



CAMEROON

SUBMISSION TO THE UNITED NATIONS COMMITTEE AGAINST
TORTURE

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1. INTRODUCTION

Amnesty International is submitting this briefing in advance of the United Nations (UN) Committee against Torture's (the Committee) review of Cameroon's fifth period report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention or Convention against Torture). The following submission outlines a number of key issues of concern to Amnesty International about Cameroon's implementation of the Convention, in particular under articles 1, 2, 12 and 16.

The submission is not a comprehensive account of Cameroon's compliance with the Convention, but outlines some concerns that Amnesty International has based on the organization's research. In particular, the submission highlights concerns with respect to the systematic use of torture and other ill-treatment of people suspected of supporting the armed group Boko Haram in detention facilities which are illegal under Cameroon's own laws run by the Cameroonian security forces and secret services; and the state's failure to investigate and prevent such practice in accordance with the Convention, as well as the lack of accountability for perpetrators.

The submission should be read together with the last two Amnesty International's reports on Cameroon published since July 2016.¹

2. LEGAL FRAMEWORK (ARTICLE 2)

In addition to the Convention, Cameroon is a party to two other international treaties that prohibit torture, as well as cruel, inhuman or degrading treatment: the International Covenant on Civil and Political Rights (ICCPR)², and the African Charter on Human and Peoples' Rights (ACHPR)³. Moreover, Cameroon's Constitution⁴, Penal Code⁵, and Criminal Procedure Code⁶ prohibit and criminalise, as the case may be, the use of torture and other treatment.

¹ Amnesty International, Cameroon's secret torture chambers: human rights violations and war crimes in the fight against Boko Haram, 20 July 2017 (Index: AFR 17/6536/2017), <https://www.amnesty.org/en/documents/afr17/6536/2017/en/> (hereinafter: Amnesty International, Cameroon's secret torture chambers); Amnesty International, Right cause, wrong means: Human rights violated and justice denied in Cameroon's fight against Boko Haram, (Index: AFR 17/4260/2016), www.amnesty.org/en/documents/afr17/4260/2016/en/ (hereinafter: Amnesty International, Right Cause, Wrong Means).

² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed on 09 October 2017)).

³ The African Charter on Human and Peoples' Rights (also known as the Banjul Charter), www.achpr.org/instruments/achpr/

⁴ Cameroon's Constitution of 1972 with Amendments through 2008 www.wipo.int/wipolex/fr/text.jsp?file_id=315586

⁵ Journal Officiel de la République du Cameroun, Code Pénal Loi n° 67/LF/1 12 Juin 1967, www.genevaacademy.ch/RULAC/pdf_state/CODE-PENAL.pdf.

⁶ Law n°2005 of 27 July 2005 on the Criminal Procedure Code, www.icla.up.ac.za/images/un/use-of-force/africa/Cameroon/Criminal%20Procedure%20Code%20Cameroon%202005.pdf.

Cameroon's Constitution provides that "under no circumstances shall any person be subjected to torture, to cruel, inhuman or degrading treatment"⁷, while Cameroon's Penal Code criminalizes the use of torture to induce a person to confess to an offence or to offer statements or related information⁸. This provision of the Penal law falls short of Art. 1(1) of the Convention as it does not cover the full range of acts which constitute torture under the article.

On 23 December 2014, an anti-terror law (Law n°2014/028) was promulgated. The law also limits suspects' procedural rights. It gives military courts jurisdiction over all terrorism cases. It also allows suspects to be held without charge for a period of up to 15 days, renewable indefinitely. Finally, it mandates capital punishment for all those found guilty of carrying out, assisting, or sponsoring acts of terrorism.

Cameroon signed to the Optional Protocol to the Convention (OPCAT) on 15 December 2009, but to date it has not yet ratified it, nor it has established a National Preventative Mechanism (NPM).

3. ILLEGAL DETENTION, TORTURE AND OTHER ILL-TREATMENT (ARTICLES 1, 12, 16)

Since the last review, there has been a sharp increase in the use of torture and other ill-treatment of people arrested on accusations of supporting Boko Haram. In July Amnesty International published the report "Cameroon's secret torture chambers"⁹, documenting the cases of 101 individuals who, between March 2013 and March 2017, were held incommunicado and tortured by Cameroonian security forces and authorities in facilities run by the military and intelligence services¹⁰.

In all cases, the victims had been accused – often with little or no evidence – of supporting the armed group Boko Haram. They were all arrested without a warrant, and rarely provided with a reason for their arrest.

The majority were Cameroonian men aged between 18 and 45 years from the Far North region, with the Kanuri being the ethnic group most commonly targeted, but victims also included women, minors and people with physical and mental disabilities. In most cases, individuals were arrested either by soldiers from the regular Army, its elite Rapid Intervention Battalion (*Bataillon d'Intervention Rapide*, BIR), or by unidentified men in civilian clothes.

Brought to a number of unofficial detention facilities, in which they were held without any access to the outside world, they were eventually transferred to a formal prison to await trial. The average time spent

⁷ Cameroon's Constitution of 1972 with Amendments through 2008 www.wipo.int/wipolex/fr/text.jsp?file_id=315586

⁸ Journal Officiel de la République du Cameroun, Code Pénal Loi n° 67/LF/1 12 Juin 1967, www.genevaacademy.ch/RULAC/pdf_state/CODE-PENAL.pdf.

⁹ Amnesty International, Cameroon's secret torture chambers.

¹⁰ Amnesty International, Cameroon's secret torture chambers.

detained incommunicado was 32 weeks – in itself a violation of article 1(1), and possibly of article 16, though some were held up to two and a half years, and it is in these facilities, during these periods, that torture was regularly carried out.

3.1 TORTURE SITES

Amnesty International was able to identify 20 sites where people were held incommunicado and tortured, including the headquarters of the elite unit of the Cameroonian army, the BIR in Salak, near Maroua, and a facility in Yaoundé run by the secret services of the General Directorate of External Research Direction Générale de la Recherche Extérieure, DGRE), known as 'DGRE Lac'.

Amnesty International's research also identified locations not usually associated with the security forces. A video analysed by Amnesty International's experts and witness testimonies identified, for example, a private residence in Kolofata and a school in Fotokol that have been used for illegal detention and torture. Other facilities have also been used, including BIR bases in Kousseri, Mora, Kolofata, Fotokol, Waza and Ngaoundere, as well as another DGRE site near the military airport. Torture was also reported in the 'Secrétariat d'Etat à la Défense' (SED) and the base of the Presidential Guard in Yaoundé, as well as in stations of the police's special rapid intervention units known as "Equipes spéciales d'intervention rapide" (ESIR) in Kousseri and Maroua, in addition to other police and gendarmerie stations across the country.

3.2 FORMS OF TORTURE

Amnesty International recorded 24 different torture methods usually used with the aim of forcing confessions from those tortured or for them to provide information about Boko Haram insurgents or activities, but also to punish and intimidate. Most commonly, detainees were severely beaten with various objects including electric cables, machetes and wooden sticks, forced into stress positions and suspended from poles in ways that caused extreme pain in the joints and muscles, and subjected to drowning. Most victims were subjected to a mixture of these methods on multiple occasions, while also suffering inhumane conditions of detention and the deprivation of food, water and medical treatment, in addition to being held incommunicado.

The details of the torture techniques are chilling. In a common stress position described as 'the goat', the detainee's arms and legs are tied together behind his back and he is placed on the ground and beaten. In a common suspension technique known as 'the swing', the victim's arms and legs are also tied behind his back, before he is lifted and suspended on a bar fitted between two poles or tripods, and further beaten. A number of victims bore visible scars of this form of torture, with analysis by a forensic doctor providing Amnesty International additional corroboration of their testimonies. When provided details of such practices, a representative of the Minister of Defence denied it was torture, insisting it was merely "enhanced interrogation" ("exploitation approfondie").

3.3 DEATHS IN CUSTODY

The severity of the torture inflicted led to many deaths in custody, with 32 of the 101 above-mentioned victims saying that they had witnessed the deaths of others following torture, other ill-treatment, poor detention conditions and/or the lack of medical care. Amnesty International estimates that dozens of detainees died in BIR and DGRE-run detention facilities since late 2013 and May 2017 as a result of torture and other ill-treatment, and the real number may be higher.

3.4 INDIVIDUAL AND COMMAND RESPONSIBILITY

Amnesty International's research also demonstrates that, due to the scale of the violations as well as the location of the offices of senior officers, it is highly likely that some senior military commanders stationed at the BIR headquarters in Salak would have at least known about the torture and incommunicado detention, and did nothing to prevent or punish it.

Amnesty International believes that the evidence contained in its report “Cameroon’s secret torture chambers” provides a sufficient basis for Cameroonian authorities to initiate independent, impartial and effective investigations, as provided in article 12 of the Convention, into potential individual and command responsibility for crimes of torture, incommunicado detention, and other human rights violations committed by various military officers and security service agents, including high ranking officers, as well as serious violations of international humanitarian law that amount to war crimes.

Indeed, many victims were able to identify those who tortured them. While torture was usually directly carried out by mid-ranking BIR officers and DGRE agents, witness testimonies and analysis of the layout of the bases suggest that it would be improbable for high-ranking officers at Salak or DGRE Lac to be unaware of what was happening. In Salak, for example, over 50 victims were able to identify the room where they were most commonly tortured, which further analysis shows to be in the same building as offices used by senior officers, while cells where up to 70 people were detained at a time were located just 110 metres away from the same offices. Higher-ranking DGRE officers were also identified by multiple victims as being involved in interrogations and torture.

3.5 INTERNATIONAL PRESENCE IN SALAK

Research conducted by Amnesty International in conjunction with London-based agency Forensic Architecture also highlights the regular presence of military personnel from some of Cameroon’s international military partners at the BIR’s base at Salak, over the period where torture and incommunicado detention were routinely practiced.

Although there is no evidence to suggest that any foreign military personnel from international partners were involved in the commission of torture, witness testimonies, analysis of photos and video gathered from social media and US military tendering documents all evidence the regular presence of US personnel at the Salak base, including some who happen to be accommodated within the camp.

Amnesty International researchers also directly observed the presence of French personnel during one of their visits at Salak. The organisation therefore called on the US and French governments to investigate the degree to which its personnel may have been aware of the widespread practices of illegal detention and torture at the base, whether they were complicit in any of these violations in any way and whether they took any measures to report it to their own superiors or to the Cameroonian authorities.

4. RECOMMENDATIONS

Amnesty International recommends that the Cameroonian authorities

- Publicly condemn all torture and other cruel, inhuman or degrading treatment or punishment, commit to ending them and make clear that such acts will not be tolerated;
- Close all unofficial and secret places of detention, including military detention centres, and either transfer detainees to lawful places of detention where they would undergo criminal proceedings which meet international human rights standards of fairness, or else release them in a manner that allows reliable verification of their release and ensures their safety;
- Ensure that all persons deprived of their liberty are able to inform their families about their location and status of their detention, and are able to access medical assistance, a lawyer of their choice and independent, civilian courts at all stages of interrogation;
- Grant independent national and international monitors unhindered access to all persons deprived of their liberty and allow them to carry out unannounced inspection visits to all detention facilities, including military bases and buildings operated by the secret services, to investigate and monitor conditions;

- Ensure that all interrogators wear identifying uniforms and badges with their names and identification, and that all individuals involved in interrogations are visible to the prisoners;
- Ensure that a detainee's lawyer is present during all his or her interrogations;
- Ensure that all allegations of torture and ill-treatment, including the use of coercion and threats, made by suspects, including before military courts, are promptly and independently investigated, and acted upon;
- Remove from active duty anyone suspected of having committed torture or other acts of ill-treatment, as well as other crimes under international law, until the allegations against them have been independently and impartially investigated and pending the completion of any criminal proceedings;
- Improve conditions in detention facilities and preserve prisoners' physical and psychological integrity and dignity by providing all detainees with professional medical care, adequate food, water, lighting, cooling, and ventilation, in accordance with the Nelson Mandela Rules and other international and regional stand;
- Create and maintain an up-to-date, centralized register of all people arrested and detained, readily available and accessible to the relatives and lawyers of those detained as well as to any other people who may be concerned, with due regard to the person's right to privacy. The register must include the personal details of the detainees, the names and places of detention, as well as the names of the individuals responsible for the detention, authority for the detention and the date of arrest and detention, and all transfers;
- Ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;
- Ensure that victims of torture and other human rights violations and their families can obtain full reparation, in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance;
- Establish an independent, effective and well-resourced National Preventive Mechanism in accordance with the OPCAT and the guidelines established by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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