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(UPR) – Stakeholder report

5th April 2023

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About the IRCT: The IRCT is the world's largest membership-based civil society organisation specialised in the field of torture rehabilitation, providing health-based expertise to all pillars of the global fight against torture (prevention, accountability, and reparation).

About Trauma Center Cameroon: Trauma Centre Cameroon (TCC) is a private charitable, social assistance organization established exclusively to contribute to the psycho-social, medical and juridical well-being of victims of violence and torture. Since its creation in 1999, the organization has worked extensively to bring relief to thousands of victims of torture from Cameroon and neighboring countries. TCC has strength in collective and holistic interventions focused on psychological, medical, legal and social support to clients including a client based demographic and contact information, documentation of pre and post-trauma histories.

About Women in Alternative Actions: Founded in 2004, Women in Alternative Action (WAA) is one of Cameroon's leading NGOs enabling effective human rights promotion and protection. WAA Cameroon targets conflict affected communities, and more specifically women, girls, youth, and ethnic minorities. WAA's mandate is to identify, train, and empower emerging women, girls, youth leaders, social entrepreneurs, and gender equality advocates to end violence against women, promote peaceful coexistence of all community members throughout Cameroon. WAA Cameroon's focus areas include: gender equality and human rights promotion, promoting the implementation of UN Resolution 1325 through involving women in peace and security processes in Cameroon, promoting peace education, conflict prevention, management and transformation.

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Introduction



1. Cameroon's government has made significant efforts and demonstrated commitment to ending torture and other serious human rights violations over the last two decades. These efforts are reflected in the country's commitment to procedural guarantees to combat prolonged pre-trial detention, increasing the number of courts and legal personnel, addressing prison overcrowding, and improving detention conditions. Additionally, Cameroon has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the African Union Convention on the Prevention and Fight against Terrorism and has acceded to the African Union Convention on the Protection of and Assistance to Displaced Persons in Africa.
2. At the national level, Cameroon amended the Penal Code in 2016 to reinforce the criminalization of certain serious violations, such as female genital mutilation, breast ironing, sexual harassment, forced and early marriages, trafficking in persons, and torture. In 2017, it adopted law No. 012, which gives competence to military courts to try cases of serious war crimes, crimes against humanity, and genocide. Cameroon also set up a commission for compensation as part of the Supreme Court in 2016 and established the Ad Hoc Inter-Ministerial Committee for the Management of Urgent Refugee Situations in Cameroon.
3. As a result of this political will serious human rights violations, such as the open and generalized infliction of intense pain (as from burning, crushing, or wounding) to punish, coerce, or afford sadistic pleasure, has reduced drastically in Cameroon. However, Cameroonian authorities are continuously seen to tacitly operate accounts of torture and abuse. Sadly, there are numerous other arbitrary arrests and detentions incommunicado and torture in detention facilities in Yaoundé, Cameroon's capital, outside of the State Defense Secretariat.
4. From the last UPR in 2017, there have been legislative improvements and reforms. However, a definition of torture that complies with the Convention against Torture (ratified in 1986) has not been incorporated into the criminal code. Similarly, a national policy or concrete strategy on the issue of torture and other ill-treatment does not exist. The actual situation of torture in the country indicates the need for an intervention strategy. Over the last few years, Cameroon has depended on a heavily militarized strategy to resolve national crises, most of which have led to torture and other violent practices against innocent people. Many citizens have been arbitrarily arrested and detained on suspicion of being involved with or supporting armed separatist groups operating in English-speaking regions of Cameroon. Since late 2016, in these regions, cycles of civil protests followed by government repression

have escalated to hostilities between government forces and armed separatist groups, resulting in over 2,000 deaths.

5. This report is submitted by Trauma Centre Cameroon (TCC) and Women in Alternative Action (WAA Cameroon) with technical support from the International Rehabilitation Council for Torture Victims (IRCT). This report is informed by data and analysis from the members of the United Against Torture Coalition (UATC). It also cites relevant information from government reports and other sources. This report provides an independent CSO account of the government's progress towards the implementation of its commitments to the UNCAT and the recommendation of the 2017 UPR submissions. It outlines a series of sections that address specific recommendations in relation to the contexts of institutional empowerment and building. These include:

- ✓ Overcrowding of Prisons, Poor Detention Conditions and Lack of Medical Care for Detainees.
- ✓ Systematic torture and excessive use of force in detention and prisons
- ✓ Torture of Journalists in Crisis Contexts using the Anti- Terrorism Law
- ✓ Juveniles in Detention

I- Overcrowding of Prisons, Poor Detention Conditions and Lack of Medical Care for Detainees.

Previous recommendations:

7. Consider reasonable time frames for preventive detention;
8. Take appropriate measures to align conditions of detention with international standards.

Status of implementation:

9. In Cameroon, detention conditions violate basic human rights and amount to cruel and degrading treatment, with inadequate access to necessities and high levels of overcrowding. COVID-19 and untreated diseases pose a serious threat to inmates. The absence of specialized facilities for women raises gender sensitivity issues. Due to the lack of access to basic facilities, most people are living in conditions that amount to ill treatment and sometimes torture. Urgent measures are needed to address these violations and ensure detainees' rights are protected.

10. Prisons in Cameroon faced inadequate access to food, water, sanitation, heating, ventilation, lighting, and medical care, leading to rampant malnutrition, tuberculosis, bronchitis, malaria, hepatitis, scabies, and other treatable conditions, including infections. COVID-19 was also widespread among inmates, with over 31 deaths reported at the Yaoundé Central Prison in April 2021¹.
11. In Cameroon, there are currently 79 functioning prisons with an intended capacity of 17,915, according to prison administration officials. However, only one prison, the Mfou Women's Prison Facility in Yaoundé, is specifically designated for women due to the gender-neutral approach of the Cameroon Penitentiary Regulation (CPR), which fails to account for the unique needs of female inmates². Nevertheless, some prisons like the Yaoundé Central Prison have special quarters for incarceration of women and of juveniles. As of June 2022, the overall prison population was 33,002. Women make up 2.6% of this population and Juveniles (below ages of 18) also make up 2.6% of this population.³.
12. In Cameroon, overcrowding is a pervasive issue in many prisons, particularly in major urban centers⁴. For instance, the central prison in Ngaoundere, Adamawa was initially designed to hold 150 inmates, but subsequent expansions raised its capacity to 500 inmates. As of June 2018, the prison held 1,600 inmates, with over two-thirds of them not convicted of any crime. A third of the inmates were awaiting trial, another third had hearings underway, and one-third had been convicted. The Douala New Bell Prison, constructed in 1902 with a capacity of 800 inmates, is also severely overcrowded. In 2022, it was estimated to house at least 5,000⁵ individuals.
13. Overcrowding in cells has been linked to an increase in poor mental health, as many prisoners are forced to share a single space for eating, sleeping and using the toilet. Overcrowding in the prisons has also been linked to increased rates of violence and self-harm.

Proposed Recommendations

¹US Embassy in Cameroon: 2021 country reports on human rights practices cameroon – April 2022

² Fontebo Helen Namondo : Prison conditions in Cameroon: the narratives of female inmates – June 2013

³ World Prison Brief data – Cameroon 2022

⁴ Country Reports on Human Rights Practices for 2018 - United States Department of State • Bureau of Democracy, Human Rights and Labor

⁵ OMCT SOS-Torture Network: Cameroon: Unsanitary conditions of detention lead to cholera outbreak in prison – 19 April 2022.

14. Cameroon must ensure access to proper and permanent medical facilities, with well-trained medical personnel, in all prisons and detention centers.
15. The government must take measures to ensure timely trials for detainees to reduce overcrowding in prisons and detention centers.
16. Cameroon must provide access to running water, sufficient food, and proper sanitation measures for all detainees.
17. Cameroon should pursue its efforts to renovate and expand prison units to increase capacity and improve detention conditions.

II. Systematic torture and excessive use of force in detention centers and prisons

Previous recommendations:

18. Ratify and fully implement its obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Convention on Civil and Political Rights;
19. Carry out investigations into alleged torture and ill-treatment of detained persons, ban incommunicado detention and enact laws aiming at the prevention of torture in places of detention;
20. Release all those arbitrarily detained, make every effort to ensure the human rights of prisoners and detainees are fully observed, and ensure an end to practices of torture and illegal detention;

Status of implementation:

21. Cameroonian law prohibits the use of torture, and detainees have the right to be free from inhuman and degrading treatment. However, reports suggest that thousands of people were held in horrific conditions, and dozens were tortured to death, particularly during a crackdown on Boko Haram. Many detainees have been held incommunicado and tortured in detention facilities. Despite complaints being filed, investigations are rare and perpetrators remain unpunished, violating human rights law.
22. The Constitution⁶, Penal Code⁷, and Criminal Procedure Code⁸ of Cameroon prohibit and criminalize the use of torture and other similar treatments by any individual or entity. According to the law, officials making an arrest must disclose their identity and inform

⁶ Cameroon's Constitution of 1972 with Amendments through 2008

⁷ Code Pénal Loi n° 67/LF/1 12 Juin 1967

⁸ Law n°2005 of 27 July 2005 on the Criminal Procedure Code

the person arrested of the reason, except in the case of an individual discovered in the act of committing a felony or misdemeanor.

23. Under international human rights law, all forms of inhuman and degrading treatment of detainees is strictly prohibited, and Cameroonian law provides that detainees shall not be subject to any physical or mental constraints, torture, or other forms of ill-treatment. Detainees have the right to visitation from their doctor, counsel, and family members.
24. In 2019, the Cameroonian government and security forces engaged in a crackdown on Boko Haram, leading to the arbitrary detention of more than 1,000 individuals, many of whom were held in horrific conditions and dozens of whom were tortured to death.⁹
25. From July 23rd to August 4th of 2019, authorities held over 100 detainees incommunicado and tortured many of them in a detention facility in Yaoundé¹⁰. Human Rights Watch interviewed 14 detainees held at the SED (the State Defense Secretariat “Secrétariat d’État à la Défense”) in Yaoundé, all of whom reported being tortured and held incommunicado during their time there. Few complaints are filed and recorded, and when they are, investigations are rarely completed, and perpetrators remain unpunished.

Proposed Recommendations

26. Ratify the Optional Protocol to the Convention against Torture and establish a National Prevention Mechanism in charge of monitoring and reporting on torture claims.
27. Conduct regular reports on the state of torture and other forms of human rights abuse by the Ministry of Justice and the Ministry of Social Affairs or the National Prevention Mechanism when it is established.
28. State authorities should promptly conduct impartial and effective investigations into all allegations of torture, cruel, inhuman, or degrading treatment at the SED and all other places of detention.
29. Ensure appropriate discipline or prosecution for security force personnel implicated in torture and ill-treatment.
30. Sanction law enforcement officials who arrest and detain without stating the cause of arrest, and other related personnel who carry out torture on detainees, as stated in the

⁹<https://www.amnesty.org/en/latest/news/2016/07/cameroun-conditions-de-detention-effroyables-voire-tortures-a-mort-pour-plus-de-1-000-personnes-accusees-de-soutenir-boko-haram/>

¹⁰ Human Rights Watch: Cameroon: Detainees Tortured, Abuse, Incommunicado Detention at Yaoundé Prison; Enforced Disappearances – August 2019

Constitution.

III. Repression of Journalists in Crisis Contexts using the Anti-Terrorism Law

Previous recommendations:

31. Guarantee the protection of the civilian population by ensuring that reported cases of violations and abuses committed by the security forces are independently investigated and their perpetrators brought to justice;
32. Investigate all reported cases of violations and abuses, and hold perpetrators to account in accordance with the rule of law, in the context of concerns raised about arbitrary arrests, excessive violence and extrajudicial executions by government forces, armed groups against members of the country's English-speaking minority, and allegations of torture of detainees suspected of belonging to terrorist groups;
33. Investigate thoroughly all cases of the use of excessive force against demonstrators and participants in public gatherings, and all cases of torture and illegal detention by security forces;
34. Lift unnecessary restrictions on freedom of assembly, investigate the alleged excessive use of force in dispersing demonstrations and ensure that arrested protestors receive a fair trial.
35. Taking all necessary steps to allow human rights defenders, journalists and other members of civil society to carry out their activities without fear of reprisal of without restricting them.

Status of implementation:

36. Cameroon's anti-terrorism law of 2014 has restricted journalists from reporting on human rights abuses during crises, such as the conflict in the English-speaking regions. The law allows for journalists, activists, and critics to be labeled as "terrorists" and tried in military courts. The law has been used to arrest and intimidate journalists, with some facing accusations of propagating "fake news." The law is considered overly broad and vulnerable to abuse by authorities.
37. The Anti-terrorism Law adopted by Cameroon on December 23, 2014, has limited the ability of journalists to report on human rights violations, particularly in crisis situation. Examples include the reporting of human rights violations in the troubled English Speaking Regions and Boko Haram insurgency in the Far North Region of Cameroon. This law has given the authorities legal grounds to label journalists, opinion activists and

government critics as “terrorists” and subject them to prosecution in military courts¹¹, which violates their freedom of expression.

38. In November 2018, Mimi Mefo was arrested and accused of propagating “fake news” in relation to her report on the killing of a foreign missionary by the forces of law and order in the Northwest Region. In June 2019 Paul Chouta, a journalist and critic of the government was arrested and detained by the government authorities. In August 2019 Samuel Wazizi, a journalist with Chillen Music and Television (CMTV) was accused of having links with the separatist fighters, later arrested and kept incommunicado in detention for weeks in the Southwest Region and later died, and several other similar cases¹². These actions have raised concerns among political reporters and human rights activists about the government's commitment to protecting freedom of expression and the press.
39. The Anti-terrorism Law provides for the death penalty for a significant number of crimes related to terrorist activity and it allows authorities to detain "terrorist" suspects indefinitely. However, the law has been used by authorities to arrest and intimidate local journalists, raising concerns among political reporters and human rights activists. The law is considered too broad and susceptible to abuse, violating the right to a fair trial..

Proposed Recommendations

40. Ensure law enforcement forces receive education on distinguishing between reporting human rights violations and terrorism.
41. Amend the 2014 antiterrorism law to bring the definition of terrorism into line with international human rights obligations and standards including right to a fair trial, and end the use of military tribunals to try civilians.
42. Take all necessary measures to protect and enable human rights defenders, journalists and other members of civil society to carry out their legitimate activities without fear of reprisal, and free of all restrictions.

IV. Juveniles in Detention

Previous Recommendations:

¹¹ Dr Steve Tametong: Anti-Terrorism Laws as a Threat to Civil Liberties In Africa - December 1, 2021

¹² Berinyuy Cajetan: Concerns over the suppression of freedom of expression and attacks on journalists in Cameroon - 29 October 2019

43. Allowing free access to international and regional independent human rights inspectors to assess human rights violations.
44. Development and implementation of a national strategy aimed at coordinating the swift release of children suspected of being members of terrorist organisations and detained based upon unsubstantiated claims; modify the antiterrorist law no. 2014/028 so that military tribunals do not have jurisdiction in cases relating to children, and create community structures of accompaniment for reintegration into secure conditions.

Status of implementation:

45. Cameroon's Penal Code states that minors between 10 and 14 years old may receive only one special measure, usually rehabilitation or imprisonment. Minors over 14 and under 18 benefit from mitigating excuses, with criminal responsibility serving an educational purpose. There are no separate justice systems for juveniles in Cameroon, and many child offenders are held in inhumane conditions alongside adults.
46. In Cameroon, there are specific legal provisions that address criminal responsibility of minors. Section 80 of the Penal Code provides that minors between the ages of 10 and 14 may be subject to only one of the special measures provided for by law. Therefore, the judge is required to choose just one measure from a range of possible options, which usually include rehabilitation or imprisonment. The purpose of criminal responsibility for minors in Cameroon is educational, and punitive sanctions are used only when the educational measures imposed on the juvenile offender have not been successful.
47. Indeed, a minor over 14 and under 18 years of age who is criminally responsible benefits from the mitigating excuse. This means that the young offender should face sentences pursuing educational purposes, such as counseling, vocational training, community service, and other programs aimed at rehabilitation of young offenders. However, punitive measures for minors may include sentences such as imprisonment or fines that are designed to punish the minor for their criminal behavior rather than solely to educate and rehabilitate them. In theory, criminal responsibility has an educational purpose and punitive sanctions are only used when educational measures fail but in practice, punitive sanctions are the most applied.
48. Cameroon does not have a separate justice system nor separate detention facilities for minors. Juvenile offenders rarely get legal representation and assistance, and often spend a long time in pre-trial detention because prosecution attorneys do not prioritize their

cases¹³. Many child offenders in Cameroon are imprisoned in dilapidated cells alongside adults. The cells smell, have mold everywhere on the walls, and they sit on cold wet floors.

Proposed Recommendations

49. Strengthen juvenile justice systems by promoting offender accountability through restorative justice, community service, and educative talks on the negative effects of juvenile delinquency and social cohesion.
50. Ensure that civil society organizations have full access to places of detention and prisons to provide urgent direct assistance, medical, psychosocial, and legal support to detained youths.

¹³ Comfort Mussa: Juvenile Justice Program Makes Strides in Cameroon - October 27, 2015