Union's African Commission on Human and Peoples' Rights (ACHPR), state that: "***a. The sole purpose of military tribunals is to deal with offences of a purely military nature committed by military personnel. b. In the exercise of their functions, military tribunals are bound to respect the standards of fair trial set out in the Charter and the present Directives. c. Under no circumstances may military courts try civilians. Likewise, the special courts shall not try offences which fall within the jurisdiction of the ordinary courts***";

Because of the omnipresence of the executive branch, persons prosecuted before the Military Tribunal cannot enjoy all the guarantees of a fair trial in the same way as those prosecuted before other criminal courts, since virtually all decisions rendered are subject to arbitration by the Directorate of Military Justice and, by extension, the Presidency of the Republic of Cameroon.

The provisions of articles 13, 15, 19 and 25 of the CJM show that the rules governing the initiation and pursuit of public proceedings, judicial information, judgment and appeals are those of ordinary law, as set out in the CPP, but in practice this does not give any right to a fair trial.

Moreover, military tribunals do not hear cases of defendants released by habeas corpus (i.e. the immediate release procedure). These are classic cases of violation of the rights of the defense, which inevitably give rise to a right to compensation, especially as habeas corpus itself enshrines the abusive and illegal nature of the detention.

## V. On the Compensation Commission

As for **the Commission d'indemnisation** des personnes victimes de garde à vue et détention provisoire abusives (**Compensation Commission for Victims of Abusive Police Custody and Pre-trial Detention**), enshrined in article 236 of Law no. 2005/007 of July 27, 2005 on the Code of Criminal Procedure, set up within the Supreme Court, it is conspicuous by its inaccessibility to the public, its QUASI-INEXISTENT JURISPRUDENCE, the lack of competence of its members in international human rights law, and its ineffectiveness hampered by its modus operandi. Although the government maintains that out of 19 applications, 13 decisions have been handed down, with damages and interest awarded against the State at 40 and 50 million FCFA respectively, Mandela Center International and Nouveaux Droits de l'Homme have submitted some forty applications to the commission, and are preparing to withdraw all these files in the coming weeks, pending the adoption of an organic law governing its operation, in view of the biased functionality of this commission.

According to the statistics available, none of the defendants released by habeas corpus (i.e. the immediate release procedure) to date has lodged a complaint with this Commission. Yet these are classic cases of violation of the rights of the defence, which inevitably give rise to a right to compensation, especially as habeas corpus itself enshrines the abusive and illegal nature of the detention.

What's more, to date the Commission has issued only a handful of rulings that could form the basis of its own case law. The few rulings that have been handed down have focused on rejection on grounds of lack of standing. As a result, the few Cameroonians who have been wise enough to apply to the court are still wavering over the procedural aspects of their case, in the face of multiple uncertainties. As a result, one of the rapporteur-members has stated that many of the proceedings lodged may in due course be declared inadmissible, on the grounds that the time limits have not been properly computed, or that the pleadings have not been properly drafted.

Moreover, the Commission's decisions can be appealed before the Judicial Chamber of the Supreme Court. This hypothesis suggests that only the wisest, most reckless and most enduring litigants, victims of violations of their rights in this sector, can appeal to the Commission and obtain redress. Hence the Commission's inaccessibility.

Although the courts also award damages to victims of torture, to the best of the knowledge of the Consortium's member civil society organizations, no judgment has resulted in the actual payment of damages awarded by the court, for which the State of Cameroon, through its branches, is civilly liable.

What's more, the Commission suffers from an almost insurmountable structural malfunction, in that since its creation, it has held only a few hearings devoted solely to editing the files already received and appointing Rapporteurs for each file. After August 26

2020, the date of the last Conseil Supérieur de la Magistrature, the Commission remained inoperative for a long time, because its Chairman, as well as several other Magistrate-members were, for some, allowed to exercise their right to retirement and, for others, transferred from the Court of Appeal to the Supreme Court or from the Public Prosecutor's Office to Headquarters. They thus ipso facto lost their membership. The Commission was obliged to suspend the examination of files in order to devote itself to building the human rights capacities of its members. However, it should be noted that this commission has resumed its functions.

## VI. About the Cameroon Human Rights Commission

The appointment of the Commissioners without consulting the key players in the promotion and defense of human rights in Cameroon is a maneuver by the Cameroonian government to shirk its international obligations to set up an effective national mechanism for the promotion and protection of human rights in accordance with the Paris Principles, after the Comité National des Droits de l'Homme et des Libertés, created by decree no. 90/1459 of November 08, 1990, and its transformation into the Commission Nationale des Droits de l'Homme et des Libertés by law no. 2004/016 of July 22, 2004.

The appointment and profiles of the 15 members of the Commission were the result of maneuvering by the government authorities, contrary to the Paris Principles on the composition of the Commission and guarantees of independence and pluralism, which require government representatives to play only a consultative role on the Human Rights Commission.

The Commission thus includes several members of the Administration with no specific status, as well as a representative of the traditional authorities, despite the fact that several of these are still cited as being primarily responsible for human rights violations in Cameroon in numerous well-documented reports.

Well-known Cameroonian civil society organizations had urged the People's elected representatives, the Deputies and Senators, to postpone the adoption of this bill, while calling on the government to organize an inclusive consultation process to improve the text, so as to enable Cameroon to establish a national human rights institution (NHRI) in line with international standards.

Finally, although the law of July 19, 2019 provides for the CDHC's financial autonomy, the Commission itself described in its 2020 annual report a slowdown in its deployment linked to a "constraining financial environment due to budget reframing".



## VII. On the Compliance of the National Mechanism for the Prevention of Torture (NPM)

The State of Cameroon has pro-actively assigned its national human rights institution the mandate of National Preventive Mechanism against Torture (NPM).

Paragraph 3 of Article 1 of the law of July 19, 2019 states that "The Commission shall also act as Cameroon's National Mechanism for the Prevention of Torture, abbreviated to MNPT". Thus, the CDHC combines the functions of the National Institute for Human Rights and the National Prevention Mechanism. According to the State party's report, on April 30, 2021, the Sub-Commission for the Prevention of Torture, made up of four commissioners including a doctor, was set up within the CDHC.

Law n°2019/014 of July 19, 2019 provides for the MNPT to carry out regular visits to all places of deprivation of liberty and to engage in constructive dialogue with the authorities responsible for the administration and management of places of deprivation of liberty. It also provides for the MNPT to participate in monitoring the implementation of the observations made by the United Nations Subcommittee on the Prevention of Torture (SPT). In this respect, the MNPT reports having carried out 614 visits to places of deprivation of liberty in 2024.

However, there are a number of challenges to the MNPT's compliance with the OPCAT. Firstly, the Republic of Cameroon ratified the OPCAT in 2010. However, to date, despite the repeated commitment of the Cameroonian authorities to ratify the OPCAT, the instruments of ratification of the Protocol have still not been deposited with the depositary authority. As a result, Cameroon is still not considered a State Party to this instrument.

In front of the Committee members in Geneva on November 13 and 14, 2024, the Cameroonian delegation stated that the ratification documents that were to have been sent to the UN Secretariat General had disappeared since 2010, without specifying either the circumstances of this disappearance, or the perpetrators, or the measures that had been taken to punish the perpetrators of this dishonorable act for Cameroon.

This failure to deposit instruments of ratification hampers the MNPT's ability to perform its function effectively. Indeed, the Subcommittee for the Prevention of Torture cannot deploy its mandate and carry out visits to places of deprivation of liberty on Cameroonian territory, propose recommendations and observations and provide technical assistance to strengthen the MNPT's capacities. The MNPT cannot cooperate with the SPT. This lack of cooperation between the two mechanisms is confirmed in a 2024 report by the UNCHR.

On the other hand, article 9 of the law of July 19, 2019 provides that the Commission *The MNPT "regularly carries out unannounced or notified visits to prisons and other places of deprivation of liberty, in the presence, where necessary, of the Public Prosecutor, the Government Commissioner or his representative, or the person in charge of the place of deprivation of liberty in question". This means that visits by MNPT members are always carried out in the presence of representatives of the public authority, which can hinder the exercise of their mandate. Moreover, the unannounced nature of the visits is illusory, since the law stipulates that "in all cases, the Public Prosecutor or the Government Commissioner, as the case may be, shall be informed of the planned visit".*

While the State party states that "the Public Prosecutor, the Government Commissioner or the authority in charge of managing the place of deprivation of liberty may not oppose the CDHC's mission", it should be noted that the law provides for grounds relating to national defense, security and public order, which may be invoked by the authorities in charge of places of deprivation of liberty to oppose the visit. On this point, the former Commission des Droits de l'Homme et des Libertés (Commission on Human Rights and Freedoms) had in the past revealed obstacles to access to certain places of detention.

Lastly, the recommendations made by the MNPT following visits are not made public, which does not ensure transparency of the preventive work carried out in places of deprivation of liberty, and does not enable civil society actors to monitor progress in implementing the recommendations. Indeed, article 42 of the law of July 19, 2019 stipulates that the Commission draws up an annual report on the prevention of torture in places of deprivation of liberty, which is sent "to the President of the Republic, the Ministers responsible for Justice, Territorial Administration, of Defense, Public Health and the General Delegate for National Security, as well as to any administration concerned" and specifies that "recommendations and opinions formulated following visits to places of deprivation of liberty are addressed exclusively to the competent authorities".

## VIII- Torture cases dropped by the courts

These include the investigations into acts of torture and ill-treatment committed against Bouba Yaouba, David Edmond Ngoumpoun- goun NTIECHE, Aboubakary Siddiki and Abdoulaye Harissou, Blaise Eleme Koagne Nyepo and Wirba Didymus Nsoseka and others.

Although a few judicial investigations have been opened following acts of torture or ill-treatment reported to the competent authorities, it is regrettable that almost all the proceedings instituted against public servants have been abandoned, apart from a few cases before the Ngaoundéré Military Court involving Private 1st Class L.B.D. for the acts of fatal beating and torture of the named J.P. perpetrated on May 18, 2021 at the Koumtchoum checkpoint. Also, the judgment of Adjudant M.G. before the Maroua Military Court for the acts of torture, arrest and sequestration committed on June 28, 2017 in Mora to the detriment of the named A.A.A.

As for the other cases of torture and ill-treatment committed against Bouba Yaouba, David Edmond Ngoumpoungoun NTIECHE, Aboubakary Siddiki and Abdoulaye Harissou, Blaise Eleme Koagne Nyepo and Wirba Didymus Nsoseka, they have never prospered in the military courts.

In the case of David Edmond Ngoumpoungoun NTIECHE, a complaint has been filed with the Douala court against Lieutenant-Colonel MVOUNDI EMANE, former Commander of the Douala Territorial Gendarmerie Group, and others for - Abuse of office (Article 140)- Torture (Article 227-3 (1))- Arbitrary sequestration (Article 291), - Theft (Article 318. 1a) dated 03 May 2019 and registered under number 648.

After Colonel MVOUNDI's hearing at the SED's central judicial research department, during which investigators noted that they had recruited civilian personnel unknown to the national gendarmerie, who systematically tortured citizens, no further action has been taken on this case to date.

In the case of Mr. Wirba Didymus Nsoseka, a complaint has been lodged against elements on duty at the Bafut Rapid Intervention Battalion military camp, Police Commissioner Ade Ernest Ndifor, Senior Officer Yenkong Oseni and Inspector Essomba Mengolu of the Bamenda DRPJ, police officers on duty at the Délégation Générale à la Recherche Extérieure (GDRE) in Yaoundé, Commissaire Ngom et al. on duty at the PDJ-Yaoundé, Mme NGUM Silvie, WIRBA FRANKLIN, Mr TAKUMA and NGONO LANDRY et al. all on duty at the Yaoundé Central Prison in front of the Yaoundé Military Court. No investigation has been opened against the perpetrators of the serious acts of torture to which he was subjected.

In the case of Ibrahim Bello, the Cour d'Appel du Centre upheld the judgment handed down by the Tribunal de Grande Instance du Mbam et Inoubou, in Bafia. It should be noted here that this young man, tortured by members of the national police force, lost his 02 legs and finally succumbed to his torture. Curiously, the police torturers received suspended sentences.

## **IX- On violence against women**

It is well known that in situations of rights violation and violence, women are among the greatest victims. In Cameroon today, violence against women perpetrated by law enforcement agencies includes harassment, rape, beatings, torture and murder. This is particularly true in the crisis regions of the Far North, South West and North West, where many cases have been recorded in these categories. This situation undermines women's trust in national institutions and increases their vulnerability in all areas.

Unfortunately, the Cameroonian law enforcement system has no practical mechanism for dealing with intimate partner violence, which government studies show is experienced by at least 54% of Cameroonian women. There is no systemic response in terms of prevention, protection, prosecution and coordinated policies. Police, magistrates and medical staff are not trained to deal with cases of violence against women. There are no emergency shelters for women in distress. Women end up being killed by perpetrators against whom they have lodged a complaint with the police or gendarmerie. In 2024 alone, more than 63 cases of femicide were reported, with no adequate response from the government.

## **X- On the issue of prisons**

In almost all of Cameroon's 79 prisons, there are no medical examinations on entry. This situation makes it impossible to detect suspected cases of torture or ill-treatment. What's more, any ailments detected on entry become more complicated once the prisoner comes into contact with his fellow inmates. Regrettably, education programs are not always in place in many prisons.

In addition, several prisons do not have rehabilitation and social reintegration centers for minors, which take in children in conflict with the law. The use of chains is systematic in almost all Cameroonian prisons until Decree no. 92/052 of March 27, 1992 on the penitentiary system in Cameroon is amended.

This practice is contrary to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). In recent years, the Government has not taken any steps to change the legal framework or to raise awareness among prison staff of these practices.

## 8. ON THE COMMITTEE'S RECOMMENDATIONS

In adopting its concluding observations at its 2169th meeting on November 21, 2024, the Committee against Torture (CAT) remains deeply alarmed by the numerous allegations of acts of torture and ill-treatment, summary executions, assassinations and mass graves, forced displacements, enforced disappearances, abductions, arbitrary and prolonged detentions without charge or judicial process, incommunicado detention in unofficial places, and sexual and gender-based violence, committed by the defense and security forces, the Rapid Intervention Battalion, police and gendarmerie forces in the context of anti-insurgency operations, and by non-state armed groups in the Far North, North West and South West regions.

The Committee was doubly concerned by reports of intimidation, threats, harassment, excessive use of force, arbitrary arrests and detentions, prosecutions, including by military courts, torture and ill-treatment, enforced disappearances and extrajudicial executions of human rights defenders, members of civil society, journalists, political opponents and peaceful demonstrators.

In its **80 recommendations**, all of which are **binding and obligatory**, the Committee calls on the State of Cameroon to take the necessary measures to ensure that these people are adequately protected against human rights violations that may occur as a result of their activities, that all such violations are thoroughly and impartially investigated, that those responsible are tried and sentenced, and that the victims or their families receive compensation. **Three (03)** of these recommendations **are for immediate implementation**.

In addition, the Committee requested the State party to provide, by **22 November 2025** at the latest, information on the follow-up given to its recommendations concerning conditions of detention, monitoring of places of detention and the national preventive mechanism, and allegations of torture and the fight against impunity (see para. 21 (e), 27 d) and 33 a) of the recommendations) and to inform the Committee of the measures it intends to take to implement, by the time it submits its pro-chain report, the other recommendations made in the concluding observations;

With regard to **Conditions of detention**, the Committee urged the State of Cameroon to intensify its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), including by allocating more resources to these efforts, relying as much as possible on the support of the international community while increasing "the number of officers

trained and qualified prison staff, including medical personnel, and strengthen the monitoring and management of inter-prisoner violence";

With regard to **the Monitoring of Places of Detention** and the National Preventive Mechanism, the Committee asks the State of Cameroon to: "Accelerate the process of depositing the instrument of ratification of the Optional Protocol to the Convention, within 12 months.

With regard to **allegations of torture and the fight against impunity**, the Committee requires the State of Cameroon to *"take the necessary measures to ensure that all allegations of torture or ill-treatment are promptly, effectively and impartially investigated by an independent body, that there is no institutional or hierarchical link between the investigators and the alleged perpetrators, that suspects, including those in positions of command, are duly brought to justice and, if found guilty, sentenced to penalties commensurate with the gravity of their acts, and that victims receive adequate reparation ; In this respect, the Committee requests the State party to clarify whether investigations have been initiated, and their outcome, into allegations of torture and ill-treatment of the persons mentioned in paragraph 20 of the list of issues prior to the submission of the sixth periodic report "within 12 months.*



# 9. CONCLUSIONS AND RECOMMENDATIONS OF THE CONSORTIUM

**The Consortium des Organisations pour le Suivi de l'EPU et des OT** remains deeply disturbed by the lack of political will on the part of the Cameroonian authorities.

**The release of Galax Etoga, Secretary of State to the Minister of Defense in charge of the Gendarmerie**, who disavowed the allegations made by the representative of the STATE to the CAT, in his message of November 13, 2024 addressed to all Gendarmerie units, **is nonetheless noteworthy**. He said that he had observed an abuse of police custody in gendarmerie units, indicating that gendarmes who no longer respected the texts governing police custody would be liable to "disciplinary sanctions and legal proceedings", while the Cameroonian authorities still refused to ban the widespread use of machetes in police and gendarmerie units to commit acts of torture.

The Consortium notes, to its regret, that this belated awakening comes at a time when **Sieur MOHFESAM SMELLA**, an economic operator and teacher in the locality of Baba 1, Ngoketunjia department, died on Monday, **November 11, 2024**, following atrocious acts of torture and cruel, inhuman and degrading treatment inflicted by Cameroonian defense and security forces, for which no investigation has been opened.

The Consortium notes, with regret, that despite this circular letter, gendarmerie units did not hesitate to inflict cruel, inhuman and degrading treatment on the lawyer, **Me TAMFU Richard** in Douala on November 27, 2024.

The Consortium maintains that the State of Cameroon has an obligation to be accountable by taking, in a transparent manner, all necessary measures to investigate serious human rights violations and to identify all those responsible for such violations and hold them accountable.

The Consortium maintains that **accountability** also covers measures such as reparation, guarantees of non-repetition, disciplinary measures and making the truth known.

The Consortium remains convinced that the State of Cameroon has an absolute obligation to ensure that every victim has access to effective remedies against this grave violation of their rights, while cooperating with international mechanisms to ensure accountability.

The Consortium maintains that, as a State party to these international texts, the State of Cameroon is **IMPERATIVELY** bound to respect the rights contained therein and to exercise due diligence to prevent and repress violations of these rights.



**The Consortium reminds** the Government of the Republic of Cameroon that if it fails to comply strictly with its positive obligations under international treaties to which it is a State Party, it will be forced to use all its international networks to ensure that justice is done to the victims and that the cult of impunity is brought to an end.

**The Consortium again clearly reminds** the Cameroonian government that Section II of the UN Principles on Reparation defines the obligations of the State of Cameroon as follows: - **the obligation to prevent violations**; - **the obligation to investigate, prosecute and punish perpetrators**; - **the obligation to provide effective access to justice** for all individuals who may have been victim- times of a violation (through impartial remedies/procedures); - **the obligation to provide full reparation to victims or their dependants**.

The Consortium would like to inform the public that **Mandela Center International** and its partners, with the support of the **United Nations Voluntary Fund for Victims of Torture**, are committed to referring all cases of torture recorded in Cameroon to the United Nations Committee against Torture as of January 2025, as part of its "PROGRAMME TO SUPPORT THE REPARATION PROCESS FOR VICTIMS OF ACTS OF TORTURE IN CAMEROON".

**The Consortium demands immediate** investigations in accordance with republican laws and transparency, in line with the **Is- tanbul Protocol of 2022**, in order to identify all those involved in this serious case of torture.

**The Consortium strongly reminds** the Cameroonian authorities that they have an obligation to act to fulfill **the inter-national treaty obligations of the State of Cameroon**.

**The Consortium would like to encourage** the Secretary of State for Defense to take initiatives that he does not already have, at the request of human rights NGOs, who regularly refer cases of abuse by gendarmes to him.

**The Consortium of UPR and EO Monitoring Organizations** reiterates civil society's concern for the establishment of a **National Torture Prevention Mechanism**, in keeping with the spirit of the OPCAT.

**The Consortium invites** all victims of torture to contact Mandela Center International and Nouveaux Droits de l'Homme, who have set up an assistance clinic for this purpose.

## For the CSO Consortium on UPR and EO The Follow-up Committee

**Dr Hilaire KAMGA**; Civil Society Platform for Democracy.  
**Tel:** 677 52 45 94 / **email:** hilairekamga90@yahoo.fr

**Mr. Jean Claude Fogno**; Mandela Center International.  
**Tel:** 677 79 79 81 80 / **email:** Mandelacenterinternational@yahoo.mail.com

**Ms Cyrille Rolande BECHON**; Nouveaux Droits de l'Homme Cameroun.  
**Tel:** 675 44 74 18 / **email:** crbechon22@gmail.com

**Mr. Amadu Tarhthey**; Coalition of Civil Society Organizations for Human Rights and Peace in the Anglophone and Other Affected Regions (NOSO Coalition).

**Foguito Fogue** ; Positive Generation

