





# **“EVERY MORNING, JUST LIKE COFFEE”**

## **Torture in Cameroon**

**Medical Foundation for the Care of Victims of Torture**

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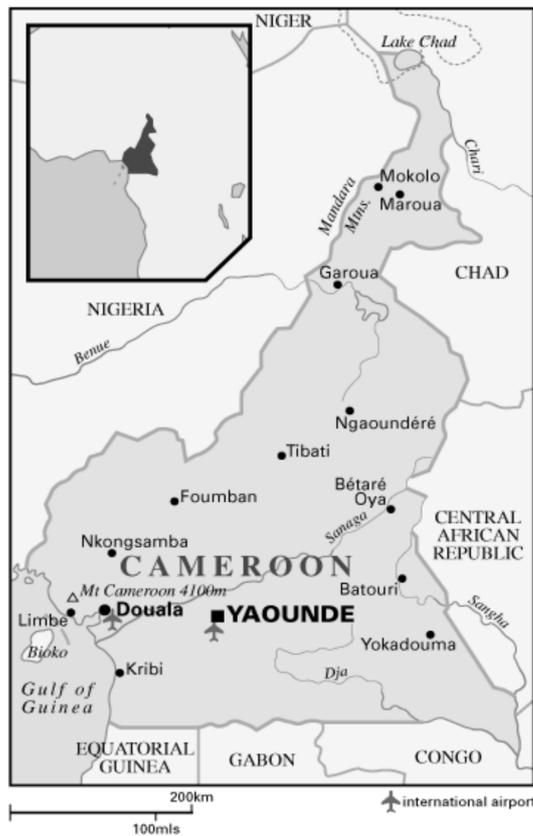
**About the author:**

**Olivia Ball MAPS** (UK non-practising)  
B.Sc., Grad.Dip.Couns.Psych., B.Litt., CELTA, M.A.

Olivia is a psychologist and community development worker, experienced in working with survivors of torture in her hometown of Melbourne, Australia. She is currently teaching human rights at the University of London.

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## CHAPTER 1

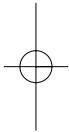
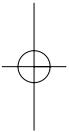
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# Executive summary

If you have been tortured in Cameroon, you are probably dead. If you have been tortured and have survived and escaped to Britain, our study shows that you are probably a young man or woman of around 28, married with children. You are likely to be Roman Catholic and speak French. This is probably not the first time you have seen the inside of a police lock-up, nor the first time you and your family have suffered grave human rights violations by agents of the state. You are a political, human rights or labour activist, although you may just have been in the wrong place at the wrong time. Don't expect to be charged or brought to trial. You can expect to be beaten and ill-treated and kept in foul conditions. Stripped naked, you will be housed in a dark, airless, overcrowded cell with no toilet. The guards may jokingly call your daily excursions from your cell for a beating or torture session *un petit café*. It's as regular as morning coffee. It may include beatings with truncheons, machetes and rifle butts, often on the soles of the feet. You may be tortured with electricity or suspended in some excruciating position. If you are a woman, your torture will almost certainly include rape.

The prevalence of torture in Cameroon was such as to warrant a country visit from the United Nations Special Rapporteur on Torture in 1999. He describes the use of torture in Cameroon as "widespread and systematic."<sup>1</sup> The Home Office concurs with his assessment.<sup>2</sup> The phrase is almost identical to that used in the Rome Statute of the International Criminal Court,<sup>3</sup> which Cameroon has signed, but not ratified. The Statute defines "widespread or systematic" use of torture against any civilian population as a crime against humanity.

This report provides evidence of torture and other persecution provided by 60 Cameroonians who fled to the United Kingdom and first sought the assistance of the Medical Foundation for the Care of Victims of Torture in London in 2000 and 2001.<sup>4</sup> Specific findings concerning these 60 cases are to be found in Chapter 7 of this report.



## CHAPTER 2

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# Introduction

### 2.1 Geography

The Republic of Cameroon is a tropical West African nation of approximately 15 million people. Its population is growing at an annual rate of 2.8% and is estimated to reach 22 million by 2015.<sup>5</sup> Cameroon has more than 200 different ethnic groups, many of which spread across neighbouring countries.<sup>6</sup> Over 200 African languages and dialects are spoken, in addition to the official languages of French and English. The biggest city in Cameroon is Douala and the capital is Yaoundé.

### 2.2 Politics

Cameroon has 10 provinces, two of which are predominantly English-speaking, the others, French. Its recently instituted multi-party system of democracy has dubious electoral integrity. The government refuses to establish an independent electoral commission, despite calls for such a body from opposition parties and international observers.<sup>7</sup> Power is highly centralised in the President, Paul Biya, who has held the office since 1982. His Bulu ethnic group and the related Beti groups dominate the civil service, the management of state-owned businesses, the security forces, the military and the ruling Cameroon People's Democratic Movement (CPDM), which has held power since independence in the late 1950s.<sup>8</sup>

Provisions for Cameroonians to change their national or regional governments are severely limited. Their position is summarised by the US State Department:

No President has ever left office in consequence of an election. The President retains the power to control legislation or to rule by decree. In the National Assembly, government bills take precedence over other bills... The President repeatedly has used his control of the legislature to change the Constitution... The

Government has taken no formal action to implement other 1996 constitutional changes [including] elected regional councils and a more independent judiciary.<sup>9</sup>

### 2.3 Economy

Cameroon is very poor. In 1997 its Human Development Index was 0.536, placing it 134th in the world. In 1998, 55% of the population was living below the poverty line.<sup>10</sup> Poverty is a human rights violation and tends to lead to the violation of other human rights.<sup>11</sup>

### 2.4 Human rights

Cameroon admitted to the UN in 2000 that its human rights record “left a good deal to be desired.”<sup>12</sup> In 1999 the UN Human Rights Committee concluded that civil and political rights are persistently violated in Cameroon, highlighting widespread extrajudicial executions, the use of capital punishment, lethal force and torture, poor prison conditions and the lack of independent mechanisms for investigation.<sup>13</sup> Its concerns were echoed by the UN Committee Against Torture’s Country Rapporteur on Cameroon, who, in 2000, cited a number of problems relating to police custody, the independence of the judiciary, the supervision of prison conditions and the need to investigate all allegations of torture or ill-treatment.<sup>14</sup> Cameroon’s “concern with security and stability” apparently overrides “all other considerations, including some fundamental human rights.”<sup>15</sup> The US State Department and UK Home Office agree that Cameroon’s human rights record is “generally poor,” with government officials committing “numerous serious abuses” including extrajudicial killings, torture, beatings and other ill-treatment, “generally with impunity.”<sup>16</sup> The UN Special Rapporteur on Torture also noted this “climate of impunity.”<sup>17</sup> The Home Office judged that by 1995 “little progress” had been made on either human rights issues or democracy.<sup>18</sup>

## CHAPTER 3

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# Legal protection

### 3.1 International law

Cameroon is an active member of the United Nations, where its voting record suggests a commitment to “international peacekeeping, the rule of law, environmental protection and Third World economic development.”<sup>19</sup> It enjoys generally good relations with its neighbours, with the exception of Nigeria, with whom it has been engaged in an armed conflict since 1994 over the oil-rich border territory of the Bakassi Peninsula.<sup>20</sup>

Cameroon’s international legal obligations include:<sup>21</sup>

- Protocol amending the Slavery Convention, signed 1926
- Universal Declaration of Human Rights, 1948
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery
- ILO Forced Labour Convention, 1930 (No. 29), ratified 1960
- ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified 1960
- Convention Relating to the Status of Refugees, 1951, ratified by State succession 1961
- ILO Abolition of Forced Labour Convention 1957 (No. 105), ratified 1962
- ILO Right to Organise and Collective Bargaining Convention 1949 (No. 98), ratified 1962
- Protocol Relating to the Status of Refugees, 1967, ratified 1967
- ILO Equal Remuneration Convention 1951 (No. 100), ratified 1970
- International Convention on the Elimination of All Forms of Racial Discrimination, 1966, ratified 1971
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, acceded to 1972

- International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973, ratified 1976
- International Covenant on Civil and Political Rights (ICCPR) and its (First) Optional Protocol, 1966, ratified 1984
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, ratified 1984
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified 1988
- UN Convention on the Rights of the Child (CRC), 1989, ratified 1993
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, ratified 1994
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984, ratified 1997 (by decree)
- ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138), ratified 1998
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949, signed 2000
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, signed 2001
- Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, signed 2001

In addition, Cameroon's regional commitments include the 1981 African Charter on Human and Peoples' Rights and the 1990 African Charter on the Rights and Welfare of the Child. When it joined the Commonwealth in 1995, the Government of Cameroon also pledged to conform to the Harare Declaration on human rights, democracy and good governance.<sup>22</sup> Further, it has signed but not ratified the Treaty of Rome establishing the International Criminal Court. In Cameroon, human rights instruments are generally incorporated into domestic law simply by means of ratification.

### 3.2 Domestic law

French and British colonial rule have left Cameroon with a dual legal system, which co-exists with local customary law.<sup>23</sup> Customary law varies depending on the region and ethnicity of the parties involved<sup>24</sup> and is supposed to be invalid if “repugnant to natural justice, equity and good conscience.”<sup>25</sup>

The Constitution of the Republic of Cameroon affirms human rights and the primacy of international law. The UN has nonetheless argued for greater protection of Cameroon’s international commitments in its domestic law, so as to be “more easily accessible to judges and lawyers.”<sup>26</sup> The Committee overseeing the UN Covenant on Economic, Social and Cultural Rights has, for example, expressed concern about “the exact legal status” of the Covenant in the Cameroonian legal system.<sup>27</sup>

Cameroon retains the use of capital punishment.<sup>28</sup> Crimes punishable by death are “loosely defined” and include secession, espionage and incitement to war.<sup>29</sup> Cameroon’s most recent judicial execution was carried out in Mokolo Prison in 1997.<sup>30</sup>

The preamble to Cameroon’s 1996 Constitution states, *inter alia*, that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment, under any circumstances. In 1997 the President incorporated a new law (Act No. 97/009) into the Cameroonian Penal Code which banned torture by government officials and specified penalties for torturers.<sup>31</sup> Since then, there have continued to be credible reports of security forces inflicting torture, beatings and other cruel and degrading treatment on prisoners and detainees<sup>32</sup> (including the Medical Foundation’s own findings). The Penal Code renders inadmissible in court evidence obtained by torture,<sup>33</sup> but torture continues to be used to extract confessions<sup>34</sup> and such forced confessions continue to be accepted as evidence in court.<sup>35</sup> Contrary to its commitment to the provisions of Article 14 of the UN Convention Against Torture, Cameroon still lacks legislative provisions for the compensation and rehabilitation of victims of torture.<sup>36</sup>

The Cameroonian Constitution states that “no person may be prosecuted, arrested or detained except in the cases and according to the manner determined by law”<sup>37</sup> and accords everyone the right to a fair trial. The UN Committee Against Torture further recommends that Cameroon “scrupulously maintain a registry of

detained persons and make it publicly available.”<sup>38</sup> A 1992 Presidential decree on prison conditions guarantees the right of every detainee to food, clothing, bedding, health, hygiene, wages for prison work, cultural and recreational activities and the right to file complaints.<sup>39</sup> Our findings and those of the Special Rapporteur on Torture suggest the President’s decree is rarely met. All new prisoners are supposed to undergo a medical examination on admission, for example, but the governor of Nkondengui has admitted that even prisoners admitted with gunshot wounds receive no medical care.<sup>40</sup>

The Penal Code requires that all detainees be brought promptly before a magistrate,<sup>41</sup> though, as our study has confirmed, this law and right would appear to be violated more often than it is observed. A 1990 law permits detention without charge for renewable periods of 15 days. Release on bail is permitted only in the Anglophone provinces, though it is granted infrequently.<sup>42</sup> In the Francophone provinces, once a magistrate has issued a warrant to bring a case to trial, the accused may be held in ‘pre-trial detention’ indefinitely,<sup>43</sup> in breach of Cameroon’s obligation under article 14 (para. 3c) of the ICCPR guaranteeing the universal right “to be tried without undue delay.”

Where a case reaches trial, the Constitution provides for an independent judiciary. In reality, the judiciary is “inefficient” and “highly subject to political influence and corruption.”<sup>44</sup> The courts are technically part of the executive branch, subordinate to the Ministry of Justice.<sup>45</sup> The government has taken no formal action to implement the 1996 Constitutional changes that “provide for a more independent legislature and judiciary.”<sup>46</sup>

The Constitution promises Cameroonians a number of other rights including the inviolability of the home, protection against illegal search, the privacy of all correspondence, freedom of expression and of the press and freedom of religion.<sup>47</sup> The Penal Code, however, contains libel laws that punish “defamation, abuse, contempt and dissemination of false news” with prison terms and heavy fines. It also prohibits public meetings, demonstrations and processions without prior government approval. It is illegal for a religious group to operate “without official recognition, but the law prescribes no specific penalties for doing so.”<sup>48</sup>

The right of citizens to change their government is also enshrined in the Constitution, but the government has taken no

formal action to implement the 1996 changes to the Constitution that provide for a partially elected senate and elected regional councils, despite the President's announcement in 1997 that most of the reforms would be implemented in 1998.<sup>49</sup>

The Constitution prohibits discrimination based on sex, stating that "everyone has equal rights and obligations," but does not explicitly forbid discrimination based on race, language or social status. Although homosexuals are not routinely persecuted or arrested in Cameroon, homosexuality is illegal<sup>50</sup> and punishable by up to five years imprisonment.<sup>51</sup>

### 3.3 Compliance with and access to the law

There remains a high degree of impunity for human rights violators in Cameroon. Some instances of extrajudicial killings and arbitrary detentions have been investigated and/or punished.<sup>52</sup> But of the several hundred extrajudicial executions committed by security forces reported in 2000, none was investigated.<sup>53</sup>

The UN Committee Against Torture has noted the "imbalance between the large number of allegations of torture or ill-treatment and the small number of prosecutions and trials."<sup>54</sup> Amnesty International concurs that the 1997 legislation prohibiting torture is "persistently violated by police and the gendarmerie."<sup>55</sup> The UN has called for an "independent mechanism to investigate reports of torture," in compliance with Cameroon's obligations under Article 7 of the International Covenant on Civil and Political Rights.<sup>56</sup> Further, the Committee Against Torture recommends that responsibility for prison administration be transferred from the Ministry of the Interior to the Ministry of Justice.<sup>57</sup>

Many Cameroonian citizens are unaware of their legal and human rights.<sup>58</sup> The UN Special Rapporteur on Torture found that the majority of detainees in Cameroon did not know why they were in custody.<sup>59</sup> Those who have suffered torture often do not know the procedure for lodging a complaint or are frightened to do so.<sup>60</sup> The Committee Against Torture has emphasised the importance of public education about rights, particularly the right to a defence.<sup>61</sup>

Defendants are often denied access to defence lawyers during pre-trial detention and even to the indictment against them, and are therefore unable to prepare an adequate defence. Civilians are

often tried by military tribunals which are “neither independent nor impartial.”<sup>62</sup> The UN Human Rights Committee defines the trial of civilians in military courts as a violation of Article 14 of the ICCPR concerning the right to a fair trial and has called on Cameroon to “ensure that the jurisdiction of military tribunals be limited to military offences committed by military personnel.”<sup>63</sup>

The Cameroonian Government responded positively, albeit belatedly, in 2002 to a 1994 ruling by the UN Human Rights Committee in the case of Albert Womah Mukong. Mr Mukong, a journalist and long-time opponent of one-party rule in Cameroon, had petitioned the UN HRC for redress for violations *inter alia* of Article 7 of the International Covenant on Civil and Political Rights, to which Cameroon is State party. The Committee ruled that Cameroon was responsible for his “harsh and degrading treatment” as well as threats of torture and death. It urged the State party “to grant Mr Mukong appropriate compensation” and to investigate his allegations of ill-treatment. We understand that eight years after this ruling the government has paid Mr Mukong a substantial sum in compensation.

In 1990, “at a time of popular demands for greater democracy,” President Biya created a National Commission on Human Rights and Freedoms (NCHRF),<sup>64</sup> but its limited mandate and appointments procedures and chronic under-funding reflect Biya’s desire to “retain tight executive control over all state institutions.”<sup>65</sup>

The NCHRF’s mandate includes the capacity to “conduct all inquiries and necessary investigations on the violation of human rights and freedoms,” but it is limited to reporting only to the President. The Commission cannot release to the public its annual report on the state of human rights in Cameroon.<sup>66</sup> In 1999 the Commission did make public a summary of its activities over the previous five years. The Commission has investigated human rights abuses, visited prisons and organised human rights seminars “aimed at judicial officials, security personnel and other government officers,”<sup>67</sup> but its powers are “extremely weak” and its recommendations are not binding.<sup>68</sup> Rarely does it publicly condemn the government’s human rights abuses.<sup>69</sup> The UN has repeatedly expressed concern about the NCHRF’s lack of transparency and independence from the government.<sup>70</sup> There is no evidence that “any remedies have been provided or prosecutions initiated” as a result of the Commission’s work.<sup>71</sup>

## CHAPTER 4

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# Victims of persecution

### 4.1 Women

Women experience high levels of discrimination in Cameroon, which is often enshrined in law. The UN has deplored the lack of progress made by the Government of Cameroon in combating laws and practices that discriminate against women and girls and violate their human rights.<sup>72</sup>

There are also high levels of violence against women in Cameroon.<sup>73</sup> The UN has deplored the lack of measures taken to eliminate domestic violence against women in Cameroon, which is “still regarded as culturally acceptable by certain sectors of society.”<sup>74</sup> When detained, women are often housed with male prisoners and suffer sexual assault by other prisoners as well as State officials. In the present study of 27 Cameroonian women receiving treatment at the Medical Foundation in London, 25 have been raped by agents of the Cameroonian State and/or while in the custody of the State.

### Case Study

Ms B is a French-speaking Protestant from Douala. At the time of her arrest she had just turned 29. She has two children and worked as a secretary in an insurance firm. She has never been interested in politics and had never been outside Cameroon before.

In December 1999 she made a social visit to an old school friend, an English-speaking woman. She agreed to help out with catering for a New Year's Eve party her friend's uncle was hosting. About ten women worked in the kitchen to prepare for the party, but were not allowed to enter the main room of the house, which Ms B thought was odd. She had no idea of the identity of her friend's uncle nor the guests at the party. In hindsight, it appears to have been a gathering of Anglophone separatists. The party was raided by uniformed police and soldiers and everyone was arrested.

Interrogated at the local police station, Ms B protested that she knew nothing about the party and did not even speak English. Her friend told the police to

release Ms B as she was not involved. The police hit Ms B and said they would force her to tell them about her separatist activities.

Transferred to Yabassi prison, Ms B was held for ten months without charge and was tortured and ill-treated. The prisoners arrested with her were beaten and interrogated in turn. Ms B felt she suffered the worst beatings because she could tell them nothing. She was burnt on her breast and arms with lighted cigarettes for not co-operating with her interrogators. She was beaten with rubber batons, belts and what appeared to be strips of tyre tread. She was beaten regularly, all over her body, including the soles of her feet.

Other ill-treatment included being forced to balance on one foot with one finger on the ground. If she wobbled or fell over, she was beaten. Made to carry heavy rocks in arms outstretched on either side, she was beaten if she dropped them. She was also forced to crawl on her knees over sharp stones which cut her.

They were kept in crowded, filthy cells, with only a shared bucket for a toilet. At times, the prisoners were taken out for forced labour on farms. Some prisoners who were taken out alone never came back, presumed by the others to have been executed. Ms B was devastated when her schoolfriend disappeared in this manner.

Around this time, Ms B was called to the office of a senior prison official, who raped her vaginally and orally. He repeated this whenever he was on duty. He threatened that if she told anyone she would disappear 'like the others'. She became pregnant and miscarried in her cell. She bled for over a week. Sick and weakened to the point of not being fully conscious, she was finally taken under guard to La Quintine Hospital in Douala, where she remained for about two months and received abdominal surgery which was never explained to her. When she was returned to prison, the same officer attempted to rape her again. Struggling to resist, her surgical scar re-opened and she was returned to hospital for further suturing.

In October 2000, Ms B was assisted to escape by a guard who said he wanted to marry her. He gave her 10,000 CFA francs (about £9), a change of clothes and put her on an early morning roster to sweep the prison yard, from where she could escape. He told her to go to his village, but she had no intention of doing so. She threw her prison dress into the river and walked for two hours on back roads until she could catch a bus to Douala.

During her ten months in prison, Ms B's family had presumed her dead and held a funeral for her. When Ms B arrived at her mother's house, her mother could hardly believe it. Her mother told her to hide so no-one would know she was alive. Ms B was now afraid of the police and of the man who had helped her escape. She remained in hiding and told only her cousin the full story of what had happened. Her cousin agreed to help her leave Cameroon. In September she

left Douala airport on a false passport with the assistance of an intermediary, having no idea where she was going. Her children remained behind with her mother.

Seeking help from the Medical Foundation in London, Ms B presented with continuing skin infections caused by the unhygienic conditions of her detention and showed symptoms of pelvic inflammatory disease typical in victims of rape. Her GP was treating her for depression. She was sleeping very poorly and ate little. She has scars from burns and cuts on her body that are consistent with her history of torture. Memories and images of her experiences, especially of her rapist, were intrusive day and night and very distressing. She was afraid she was going mad.

## 4.2 Ethnic and linguistic minorities

Though it may compare favourably with its immediate neighbours,<sup>75</sup> “frequent and credible” allegations are made of discrimination between Cameroon’s many ethnic groups. The US State Department reports that “virtually all ethnic groups provide preferential treatment to fellow members where they are able to do so.”<sup>76</sup>

### 4.2a Pygmies

The Baka, Gyeli and Tikar peoples, commonly known as ‘Pygmies’ or Bakas, are nomadic forest peoples and Cameroon’s earliest known human inhabitants. Today they constitute around 18% of the population and are subject to discrimination and certain human rights violations.<sup>77</sup>

### 4.2b Kirdi

A collective name for several peoples in the northern desert and central highlands of Cameroon, constituting 18% of the population. Kirdi are “socially, educationally and economically disadvantaged” relative to the Fulani (or Peuhl) people in the three northern provinces.<sup>78</sup> Slavery reportedly occurs in parts of northern Cameroon, most commonly Kirdi enslaved by Fulani.<sup>79</sup>

### 4.2c Anglophones

In this predominantly French-speaking country,<sup>80</sup> Anglophones suffer discrimination from both State and society and disproportionate human rights abuses<sup>81</sup> including arbitrary

detention.<sup>82</sup> During the 1990s radio stations controlled by or supportive of the government repeatedly “incited ethnic animosity against Bamilékés and Anglophones.”<sup>83</sup> Public-sector discrimination and their under-representation in public institutions has led many English-speakers to support claims for greater self-determination for the Anglophone Northwest and Southwest provinces.<sup>84</sup>

#### *4.2d Other ethnic minorities*

Nigerians, Chadians, whites and other foreigners and illegal immigrants are reported to suffer persecution. Nigerian immigrants complain of State discrimination and persecution.<sup>85</sup> Nigerians and Chadians have “often been the targets of police and gendarme harassment,” while some illegal immigrants have suffered “harsh treatment and imprisonment.”<sup>86</sup> The US State Department reported the disappearance of several Chadians in 1999.

### **4.3 Religious minorities: animists and Christians**

Relations among different religious groups in Cameroon are “generally amicable,”<sup>87</sup> with persecution reported in the north of the country. The northern provinces are mostly Muslim and animist while the southern and western provinces are largely Christian and animist. Societal discrimination by Muslims against adherents to traditional indigenous religions is “strong and widespread” in the northern provinces, especially in rural areas.<sup>88</sup> There are also reports of Muslim discrimination against Christians in these areas.<sup>89</sup> Security forces have been known to attack churches and Christians at worship.<sup>90</sup> The US State Department believes such discrimination may reflect “ethnic or cultural as much as religious differences.”<sup>91</sup> Torture survivors surveyed for the present study were overwhelmingly Christian, most of them Roman Catholic.

### **4.4 Political activists**

#### *4.4a Opposition party members*

In 2002, at least 169 political parties were operating legally in Cameroon,<sup>92</sup> although the government has been widely suspected of fomenting splits in opposition parties.<sup>93</sup> The main opposition parties are the Cameroon Democratic Union (CDU), the National Union of Democracy and Progress (NUDP) and the biggest is the

Social Democratic Front (SDF). In the Medical Foundation's study, 35 of our subjects (58%) were members or supporters of the SDF, which was founded in May 1990 and is based in the North West provincial capital of Bamenda. The opposition group with the second-highest representation in our study was a secessionist party called Southern Cameroon National Council (SCNC), founded in 1995. Like the SDF, it originally sought to represent the Anglophone minority, but is now non-sectarian. Nine of the 60 survivors included in the present study (15%) were affiliated with the SCNC, with a roughly equal number of Anglophones and Francophones. The SCNC is not a registered political party and many of its members are also SDF members.

In recent years, the government has restricted freedom of assembly and association, using the security forces "to inhibit political parties from holding public meetings."<sup>94</sup> Amnesty International reports harassment, arrest and arbitrary detention of opposition party members.<sup>95</sup> Political activists have often been tortured "during brief detentions following round-ups of participants in anti-government demonstrations or opposition party rallies."<sup>96</sup> Others are detained "for prolonged periods and, at times, incommunicado. Security forces conduct illegal searches, harass citizens, infringe on their privacy and monitor some opposition activists."<sup>97</sup>

In 1998 the government successfully pursued a libel suit against SDF party chairman, John Fru Ndi. His felony conviction at a non-jury trial did not lead to a prison sentence, but renders him "legally ineligible to hold public office."<sup>98</sup>

The Biya administration has been "particularly intolerant of opposition from within its Beti/Bulu ethnic-regional base in southern Cameroon." For example, a rival candidate in the 1997 presidential election, Titus Edzoa, was arrested "shortly after declaring his presidential candidacy," charged with embezzlement and corruption and sentenced to 15 years in prison. He has since been held in maximum-security detention at gendarme headquarters with "very limited access to visitors."<sup>99</sup> Amnesty International reports that in 2000, "some long-standing political detainees were released."<sup>100</sup>

## Case Study

Ms A was one of six children growing up with her parents in Douala. They were French-speaking, Bamiléké people. Her father was an active member of the Social Democratic Front (SDF). In 1990 he was arrested, detained and tortured for his opposition to the government. He died in custody.

Soon after her father's death, Ms A formalised her political interests by joining the SDF herself. At the age of 17 she was arrested at a peaceful protest by Christians against the Biya Government. She was held alone in a bare, dark cell for three weeks. The police tried to force her to sign a written undertaking that she would refrain from further opposition activities, but she refused. She was beaten with batons causing many scars and one wound to her face that had to be sutured. She was blindfolded and raped by her guards, sustaining further injuries as she tried to resist.

After about three months following her release she was well enough to return to running her small shop, but she was too afraid to participate in opposition politics for about three years.

In 1994, at the age of 20, Ms A attended the funeral of a fellow activist who had died under torture. She and many other mourners were arrested outside the church. She was taken to the same prison in Douala and held for 17 days. She was beaten daily, even more severely than before, and told to stop her political activities. She was blindfolded and raped anally and vaginally by guards, on three occasions. She was burned with cigarettes and forced to kneel and crawl on bottle caps, which cut her hands, knees and elbows. Finally she was released, with the threat that, if arrested again, she would be imprisoned for life or killed.

Her wounds took a long time to heal, but after about eight months she was able to return to work. She lived with her mother and they continued to receive written and verbal threats.

In 2000 she was arrested at a political meeting, along with four other prominent members of the SDF, and her shop was wrecked. Each time she was detained, Ms A was held incommunicado, without trial or access to legal advice. On this third detention, however, she was told that she had been charged with "plotting to destabilise the government," "endangering the security of the state" and "insulting the head of state," President Paul Biya.

She was beaten and tortured again, including being suspended upside-down by her ankles, having her fingers crushed over pieces of metal placed between them and forced to stand naked in the sun for hours. She was whipped with electric cable, shocked with electric batons and had her head pounded against the walls. She sustained a fracture of her forearm and ring finger. She was subjected to two mock executions, where she was blindfolded and driven to an

unknown location, once to a forest and later to a river bank, and threatened with a gun for not co-operating. She was terrified and believed she was about to be shot on both occasions.

After more than three weeks of this treatment Ms A was examined by a prison doctor who advised she be moved to a hospital. One night while her guard was sleeping, she was able to escape from the hospital. Taking refuge at a friend's house nearby, she learned that she was being sought as an escapee. The police had her photograph and fingerprints. Her family engaged an agent to arrange her departure from Cameroon. The day after her escape from prison she flew out of Douala airport.

In England, Ms A has been helped by a therapist at the Medical Foundation. She is tearful and frightened, suffering headaches and flashbacks of her past trauma. She sometimes thinks about killing herself and is terrified of being returned to Cameroon. A specialist doctor at the Medical Foundation found the scars on her body too numerous to describe individually, and that in all her work with survivors of torture, she had never seen such convincing medical evidence of violence and torture, though Ms A's psychological state alone would be strong evidence of her claims.

#### *4.4b Anglophone separatists*

Those agitating for greater autonomy of the English-speaking provinces faced "increasing hostility and repression" from the central government in the 1990s.<sup>101</sup> The US State Department reported the detention without trial of five Anglophone independence activists in 1999. In 2000 a foreign teacher was beaten, tortured and interrogated for having suspected connections with a separatist organisation.<sup>102</sup> Anglophone detainees have been denied visitors and/or died in custody. Amnesty reports the case of one separatist Mthew Titiahonjo Mboh who died in detention in 2000 after being refused medical treatment.<sup>103</sup> Another eight, at least, of a large group of Anglophones detained in 1997, have since died as a result of torture or other abuse and lack of medical treatment.<sup>104</sup> Trials of such activists, where they have occurred, have been conducted in French (in breach of Cameroon's commitment to the International Covenant on Civil and Political Rights, Article 14 para. 3f), have allowed evidence gained under torture<sup>105</sup> (in breach of the UN Convention Against Torture and Cameroon's own Penal Code 106) and have been prejudicial in other ways.

#### 4.5 Human rights defenders

The work of human rights organisations in Cameroon is “very limited.”<sup>107</sup> Most are short of funds and trained personnel.<sup>108</sup> Government officials, security forces and ‘anonymous persons’ further impede the effectiveness of human rights NGOs by “limiting access to prisoners, by refusing to share information and increasingly by threatening and using violence” against their staff.<sup>109</sup> Human rights activists suffer harassment and arbitrary arrest and detention at the hands of the ‘Anti-gang Brigade’<sup>110</sup> (see section 5.1) as well as illegal searches and other infringements of their privacy. Detained human rights activists are often held “for prolonged periods and, at times, incommunicado.”<sup>111</sup>

Six of the torture survivors in the present study (10%) were human rights activists, representing Poolah/Pola and CAP-Liberté (human rights NGOs), CNI (Collectif Contre l’Impunité which documents state crimes), Jeunesse Active de Kassaldfan (a humanitarian NGO for detainees), C9 (protests the disappearance of nine people, see appendix 1, para. 5.43) and ADDH (Association for the Defence of Human Rights).

#### 4.6 Journalists

Censorship was formally abolished in 1996, but the government still “seizes or suspends newspapers”<sup>112</sup> and engages in ‘fiscal’ harassment of newspapers by means of taxes and fines.<sup>113</sup> Individual journalists suffered increased use of “court summons and other legal means of harassment” in the 1990s.<sup>114</sup> Journalists have been fined and jailed, convicted of criminal offences such as defamation, abuse, contempt or dissemination of false news.<sup>115</sup> The Home Office acknowledges that Cameroon’s libel laws are sometimes “invoked by the Government to silence criticism of the Government and government officials.”<sup>116</sup> In 2000 media equipment was confiscated and legal television and radio programmes reporting on opposition parties were repeatedly censored.<sup>117</sup>

The US State Department notes that self-censorship also occurs.<sup>118</sup> In 1998 “private journalists continued to practise greater self-censorship than they did before the Government’s 1994-95 crackdown on the private press.”<sup>119</sup> Journalists continue to be

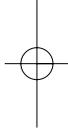
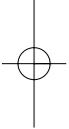
harassed and beaten by security forces.<sup>120</sup> In the Medical Foundation study, a journalist critical of the government was arrested and detained ‘about thirty times,’ before finally seeking asylum abroad.

#### **4.7 Prisoners and detainees**

Large numbers of extrajudicial executions of detained criminal suspects have been committed by security forces, with “several hundred” such killings having occurred in 2000 in and around Douala and in the north.<sup>121</sup> Suspects also suffer beatings, rape and other ill-treatment in detention. Prison conditions in Cameroon are widely condemned. Prisoners suffer severe overcrowding<sup>122</sup> and cruel, inhuman and degrading treatment, resulting in a high mortality rate.<sup>123</sup> The UN has urged Cameroon to abide by its commitment to Article 10 of the International Covenant on Civil and Political Rights, address the issue of prison overcrowding as ‘a matter of priority’ and ensure that all prisoners ‘are treated with humanity.’<sup>124</sup>

#### **4.8 Student activists**

The State has informants on university campuses, targeting both staff and students, and “free political discussion at the University of Yaoundé is dampened by the presence of armed government security forces.”<sup>125</sup> Police used water cannons and nightsticks on students staging a strike at the University of Douala in January 2000, beating several of the activists severely. Students leading the strike were arrested and detained for two days.<sup>126</sup> In May the same year, police and gendarmes forcibly dispersed a student protest at University of Yaoundé. Police arrested approximately 50 students, detaining them for two days; several were beaten severely.<sup>127</sup> Two of the survivors in this study (3%) were student activists. One gave up student politics after his second arrest while still a teenager, but resumed his activism after security police killed a member of his family. Another was arrested in his college room in the dead of night and was forced to watch while the police raped his girlfriend.



## CHAPTER 5

# Perpetrators of persecution

### 5.1 State actors

Under international law, a State may be held “responsible for the acts of its agents undertaken in their official capacity and for their omissions, even when those agents act outside the sphere of their authority or violate internal law.”<sup>128</sup> The Inter-American Court of Human Rights has asserted the superiority of human rights and human dignity to “the power of the state,” and emphasised States’ duty to organise “all the structures through which public power is exercised,” so that

they are capable of juridically ensuring the free and full enjoyment of human rights. As a consequence of this obligation, States must prevent, investigate and punish any violation of [human] rights and ... if possible attempt to restore the right violated and provide compensation.<sup>129</sup>

Internal security responsibilities in Cameroon are shared by the national police, the National Intelligence Service (DGRE), the gendarmerie, the Ministry of Territorial Administration, military intelligence, the army and, to a lesser extent, the Presidential Security Service/Guard.<sup>130</sup> The US State Department describes the Cameroonian military as generally apolitical and under civilian control.<sup>131</sup> Nonetheless, “numerous serious human rights abuses” are attributed to government forces.<sup>132</sup>

The various state parties accused of grave human rights violations by participants in our study included police, soldiers, ‘secret police’ (CENER), gendarmes, military police (SMIL), presidential guards, ‘judicial police,’ prison officers and the notorious Operational Command and Anti-gang Brigade.

#### 5.1a Anti-gang Brigade

Amnesty International reports ‘routine’ torture, ill-treatment and extrajudicial execution committed by Cameroon’s security forces

and the 'Anti-gang Brigade' in particular. This joint anti-robbery unit of the army and gendarmerie (or paramilitary police), also known as 'Operation Octagon',<sup>133</sup> is headed by Colonel Pom and under the direct authority of the Minister of Defence,<sup>134</sup> yet it is subject to few rules. Its members dress in plain clothes, are heavily armed and act outside the law with total impunity: detaining, torturing and executing people suspected of highway robbery and sometimes to settle personal scores.<sup>135</sup>

The US State Department cites as 'large' the number of extrajudicial killings by the Anti-gang Brigade. The Movement for the Defence of Human Rights and Liberties, a human rights organisation operating in the Far North Province, has estimated that up to 1,000 people were killed by the Brigade between 1998 and 2000 – a figure corroborated by Cameroon's National Commission on Human Rights and Freedoms. In 1999 the UN Special Rapporteur on Torture was denied access to Anti-gang Brigade holding cells in the Far North Province.<sup>136</sup> In his report, the Rapporteur called for the anti-gang units to be dismantled and recruitment and training policies changed.<sup>137</sup>

#### *5.1b Operational Command*

In early 2000, the government created a military Operational Command to fight crime in Douala and the Littoral Province. This unit is known to have tortured, beaten, raped and otherwise abused prisoners and detainees.<sup>138</sup> The US State Department documents a number of specific cases of extrajudicial killings by the Operational Command; the Archbishop of Douala, Cardinal Tumi, has put the total number of extrajudicial killings committed by the Operational Command at 1,000.<sup>139</sup> In 2000 Cameroon's National Commission on Human Rights and Freedoms investigated these killings, but its report has not been made public.<sup>140</sup>

#### *5.1c Police*

The UN has expressed "serious concern" at "reports about abuse of the use of weapons by the police, leading to loss of life" and has called on Cameroon to "take firm measures to limit the use of force by the police, to investigate all complaints regarding the use of force by the police and take appropriate action when the use is in violation of the relevant regulations" in accordance with its obligations under Articles 6 and 7 of the International Covenant on

Civil and Political Rights.<sup>141</sup> Thirty-five of the survivors in the Medical Foundation study (58%) reported experiencing grave human rights violations, including torture, at the hands of the police.

## 5.2 Non-state actors

Mob violence and summary justice are directed against those suspected of witchcraft or crimes such as assault and theft. In 2000 such punishment included destruction of property, beatings and torture, resulting in “a number of deaths and serious injuries.”<sup>142</sup> The present study also found anecdotal evidence of mob violence against suspected undercover police.

Though the overwhelming majority of violations found in the present study were committed by agents of the state, notable non-state actors cited as perpetrators of torture and other breaches of human rights include chiefs, their ‘private prisons’ and ‘thugs,’ and religious authorities such as animist leaders.

Customary international law, as well as a growing body of jurisprudence, holds the State responsible for certain violations committed by non-state actors. The State has a positive obligation to take appropriate steps to safeguard the human rights of those within its jurisdiction. The Inter-American Court of Human Rights has found the State is responsible for “any violation of rights ... carried out by an act of public authority or by persons who use their position of authority.” Further, the State can also be held responsible for violations committed by private or unidentified actors “because of the lack of due diligence [on the part of the State] to prevent the violation or to respond to it as required by the Convention.”<sup>143</sup>

What is decisive is whether a violation... has occurred with the support or the acquiescence of the government, or whether the State has allowed the act to take place without taking measures to prevent it or to punish those responsible... The existence of a particular violation does not, in itself, prove the failure to take preventive measures, [but] this duty to prevent includes all those means of a legal, political, administrative and cultural nature that promote the

protection of human rights and ensure that any violations are considered and treated as illegal acts, which, as such, may lead to the punishment of those responsible.<sup>144</sup>

## CHAPTER 6

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# Prevalent forms of persecution

All 60 of the subjects in our study claimed to be direct or indirect victims of State persecution other than that related to their detention. The forms of persecution they cited included:

- the arbitrary detention of close relative(s);
- the disappearance of close relative(s);
- the killing of close relative(s), either in or outside detention;
- the rape of self or close relative(s) – often forced to witness the latter;
- beating or other wounding of self or close relative(s);
- surveillance, threats, harassment and discrimination against self, friends, family or colleagues (e.g., being threatened, interrogated, forced to close their business, made to lose their job or wages withheld, especially public sector employees);
- house or business ransacked, property stolen or destroyed; and
- house, business or crops burned.

### 6.1 Threats and harassment

Recent years have seen frequent reports of Cameroonian police and gendarmes harassing citizens, conducting searches without a warrant<sup>145</sup> and seizing mail. Security forces have “frequently used roadblocks to extract bribes” and the government continues to keep some opposition activists and dissidents under surveillance.<sup>146</sup>

### 6.2 Arbitrary detentions

The US State Department reports the incidence of ‘Friday arrests,’ whereby police and gendarmes accept bribes to arrest people on spurious charges on Friday afternoons. While arrests are supposedly subject to judicial review within 24 hours, the courts do

not convene over the weekend, so the detainee remains in prison until at least Monday. There are no known cases of any policemen or gendarmes being sanctioned or punished for this practice.<sup>147</sup> Fifty-five of the 57 survivors in our study who were detained (96%) never had the benefit of judicial review, regardless of how long they were held.<sup>148</sup>

Arbitrary arrest<sup>149</sup> and detention are common in Cameroon and rarely are detainees brought promptly before a magistrate. According to the UN Special Rapporteur on Torture, 80% of the prison population has yet to face trial. In his opinion, the length of pre-trial detention, often as long as seven years or more, is “inhuman in itself.”<sup>150</sup> Pre-trial detention should be used only when “absolutely necessary,”<sup>151</sup> a reform which would, in turn, relieve overcrowding in prisons.<sup>152</sup>

### 6.3 Prison conditions

Amnesty International reports “extremely harsh” prison conditions in Cameroon amounting to cruel, inhuman and degrading treatment, including “stripping, confinement in severely overcrowded cells and denial of access to toilets or other sanitation facilities.”<sup>153</sup> None of the cells visited by UN Special Rapporteur in 1999 contained furniture.<sup>154</sup> Detainees are frequently denied access to both legal counsel and family members. The Special Rapporteur recounts instances of families and lawyers being harassed and threatened when attempting to visit detainees.<sup>155</sup> Prisoners are sometimes held incommunicado for months or even years,<sup>156</sup> which is a risk factor in torture.

In “most prisons, prisoners under sentence of death were kept with their feet chained.”<sup>157</sup>

Beatings are common. Prisoners are reported to be chained or flogged at times in their cells and often denied adequate medical care. Juveniles and non-violent prisoners are often incarcerated with violent adults.<sup>158</sup> There are credible reports of sexual abuse of juvenile prisoners by adult inmates... Corruption among prison personnel is widespread.<sup>159</sup>

Prisoners “routinely die due to harsh prison conditions”<sup>160</sup> such as severe overcrowding, poor hygiene and ventilation and inadequate food.<sup>161</sup> The Home Office reports that health and medical care in prisons is “almost non-existent.”<sup>162</sup> The US State Department agrees that prison conditions “are generally life threatening” in “almost all” prisons – including ‘private prisons’ run by chiefs – especially those outside major urban areas. The UN Special Rapporteur on Torture has argued that “these conditions cannot be blamed only on lack of financial or material resources, but also result from deliberate policies or serious neglect on the part of the relevant officials.”<sup>163</sup>

#### 6.4 Beatings

Beatings occur frequently, “both in prisons and in temporary detention areas in a police or gendarme facility.”<sup>164</sup> Victims may be beaten on the head, legs, feet, arms, back<sup>165</sup> and genitals.<sup>166</sup> Fifty-eight of the survivors in the Medical Foundation study (97%) suffered beatings of some kind, typically with truncheons (wooden or rubber, sometimes studded), the flat side of machetes (which cause lacerations),<sup>167</sup> rifle butts, multi-thonged whips, electric cable, belts (either end), sticks, canes, lengths of tyre tread, metal bars or rods. Local terms used for some of these implements include *matraque*, *chicotte* and *mulongo*. One survivor in our study suffered two ruptured eardrums from this treatment. Another is blind in one eye since receiving a blow from a rifle butt. A third had his penis laid on a table and struck with a hammer. Victims are also kicked and punched, thrown against walls and floors and trampled underfoot. Twelve of those in our study (20%) suffered broken bones from beatings. Some were beaten unconscious and/or suffered head injuries, sometimes with serious, long-term consequences.

#### 6.5 Torture

Amnesty International and the UN Special Rapporteur confirm “widespread and systematic” torture and ill-treatment of detainees in police stations and gendarmerie headquarters having continued throughout 1999 and 2000. The Special Rapporteur concluded that

torture is “used to obtain information, confessions and as punishment.”<sup>168</sup>

In a common method of torture known as *balançoire*, “victims are suspended from a rod between their hands tied behind their legs”<sup>169</sup> and then beaten,<sup>170</sup> “often on the genitals.”<sup>171</sup> A quarter of those in our study suffered some kind of torture by suspension, whether hung upside-down by the feet or ankles or in the *balançoire* position. They were frequently beaten while suspended, often on the soles of their feet.

Beatings on the soles of the feet is a common method of torture in Cameroon, where it is known as *bastinade*. The US State Department reports one man who “had to have all of his toes removed due to the extent of his injuries from *bastinade* torture.”<sup>172</sup> In 1997 a Christian journalist named Ngah Mbipgo described how security forces beat the soles of his feet with “iron-studded rubber truncheons.”<sup>173</sup> Political activists have “often been subjected to such punitive physical abuse.”<sup>174</sup> Half of the survivors in our study had experienced this form of torture, with truncheons, the flat of a machete, sticks, whips or lengths of tyre tread, etc. Victims were typically bound and/or suspended during the torture or restrained by torturers sitting or standing on them. Some in our study were forced to walk or jump up and down afterwards.

Our study found that rape is a common form of torture in Cameroon, inflicted upon a third of the men in our study and almost all the women. Some of these women miscarried existing pregnancies as a result of their rape, while others fell pregnant to their torturers and/or contracted serious, sexually-transmitted diseases. It is the position of the Medical Foundation, reflecting established international law, that rape committed by an agent of the State, or against a person in the custody of the State, constitutes torture.<sup>175</sup>

Other methods of torture documented in our study included electrical torture, cigarette and other burns and being forced to crawl or walk barefoot over sharp objects.<sup>176</sup> Further methods of torture appear to be designed to induce humiliation and mental torment, such as being forced to watch or listen while others are tortured or executed. Many victims are refused medical treatment for injuries sustained as a result of torture while some detainees have died under torture.<sup>177</sup>

## 6.6 Extrajudicial killings

The US State Department found no confirmed reports of political killings in 2000, but asserts that the security forces “continued to use excessive, lethal force against private citizens and committed numerous extrajudicial killings.”<sup>178</sup> Amnesty reports some 700 extrajudicial executions committed by the Anti-gang Brigade in the North, Far-North and Adamawa Provinces between March 1998 and December 1999.<sup>179</sup> The UN has also expressed ‘serious concern’ about these killings. It has urged Cameroon to “overcome impunity and ensure that all allegations of killings by security forces are promptly investigated, the responsible persons brought to justice and the victims compensated.”<sup>180</sup>

## 6.7 Disappearances

The US State Department reports disappearances occurring in Cameroon in 1999 and 2000, “some of which may have been politically motivated.” It holds the security forces responsible and notes that several of the disappeared were Chadian. In 2000 Cameroon’s National Commission on Human Rights and Freedoms received a report of more than thirty disappearances in Mamfe in Southwest Province as a result of the activities of plain-clothes security personnel. Some of the disappeared in Douala and the northern regions are believed to have suffered summary execution by security forces, though bodies rarely are found.<sup>181</sup> The UN has called on Cameroon to investigate disappearances and compensate victims or their families.<sup>182</sup> At the end of 2000, no such investigations had taken place.<sup>183</sup>

The International Criminal Court defines systematic disappearances as a crime against humanity.<sup>184</sup> The Inter-American Court on Human Rights concurs, arguing that enforced disappearance is intended not only to eliminate the people who disappear, but to create “a general state of anguish, insecurity and fear.” Forced disappearance is a “continuous violation” of many human rights, usually including torture and execution without trial. It “constitutes a radical breach” of international norms in that it shows “a crass abandonment of the values which emanate from the concept of human dignity and of the most basic principles” of human rights.<sup>185</sup>

## 6.8 Labour rights and slavery

In 2000 the ILO reported “consistent and long-term violations” of core labour rights conventions.<sup>186</sup> Baka Pygmies, for instance, are often victims of unfair and exploitative labour practices.<sup>187</sup> Trade unionists are transferred or sacked if deemed too active.<sup>188</sup> Four of the torture survivors in our study (7%) were labour activists in Cameroon.

Prisoners are “contracted out to private employers” and used as labour on public works.<sup>189</sup> Several survivors in the Medical Foundation study were forced to work inside and outside detention centres without payment. Their work was often agricultural or sometimes of a domestic nature or, in one case, involved moving corpses.

## 6.9 Female genital mutilation

Condemned by international health experts as damaging to both physical and psychological health, female genital mutilation (FGM) occurs in some areas of Far North and Southwest Provinces. It is usually practised on pre-adolescent girls, including its most severe form, infibulation.<sup>190</sup> The Human Rights Committee of the UN has condemned the practice as ‘cruel, inhuman or degrading treatment.’<sup>191</sup>

## CHAPTER 7

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# The Medical Foundation's findings

### 7.1 Survivor profile

#### *Age and sex*

In the calendar years 2000 and 2001, the Medical Foundation for the Care of Victims of Torture documented evidence of torture in a total of 60 refugees from Cameroon. Of these, 27 were women (45%). The survivors studied ranged in age from 19 to 52 at the time they first sought the assistance of the Medical Foundation, with a mean age of 28.7 years. The average age of the men (28.8 years) and women were equivalent (28.7 years).<sup>192</sup>

#### *Religion*

All those who stated their religion were Christian (the religion of 7 participants is unknown). Thirty-four of the survivors were Roman Catholic (57%), ten Protestant (20%); the remaining 7 were also Christian, but did not specify their denomination (12%).

#### *Language*

Colonial languages only were surveyed. Fifty-one of those in the study (85%) were predominantly French-speaking and the remaining nine English-speaking (15%). Of the Anglophones, four were Catholic and four Protestant (one having not stated their religion).

#### *Ethnicity*

Twenty-four of those studied (40%) were of the persecuted ethnic minority, Bamiléké. Twenty-six were not asked or did not provide their ethnicity (43%). The remaining ten (17%) represented the following tribes: Bafang, Bangwa (or Bangwe), Bannen, Bassa, Bayangi, Beti, Ejagham, Metta and Moghamo.

### *Politics*

Most of our subjects were members or supporters of the SDF. Political allegiances were as follows (with some clients appearing in more than one category):

<b>Political allegiances</b>	
58%	SDF (Social Democratic Front)
15%	SCNC (Southern Cameroon National Council)
10%	human rights defenders
7%	labour activists
3%	student politics
3%	UPC (Union des Populations Camerounaises)
3%	UFDC (Union des Forces Democratiques du Cameroun)
7%	other, including the FDF & UND (Union Nationale pour la Démocratie et le Progrès)
8%	not politically active

## **7.2 Detention**

### *Number of times detained*

Ranged from none to ‘approximately 30’ times. The average was between 2 and 3 times. Three of those studied were not detained at all; they were all women who were assaulted and gang-raped in their homes by security forces.

### *Total time in detention*

Total length of detention, that is, the time each client was detained on however many occasions added together, ranged from overnight to a maximum in our study of 4 years and 4 months. The average (mean) time in detention was 5 months and one week (standard deviation = 35 weeks). Half of our subjects had survived three months or more in detention.

### *Perpetrators*

Considering only the agents responsible for the arrest and detention of those in our study, 35 (58%) cited police as responsible. A further nine (15%) cited soldiers, eight (13%) named the ‘secret police’ or CENER and seven (12%) the gendarmerie. Other agents named included military police, Operational

Command, presidential guards, military security (SMIL), 'judicial police' and the Anti-gang Brigade. Chiefs and their private agents were also accused, some by name.

#### *Detention centres*

Most of the abuse revealed in our study occurred in detention centres in Cameroon's biggest city, Douala. Ten of the 57 detained in our study (18%) were held at least once in New Bell Prison in Douala.<sup>193</sup> Another four (7%) were held at some time in Douala Central Prison.

Recalling that most of those studied were detained more than once and/or in different places during the same detention, 18 (32%) had at some time been held in a police station in Douala (including four in Douala Central Police Station). Another ten (18%) cited various other unnamed police cells,<sup>194</sup> whether in the capital Yaoundé or other towns such as Buea, Limbe, Bafoussam, Bonanjo or Mboua.

One in eight were held in Nkongengui Prison in Yaoundé,<sup>195</sup> while a quarter (14) of all those detained were held in unnamed prisons in Douala, Yaoundé, Bafoussam, Buea, Edéa and Mamfe (SW Province). Other centres named by survivors include Mboppi gendarmerie (CENER), Yabassi Prison, Yaoundé Central Prison, the Americanos military base in Yaoundé, Bamenda Central Prison in NW Province and GMI headquarters in Douala. Others were held at unnamed military barracks (in Limbe and Dibombari), gendarmerie bases (in Yaoundé and Buea), naval bases (in Douala and Youpwe) private prisons run by chiefs or unofficial detention centres similar to residential houses.<sup>196</sup> One, in Maroua, was underground. Our subjects report torture and/or cruel, inhuman or degrading treatment occurring in all of these places of detention.

#### *Charges*

Of the 57 in our study who were arrested and detained, only two were ever formally charged with an offence. None had access to legal counsel. Eleven (19%) cited unofficial accusations made against them by their interrogators. These included:

- harbouring and training opposition party members
- attending political meetings
- affray and public delinquency
- treason

- murder
- arson
- subversion or inciting subversion
- disturbing public holidays
- holding clandestine meetings
- taking part in illegal meetings and rallies
- supporting a student strike
- disobeying the government
- plotting to destabilise the government
- endangering the security of the State
- insulting the head of state
- crimes against the President of the Republic
- political revolution

One man described a warrant for his arrest being issued once he was already in detention. A number were forced to sign confessions, written undertakings to cease their political activities or other prepared documents they either did not read or understand. Most of the detainees studied were interrogated,<sup>197</sup> though some were tortured without apparent attempts to extract information or a confession. One man perceived his *bastinade* torture as punishment and an attempt to drive him to kill himself.

Only one of the 57 was ever brought before a judge. He was then released, having already served more time on remand than his sentence required.<sup>198</sup> One other man was released pending trial, but fled the country before the hearing date. Thus, over 96% of those detained never came to trial.

### Case study

Mr N is a French-speaking man of 28. His wife and seven-year-old twin sons remain in Cameroon. He was self-employed, selling newspapers and delivering fruit and vegetables in his van. He joined the SDF in 1994 and was an active opposition member.

Mr N was detained and tortured twice for his political activities before fleeing Cameroon. His first detention lasted over a month, from 2 February 1999. Five men in plain clothes broke into his home, arrested him and took him to a naval base. He was accused of harbouring a political opponent, which he claims he had done, as a favour to a friend of his father's in fear of his safety. Mr N was never brought to trial.

During this first period of detention, Mr N was held with forty or fifty other prisoners in a windowless, airless room without bathroom facilities. Prisoners were obliged to urinate on the floor. They were fed dry bread about four times a week. There was strong light in the cell 24 hours a day and sometimes Mr N was forced to stand at night and deprived of sleep. He and his fellow detainees were taken twice daily, in groups of five, to an adjacent room where they were tortured.

This treatment included being kicked and punched and beaten with truncheons and rifle butts and with machetes on the soles of his feet. The Medical Foundation has judged the scars on Mr N's body to be consistent with this account. His wrists are also scarred from the time he spent in handcuffs and he has cigarette burns on his left leg, arm and hand. Mr N was beaten while suspended by his ankles from a hook in the ceiling. He also suffered electric shocks applied to his tongue and genitals. He was anally raped, repeatedly.

Mr N was released on 10 March 1999 and spent two weeks in La Quintine Hospital in Douala, where he was treated for a fractured toe and other injuries.

On 22 September, four men came to Mr N's shop where they found 'censored newspapers' and SDF papers. They beat Mr N and damaged his shop. They arrested him and took him to the same naval base as before. He was accused of training political opponents, attending SDF meetings and driving others to those meetings in his van. Again, he was not charged.

This time Mr N was held for nearly three months, again in an overcrowded cell in similarly harsh conditions as previously. Again Mr N and his fellow inmates were tortured. They were taken in groups and forced to watch each other undergoing torture. In this way Mr N watched two of his cellmates die under torture, one whilst suspended upside down and the other from a blow to the head. He is still very distressed by this experience.

Mr N escaped from detention in the boot of a van on 11 December 1999, when a friend managed to bribe a guard. He was very ill at the time with blood in his urine. Mr N did not return home, but stayed with that friend who then helped him leave Cameroon. He left on 2nd January 2000 and arrived in the UK on the 4th.

Deeply worried for over a year about the safety of his wife and sons, he finally had news of them in January 2001. His wife had been arrested at their home on 1 January 2000, leaving their six-year-old twins unattended. An uncle took them into his care, but he was later beaten to death by 'intelligence forces', after which the boys went to an orphanage in Edéa. Mr N's home has been destroyed. He has not been able to find any news of his wife since her arrest and believes she may be dead. He is decimated by grief and worry and his inability to help his children.

Assessed and treated by the Medical Foundation since February 2000, Mr N is in poor health. He has ongoing pain in his neck, left arm and shoulder, lower back, feet and ankles, with restricted movement in his head and left arm and

difficulty walking. He has experienced weight loss and poor appetite. He has reduced sexual sensation and sexual difficulties. He is extremely sensitive to sound and his eyesight is affected.

Mr N is being treated for severe depression. He presents as very frightened and distressed about the fate of his family in Cameroon. He is irritable, hypervigilant, anxious and inclined to talk to himself. He suffers from insomnia, nightmares and frequent flashbacks when awake. He has severe headaches, poor concentration and memory and has been diagnosed with post-traumatic stress disorder.

### **7.3 Torture and cruel, inhuman or degrading treatment or punishment**

The forms of torture and cruel, inhuman or degrading treatment experienced by the participants in our study are summarised here:

method	incidence n = 60	comment
beating or whipping (with an implement)	58 (97%)	with truncheons (wooden or rubber, sometimes studded), the flat side of a machete, rifle butts, multi-thonged whips, electric cable, belts (either end), sticks, canes, lengths of tyre tread, metal bars or rods
food deprivation	43 (72%)	might be fed once a day or less often; diet highly inadequate (may consist only of rice, dry bread, plantains or cassava) with malnutrition contributing to other health problems; or food may be raw, or contaminated with dirt or urine, etc.
denial of toilet	41 (68%)	a shared bucket in cell, or sometimes plastic bags, or nothing at all, with effluent collecting on the cell floor
kicking, punching	39 (65%)	typically with heavy boots
sexual assault	36 (60%) (33% of men & 93% of women)	occurring in detention or in victim's home, by one or more police or other state official or by fellow prisoners (sometimes forced); men often suffer objects forced up their anus, women may fall pregnant to their rapist and/or miscarry an existing pregnancy, both are at risk of sexually transmitted disease; torture targeting sexual organs is common. One man was forced to perform sexual acts on a dog.
cell crowded	32 (53%)	crowded and often small, often with no room to lie down or even sit. Men and women are sometimes housed together, sometimes children too. Sexual and physical assault between prisoners was reported.
bastinade (a.k.a. bastinado, falaka, falanga)	31 (52%)	soles of the feet beaten with truncheons, the flat of a machete, sticks, whips, lengths of tyre tread, etc. May occur while bound and/or suspended or restrained by torturers, e.g., sitting or standing on the victim, who may be forced to walk or jump up and down afterwards. Pain on walking may persist for years afterwards.
threats to self	30 (50%)	threats include assault, mutilation, death, life imprisonment, burns, sexual assault or other torture, or may be non-specific.
binding, leg irons, handcuffs, etc.	26 (43%)	may be bound during arrest, prison transport, beatings, suspension or rape, or while being forced to watch family members raped. Prisoners admitted to hospital are typically chained to the bed, etc.

cell dark	24 (40%)	almost or completely dark
forced nakedness	22 (37%)	completely naked, or may retain underpants. <sup>199</sup> Women variously reported being housed naked in a mixed cell, <sup>200</sup> stripped and forced to dance, their bodies insulted and mocked, or forced to stand in the sun naked. Or being stripped and sexually assaulted.
loss of consciousness	21 (35%)	due to blows to the head or other beating, noxious spray in the face, during rape, electrical torture or suspension, as a result of miscarriage or, in one case, in the course of a hunger strike.
fluid deprivation	20 (33%)	inadequate or foul fluid
electrical torture	18 (30%)	typically applied to genitals (men and women) or to feet, tongue or fingers or 'all over,' using electric clips or occasionally electrified batons. Several victims report being strapped to an electrified metal chair and one man was electrified in water.
isolation, solitary	16 (27%)	for a matter of days, weeks or up to six months
suspension	14 (23%)	either upside down by the feet or ankles, or in the balançoire position. Often beatings or bastinado inflicted while suspended.
sight or sound of torture	14 (23%)	forced to watch beatings, bastinado, suspension, rape and/or execution (sometimes of members of own family). Heard screaming, shouting and shootings. Several reported witnessing fellow detainees die under torture.
burning	14 (23%)	commonly with cigarettes. Occasionally burning plastic or other substance dripped or dropped onto victims, or hot water, oil or an electric element, acid or hot rod (metal or plastic) is applied.
cold water	12 (20%)	water cannons occasionally used on arrest; cells sometimes wet or flooded; detainees subject to dripping water or doused with buckets of water. One man was forced to sit in an ice bath.
broken bones	12 (20%)	including toes, fingers and hands, arms, cheekbone, teeth, jaw
strong light	10 (17%)	usually on 24 hours/day, or victim may be forced to stare into a bright light or to stare at the sun without blinking
enforced standing	9 (15%)	either due to over-crowding, or in a bucket of water or in a hole filled with water or sewerage up to the waist or neck

		(for hours or days). Others were forced to stand in the sun for long periods, or to stand on their own hands or balance on one foot.
blindfolding	7 (12%)	reported during rape, prison transport, mock execution or for beatings and/or interrogation
threats to others	7 (12%)	typically threats to kill family member(s) or unspecified threats to family member(s)
sleep deprivation	7 (12%)	due to standing in water, overcrowding, bright light, noise or being chained
mock execution	2 (3%)	driven, bound, to a remote location and threatened with a gun
medical (drugs)	1 (2%)	one survivor reported being drugged somehow during rape and upon her release.
loud noise or music	1 (2%)	one report of subjection to patriotic music and videos
other	37 (62%)	other forms of torture and persecution reported included: treatment causing miscarriage of pregnancies; being dragged or forced to crawl or walk over rough ground or broken glass, etc.; being urinated on by guards or forced to drink urine; forcibly shaved with broken glass; stabbed or slashed with glass, blade, etc.; forced to adopt painful positions for hours, e.g., kneeling with forehead touching floor or holding weights overhead or in outstretched arms; fingers or genitals crushed; forced labour, either agricultural or domestic (or in one case, moving corpses); wounds sutured by guards without anaesthetic; confined upside-down in a drum; set upon by dogs.

## 7.4 Escape

All those surveyed in our study survived their ordeal and escaped Cameroon. Many of them testified to the death of friends and family in detention or under torture or soon thereafter. Many also witnessed the deaths of fellow detainees, whether by torture, execution or illness. Their testimony is supported by the findings of excessive prison mortality by the US State Department, the UK Home Office, Amnesty International and the UN Special Rapporteur on Torture.<sup>201</sup> So this sample of survivors is but a small percentage of the victims of torture. Many others remain in Cameroon or have died.

*Escaping Detention*

means of release / escape from detention	incidence n = 57	comment
escaped	32%	commonly achieved while outside the prison, whether for forced agricultural labour, hospitalised under guard or by taking advantage of some mishap during prison transport
rescued	25%	may be smuggled out by a sympathetic guard or a friend or party colleague, whether in disguise or by arrangement through some intervention of their party, a human rights organisation or religious leader
released	19%	release is usually conditional, whether on signing some document, or undertaking to cease political activity or to report periodically to a police station, or perhaps after agreeing to act as an informant, or it may come about after a key political event has passed, such as an election
bribed guard	19%	It seems that police and prison guards are frequently open to bribes, whether provided by friends and family, or the detainees themselves.
dumped	14%	A number were driven from the prison and dumped by the roadside – one was actually pushed from a moving vehicle – often unconscious. One woman believed she had been drugged before being dumped outside her home. Others are miles from home.
medical grounds	7%	Some detainees in critical need of medical attention were admitted to hospital under guard (though many were denied medical treatment); a small number were released instead, apparently due to their injuries or illness. One woman was raped repeatedly despite being pregnant. She was released from detention when she miscarried in her cell. Another woman was detained with her young child who had suffered a serious head injury during their arrest. After a few weeks in detention they were released in the middle of the night. The child died three days later.

### *Escaping Cameroon*

Thirty-six of those in our study (60%) managed to escape Cameroon within one month of the end their last detention (or, in the case of those not detained, within a month after they were raped). Twenty-six (43%) left inside two weeks. Four survivors left Cameroon the day after escaping from prison while two others left the very same day, having been taken directly from detention to the airport. Fifteen percent of those studied did not leave Cameroon for at least six months after their last detention, sometimes due to lengthy hospital stays related to their detention. One man describes having spent two months walking to the border.

Most went into hiding upon release or escape and sought the protection and assistance of trustworthy relatives or friends. Very often, their departure was organised on their behalf by their party, church, a family member, friend or paid agent. Many were accompanied by a stranger organising their travel, very often with no idea of their destination. In most such cases, the individual was left at the airport in London, without contacts, directions or documents. One woman had to ask an employee of an airport eatery what country she was in.

### **7.5 Present functioning**

Forty-two of those studied (70%) required hospitalisation for injuries or illnesses related to their detention. They were admitted to hospital, whether in Cameroon (under guard or after release) or in the UK, for conditions including chest infection, bullet and other wounds, miscarriage, burns, head or other injury, malaria, dehydration, pelvic inflammatory disease, HIV, haemorrhoids, ruptured ear drums, loss of consciousness and pregnancies to rapists (terminated or otherwise). All participants sought the assistance of the Medical Foundation for the Care of Victims of Torture. The Medical Foundation has provided assessment and treatment and documented their experiences of torture and consequent medical and psychological difficulties. Its observations are here summarised:

<b>symptoms (physical and psychological)</b>	<b>incidence (n = 60)</b>	<b>common manifestations</b>
physical scars	55 (92%)	
physical pain (other than backache) resulting from torture / trauma	52 (87%)	
insomnia	50 (83%)	frequently medicated
nightmares	47 (78%)	
headaches	39 (65%)	very often severe and frequent, some migraines; sometimes associated with traumatic memories
problems with mood other than depression and anxiety	37 (62%)	angry, irritable, withdrawn, unmotivated, ashamed, helpless, worried, grieving, preoccupied, moody, miserable, frustrated, lonely, difficulty trusting, fearful, fear of going mad
depression	32 (53%)	
poor appetite and/or weight loss	28 (47%)	
anxiety	27 (45%)	a fear of uniformed officials is common
flashbacks and/or intrusive thoughts and images	25 (42%)	
poor concentration	22 (37%)	including difficulty with daily tasks
poor memory	21 (35%)	
back pain	21 (35%)	
restricted movement (due to pain or injury)	20 (33%)	
suicidal	12 (20%)	many would rather die than go back
panic attacks	8 (13%)	
sexual problems	8 (13%)	erectile dysfunction; fear of sex; pain during sex
other	52 (87%)	including visual problems; skin problems acquired in detention; gastric problems/abdominal pain; sexually transmitted diseases from rape including HIV/AIDS; pregnancy from rape; sensitivity to light and/or sound; bone fractures; some psychiatric features such as paranoia and claustrophobia

## CHAPTER 8

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# Recommendations

Cameroon has, in its domestic legislation<sup>202</sup> and by ratifying the Convention Against Torture and signing the Statute of the ICC, formally condemned the use of torture, and this we applaud. The Special Rapporteur, however, has drawn attention to “the lack of institutional structures ensuring constant compliance” with these legal prohibitions.<sup>203</sup> In practice, the law is “flagrantly disregarded” by police and gendarmes,<sup>204</sup> and torturers are “seldom investigated or indicted.”<sup>205</sup> It is clear that the government is not doing enough to end torture in Cameroon.

The Medical Foundation therefore makes the following recommendations, as the basis of a programme of action for the Republic of Cameroon and as a guide for the international community seeking to support Cameroon in eradicating torture:<sup>206</sup>

### **1. inform all detainees of their rights**

All detainees should be promptly told of any charges against them, the legal basis on which they are held and by which authority. They must also be informed promptly of their rights, including the means by which they may lodge a formal complaint about the circumstances of their arrest and detention. The general public also should be educated as to these rights.<sup>207</sup>

### **2. improve record-keeping**

All detention centres must comply with strict recording and reporting requirements.<sup>208</sup> Accurate and current records of detention must be kept for all detainees from the time of their arrest, including details of the legal basis on which they are held. They must be made publicly available and genuinely accessible.

### **3. minimise pre-trial detention**

Pre-trial detention should be used, as the Special Rapporteur suggests, only when absolutely necessary. The Penal Code should

be reformed to reduce the period for which detainees may be held without charge (currently 15 days) and made renewable only by the strictest criteria.<sup>209</sup> The existing Penal Code provision requiring that detainees are brought promptly before a magistrate must be enforced. Steps must be taken to reform the judicial process to ensure that cases committed to trial proceed without undue delay. Time already served in detention should be deducted from any sentence and persons acquitted should be released immediately.

#### **4. end incommunicado detention**

All detainees should have immediate access to medical attention upon arrest, as is their due under Cameroonian law, and should have prompt and regular access to family, health care, legal counsel and human rights monitors throughout their detention. These rights should be expressly guaranteed in domestic law.<sup>210</sup> Ratification of the forthcoming Optional Protocol to the UN Convention Against Torture is also recommended, to allow independent national and international experts access to all places of detention in Cameroon, in addition to existing human rights monitoring.

#### **5. safeguards for interrogation**

A lawyer or other detainee-appointed representative should be present throughout all interrogations. Authorities conducting investigations should not be the same as those responsible for detention.<sup>211</sup>

#### **6. regulate private detention centres**

Private prisons run by chiefs or other authorities designated by the State must be registered, regulated and regularly inspected by the State. Detainees held in such facilities must suffer no diminution of their civil and political rights. No-one should be held in unofficial detention centres.

## **7. enforce ban on evidence gained under torture**

In accordance with existing provisions in the Penal Code, confessions or other information gained under torture must not be admitted as evidence in legal proceedings. Prison officers should not be used as informants by other government agents.

## **8. investigate and punish all offenders**

An independent authority should be established to investigate impartially and effectively all allegations of torture and other cruel, inhuman or degrading treatment.<sup>212</sup> Those under investigation should be immediately suspended from public duties and those found responsible must be punished in accordance with the grave nature of their crime.<sup>213</sup> Cameroon should also accede to the Rome Statute so that the International Criminal Court is able to prosecute suspects in instances where domestic authorities are unwilling or unable to do so.

## **9. compensate and rehabilitate victims**

Victims of torture and their dependants should be compensated financially and offered other appropriate reparations. They must also be provided with adequate medical and psychological care and rehabilitation.

## **10. train and educate state officials**

All law enforcement personnel and others involved in the custody and interrogation of detainees must be informed of their obligations under national and international law and educated in the prevention of torture.

## **11. combat corruption**

A key factor leading to abuses in detention,<sup>214</sup> the corruption endemic in Cameroon's law enforcement and judicial systems must be resolutely tackled by the State.<sup>215</sup>

## **12. protect human rights defenders**

The National Commission on Human Rights and Freedoms should be given greater funding and independence, the statutory authority to make unscheduled visits to all detention centres, and the freedom to make its findings and recommendations public. Its recommendations should be given greater attention by the State. Restriction and intimidation of governmental and non-governmental human rights defenders must cease.

## APPENDIX 1

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# The UK Home Office's country assessment of Cameroon (April 2002)

### paragraph 5.40

The Penal Code proscribes torture and renders inadmissible in court evidence obtained by torture and prohibits public servants from using undue force against any individuals. President Biya also promulgated a new law in 1997 that bans torture by government officials. In practice, however, the security forces reportedly torture, beat and otherwise abuse prisoners and detainees. In a United Nations Human Rights Commission report published in November 1999, Sir Nigel Rodley, the United Nations Special Rapporteur on Torture confirmed that torture and ill-treatment are systematic and widespread in Cameroon's police and gendarmerie cells. In New Bell and other non-maximum security penal detention centres, beatings are common and prisoners are reportedly chained or flogged in their cells.

### 5.41

Two forms of physical abuse commonly reported to be inflicted on detainees include the "bastinade," in which the victim is beaten on the soles of the feet and the "balancoire," in which the victim with his hands tied behind his back, is hung from a rod and beaten, often on the genitals. Non-violent political activists often have been subjected to such punitive physical abuse during detentions following round-ups of participants in anti-government demonstrations or opposition party political rallies.

### 5.42

The security forces, including the Operational Command, reportedly subject prisoners and detainees to degrading treatment that includes stripping, confinement in severely overcrowded cells and denial of access to toilets or other sanitation facilities. Police and gendarmes often beat detainees to extract confessions and the names and whereabouts of alleged criminals. The human rights group, Christian Action for the Abolition of Torture (ACAT), blamed Operational Command officers for a number of killings in Douala in 2000. In his report, UN Special Rapporteur Rodley noted that the government increasingly was moving toward punishing offenders but that some of those incriminated act out of ignorance and other out of pure habit, for they have acted that way for a long time without fear of any consequences.

### 5.43

On 24 January 2001, the Douala Operational Command arrested 9 youths, later known as the "Bapenda Nine," who were suspected of stealing a gas canister in the Bapenda district of Douala. The young men have not been seen since immediately following their arrests and all sources believe that they were executed by members of the Command.

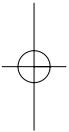
### 5.44

In addition to the Bapenda Nine, there were reports that the Douala Operational Command committed numerous summary executions. Conservative estimates place the number killed in the hundreds, but Cardinal Tumi, the archbishop of Douala, believes that the number may range as high as 1,000. There were reports that some persons were tortured before they were killed. The Operational Command was temporarily disbanded in the Spring of 2001 but resumed operations later in the year. Command leaders ordered the execution of the 81 detainees who remained in the special Command prison facility known as "Kosovo." The Operational Command operates above the authority of other security forces in the city and also killed some suspects in shoot-outs and high-speed car chases. It also reportedly uses a network of

informants, including a large number of convicted criminals and prison officials to obtain the names of suspected bandits who the Command then arrested and summarily executed. The Operational Command also uses neighbourhood sweeps to search for criminals, occasionally executing suspects for minor offences such as smoking marijuana. Press and other reports allege that the Operational Command has several mass graves, including one in the “Forest of monkeys” (*Bois des Singes*) and another off the “Old Road” between Douala and Edéa, where the bodies have been abandoned in pits or buried.

#### 5.45

Security forces in the remote North and Far North Provinces also were accused of extra-judicial killings, however, there were fewer reported incidents during 2001. Credible reports by the press and the Maoua-based Movement for the Defence of Human Rights and Liberties, describe a large but undetermined number of extra-judicial killings perpetrated by a special anti-gang gendarmerie unit, known as “Operation Octagon,” tasked with combating highwaymen. This unit was created under the direct authority of the Minister of Defence and operates outside the normal chain of command for law and order units. While some armed suspects were killed in firefights with security forces, there were credible reports that others caught in dragnet operations were executed summarily. Families of the deceased and human rights NGOs have accused the head of this unit, Colonel Pom, of extra-judicial killings of civilians. The MDHRTL estimates that up to 1,000 persons have been killed since the beginning of 1998. There is little information to either support or refute this number but even some local authorities have admitted that the number of victims in rural areas probably exceed the numbers killed in Douala. The Government’s National Commission on Human Rights and Freedoms corroborated this information in 2000, although it was unable to determine the exact numbers of persons killed, since many of the victims’ families were too frightened to speak with human rights groups.



## APPENDIX 2

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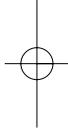
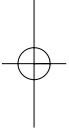
# Rome Statute of the International Criminal Court (exerpt)

### Article 7: Crimes against humanity

1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
  - (a) Murder;
  - (b) Extermination;
  - (c) Enslavement;
  - (d) Deportation or forcible transfer of population;
  - (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
  - (f) Torture;
  - (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
  - (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
  - (i) Enforced disappearance of persons;
  - (j) The crime of apartheid;
  - (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:
- (a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
  - (b) “Extermination” includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
  - (c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
  - (d) “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
  - (e) “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
  - (f) “Forced pregnancy” means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
  - (g) “Persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
  - (h) “The crime of apartheid” means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

- (i) “Enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.



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- US Department of State, 1998 *Report on Human Rights Practices for Cameroon*
- US Department of State, 1999 *Report on Human Rights Practices for Cameroon*
- US Department of State, 2000 *Report on Human Rights Practices for Cameroon*
- US Department of State, 1999 *Report on International Religious Freedom for Cameroon*
- US Department of State, 2000 *Report on International Religious Freedom for Cameroon*
- US Department of State, *December 1999 Background Notes: Cameroon*

# Notes

1. UN Commission on Human Rights *Report of the Special Rapporteur on Torture, Sir Nigel Rodley, 2000*, para. 68
2. See appendix 1 for the Home Office's latest report on torture in Cameroon. Nonetheless, the UK's refusal rates for Cameroonian applicants for asylum remain high: 97% in 1997, 89% in 1998, 64% in 1999, 81% in 2000 and 87.5% in 2001. The prohibition on torture is a non-derogable human right and those with a well-founded fear of torture are protected by the principle of non-refoulement preventing their deportation (CAT, art. 3). Thus States may be held legally responsible for the human rights conduct of other states, as Britain found in the cases of *Soering v UK* (European Court of Human Rights, 1989) and *Chahal v UK* (ECHR, 1996).
3. See article 7 of the Statute, reproduced in appendix 2
4. Including all those who first sought treatment or assistance from the Medical Foundation between 1 January 2000 and 31 December 2001 and who received from the Foundation formal medical documentation of their torture and persecution.
5. Statistics in the introduction are from Instituto del Tercer Mundo, 2001, except where otherwise indicated.
6. Three main cultural groups are distinguished: "the Bantu, in the South, Littoral, South-West, Centre and South-East provinces; the Bantoid or semi-Bantu, in the West and North-West provinces; and the Sudanese, in the Adamaoua, North and Far North provinces. The Pygmy population, which is not included in these large groups, lives in the South, East and Centre provinces." (UN *All treaty-based Committees' core document on Cameroon*, June 2000 HRI/CORE/1/Add.109)
7. Amnesty International, *Report 2001*. Oxford: Amnesty International Publications, 2001
8. US Department of State *Reports on Human Rights Practices for Cameroon 1998, 1999 & 2000*.
9. "The judiciary is subject to political influence and suffers from corruption and inefficiency, although it continued to show growing independence and integrity in some important respects." (US State Dept *Reports on Human Rights 1998, 1999 & 2000*)
10. With poverty almost three times as prevalent in rural Cameroon as in the urban population (*Concluding Observations of the Committee on Economic, Social and Cultural Rights: Cameroon. 08/12/99. E/C.12/1/Add.40*, para. 21)
11. See the United Nations' ESCR Committee's *Concluding Observations: Cameroon 1999*
12. UN Committee Against Torture. Summary Record of the 448th meeting: Cameroon. 23/11/2000. CAT/C/SR.448, para. 11
13. Amnesty International, *Report 2000*. Oxford: Amnesty International Publications, 2000
14. CAT *Summary record*, para. 14
15. CAT *Summary record*, para. 26
16. UK Home Office *Country Assessment of Cameroon*, April 2001 & April 2002; US State Dept *Reports on Human Rights 1997, 1998 & 1999*
17. UN Special Rapporteur, para. 71
18. UK Home Office *Country Assessment of Cameroon*, April 2001
19. US State Dept *1999 Background Notes*
20. The matter came before the International Court of Justice in February 2002 in a five-week hearing in which Equatorial Guinea also had an interest. (Land and Maritime

- Boundary between Cameroon and Nigeria, Cameroon v. Nigeria: Equatorial Guinea intervening, see <http://www.icj-cij.org>)
21. UN All treaty-based Committees
  22. In the view of the Foreign Office, Cameroon has not lived up to the Harare Declaration. Britain has expressed “serious concerns” about Cameroon’s human rights record in particular. (FCO *Human Rights Report 2000*)
  23. UN All treaty-based Committees
  24. UK Home Office *Country Assessment of Cameroon*, April 2001
  25. US State Dept *Report on Human Rights 1999*
  26. CAT *Summary record*, para. 37
  27. ESCR Committee’s *Concluding Observations 1999*, para. 11
  28. Article 320 of the Penal Code amended in December 1990 by Act No. 90/061
  29. UN HRC 1999, para. 14
  30. UK Home Office *Country Assessment of Cameroon*, April 2002
  31. US State Dept *Report on Human Rights 1997* and UN All treaty-based Committees
  32. US State Dept *Report on Human Rights 1998*
  33. UK Home Office *Country Assessment of Cameroon*, April 2001; & UN Special Rapporteur, para. 54
  34. UN Special Rapporteur; & US State Dept *Report on Human Rights 1997*
  35. Amnesty 2000
  36. CAT’s *Concluding Observations*, para. 6e
  37. The Penal Code requires an arrest warrant for any arrest, “except when the criminal is caught in the act.” UK Home Office *Country Assessment of Cameroon*, April 2001
  38. CAT’s *Concluding Observations*, para. 7k
  39. Decree No. 92/052, cited by the Committee Against Torture in its *Summary record*, para. 8
  40. UN Special Rapporteur, para. 40.
  41. US State Dept *Report on Human Rights 1997*
  42. UK Home Office *Cameroon Country Assessment*, April 2002
  43. US State Dept *Reports on Human Rights 1997 & 1998*
  44. US State Dept *Reports on Human Rights 1997 & 1998*; UK Home Office *Country Assessment of Cameroon*, April 2001; UN Special Rapporteur, para. 58 – and the judiciary are not alone: Transparency International rated Cameroon as the most corrupt country in the world in 1998 & 1999. (UK Home Office *Cameroon Country Assessment*, April 2002; see [www.transparency.org](http://www.transparency.org))
  45. US State Dept *Report on Human Rights 1997*
  46. Human Rights Watch. *Cameroon: The National Commission on Human Rights and Freedoms*
  47. UK Home Office *Cameroon Country Assessment*, April 2002
  48. US State Dept *Reports on Human Rights 1997, 1998 & 1999*
  49. US State Dept *Report on Human Rights 1999*

50. UK Home Office *Country Assessment of Cameroon*, April 2001
51. UK Home Office *Cameroon Country Assessment*, April 2002
52. UK Home Office *Country Assessment of Cameroon*, April 2001 In 1999, the Cameroonian Government prosecuted some of its "most egregious offenders; policemen were convicted and sentenced to prison terms for several extrajudicial killings, although the sentence in at least one case was reduced greatly on appeal" (US State Dept *Report on Human Rights* 1999).
53. Amnesty 2001, p64
54. CAT's *Concluding Observations*, para. 6d
55. Amnesty 2000
56. UN HRC 1999, para. 20
57. CAT's *Concluding Observations*, para. 7e
58. UK Home Office *Country Assessment of Cameroon*, April 2001
59. UN Special Rapporteur, para. 20
60. CAT *Summary record*, para. 29
61. CAT *Summary record*, para. 29. In 1998, the government launched a "6-month, nationwide human rights awareness campaign via the government-controlled media, which was supplemented by seminars, parades and other activities" (US State Dept *Report on Human Rights* 1998).
62. Amnesty 2000
63. UN HRC 1999, para. 21
64. It did not commence operation until February 1992 (see UN Special Rapporteur, para. 64).
65. Human Rights Watch
66. Human Rights Watch
67. US State Dept *Reports on Human Rights* 1997, 1999 & 2000
68. Human Rights Watch
69. US State Dept *Report on Human Rights* 1999
70. ESCR Committee's *Concluding Observations* 1999, para. 12; & Amnesty 2000
71. UN HRC 1999, para. 27
72. ESCR Committee's *Concluding Observations* 1999, para. 14; & UN HRC 1999, para. 10
73. US State Dept *Reports on Human Rights* 1999 & 2000; UK Home Office *Country Assessment of Cameroon*, April 2001 & April 2002
74. ESCR Committee's *Concluding Observations* 1999, para. 16
75. Minority Rights Group International (ed.) *World Directory of Minorities*. London: MRG, 1997, p479
76. US State Dept *Reports on Human Rights* 1997, 1998 & 2000
77. See Minority Rights Group, p480; ESCR Committee's *Concluding Observations* 1999, paras 23 & 39; UK Home Office *Cameroon Country Assessment*, April 2002; & US State Dept *Reports on Human Rights* 1998 & 2000

78. US State Dept *Report on Human Rights* 1999; US Department of State *1999 Report on International Religious Freedom for Cameroon*; & UK Home Office *Country Assessment of Cameroon*, April 2002
79. US State Dept *Reports on Human Rights* 1998 & 2000; & UK Home Office *Cameroon Country Assessment*, April 2002
80. According to the British Council, "around two thirds of the population is French speaking although birth rates and population pressures from neighbouring Nigeria are thought to be reducing the proportion" ([www.britishcouncil.org/cameroon/english/notes/](http://www.britishcouncil.org/cameroon/english/notes/)). Of the Cameroonians in the Medical Foundation study, 85% were predominantly Francophone.
81. US State Dept *Reports on Human Rights* 1998 & 1999; CAT *Summary record*, para. 44
82. Amnesty 2000
83. US State Dept *Report on Human Rights* 1999
84. Minority Rights Group, p480
85. US State Dept *Reports on Human Rights* 1998, 1999 & 2000; & UK Home Office *Cameroon Country Assessment*, April 2002
86. US State Dept *Report on Human Rights* 1999
87. US State Dept *1999 Report on Religious Freedom*
88. US State Dept *Report on Human Rights* 2000
89. US State Dept *Report on Human Rights* 1998 & US State Dept *1999 Report on Religious Freedom*
90. US State Dept *Report on Human Rights* 2000
91. US State Dept *Report on Human Rights* 1997 & US State Dept *1999 Report on Religious Freedom*
92. UK Home Office *Cameroon Country Assessment*, April 2002
93. There being at least 20 more legal parties in 2002 than there were in 1998. (US State Dept *Reports on Human Rights* 1998 & 2000)
94. US State Dept *Reports on Human Rights* 1997, 1999 & 2000
95. Amnesty 2000; Amnesty 2001 & US State Dept *Report on Human Rights* 2000
96. US State Dept *Report on Human Rights* 1998
97. US State Dept *Reports on Human Rights* 1997, 1998 & 2000
98. US State Dept *Report on Human Rights* 1999
99. US State Dept *Reports on Human Rights* 1999 & 2000
100. Amnesty 2001, p64
101. Minority Rights Group, p480
102. US State Dept *Report on Human Rights* 2000
103. Amnesty 2001
104. US State Dept *Report on Human Rights* 2000
105. US State Dept *Report on Human Rights* 1999
106. UK Home Office *Country Assessment of Cameroon*, April 2001
107. Falloux, J. & B. Schonveld (eds), *Human Rights Defenders on the Front Line: Annual Report 1999*. International Federation of Human Rights: Paris, 1999, p37

108. UK Home Office *Cameroon Country Assessment*, April 2002
109. US State Dept *Reports on Human Rights 1999 & 2000*
110. Amnesty 2000
111. US State Dept *Reports on Human Rights 1997 & 1998*
112. US State Dept, *December 1999 Background Notes*; US State Dept *Reports on Human Rights 1997 & 1999*
113. US State Dept *Reports on Human Rights 2000*
114. Falloux & Schonveld
115. Amnesty 2001
116. UK Home Office *Cameroon Country Assessment*, April 2002
117. Reporters Sans Frontieres *2001 Annual Report on Cameroon*
118. US State Dept *Report on Human Rights 2000*
119. US State Dept *Reports on Human Rights 1998 & 1999*
120. US State Dept *Reports on Human Rights 1999 & 2000*
121. Amnesty 2001
122. UK Home Office *Cameroon Country Assessment*, April 2002
123. Amnesty 2000; Amnesty 2001; and UN Special Rapporteur
124. UN HRC 1999, para. 23
125. US State Dept *Report on Human Rights 2000*
126. *ibid.*
127. *ibid.*
128. Inter-American Court of Human Rights in the case of Godínez Cruz v Honduras (1989), para. 179
129. *ibid.*, para. 175
130. US State Dept *Reports on Human Rights 1997, 1998, 1999 & 2000*
131. US State Dept *1999 Background Notes*; US State Dept *Report on Human Rights 2000*
132. US State Dept *Reports on Human Rights 1997, 1998, 1999 & 2000*
133. UK Home Office *Cameroon Country Assessment*, April 2002
134. US State Dept *Report on Human Rights 2000*; & UK Home Office *Cameroon Country Assessment*, April 2002
135. CAT *Summary record*, para. 32
136. Between 1992 and 1999, the International Committee of the Red Cross declined to visit any Cameroonian prisons because the government refused it access to all detention centres. (US State Dept *Reports on Human Rights 1997, 1998 & 1999*; & UK Home Office *Country Assessment of Cameroon*, April 2001)
137. CAT *Summary record*, para. 28
138. US State Dept *Report on Human Rights 2000*
139. UK Home Office *Cameroon Country Assessment*, April 2002
140. US State Dept *Report on Human Rights 2000*

141. UN HRC 1999, para. 17
142. US State Dept *Report on Human Rights* 2000
143. Velásquez Rodríguez v Honduras (IACHR, 1986), para. 172
144. Inter-American Court of Human Rights, *ibid.* paras. 173 & 175
145. US State Dept *1999 Background Notes*
146. US State Dept *Reports on Human Rights* 1997, 1998 & 2000
147. US State Dept *Reports on Human Rights* 1999 & 2000
148. The only one in our study who was brought before a judge was released as a result, having already served more time on remand than his sentence required. The Special Rapporteur found similar grave problems with the “slow pace and ineffectiveness of justice” in Cameroon. It takes “so long for a decision to be taken” in criminal appeals that “the appellant serves his sentence several times over while waiting.” Even when acquitted or successful in an appeal, detention may continue, as “it appears that detainees are themselves obliged to obtain” judicial decisions. (UN Special Rapporteur, para. 62)
149. The Special Rapporteur also notes with concern the use of force by law enforcement personnel in making arrests (especially at political demonstrations), including the use of hand grenades and firearms, “even when [those arrested] were not threatening police security.” (UN Special Rapporteur, para. 46)
150. UN Special Rapporteur, para. 52
151. The Special Rapporteur found that pre-trial detention as currently used in Cameroon is not intended to attain the legitimate goals of “upholding order and security and facilitating investigations,” but as a sanction. (UN Special Rapporteur, para. 53)
152. CAT *Summary record*, para. 31
153. US State Dept *Reports on Human Rights* 1997, 1998 & 1999
154. UN Special Rapporteur, para. 8
155. UN Special Rapporteur, para. 50
156. US State Dept *Reports on Human Rights* 1997 & 2000
157. Amnesty 2000
158. In violation of Cameroon’s commitment to the African Charter on the Rights and Welfare of the Child, specifically Article 17, para. 2b.
159. US State Dept *Reports on Human Rights* 1997, 1998, 1999 & 2000
160. US State Dept *Reports on Human Rights* 1999 & 2000; & UK Home Office *Cameroon Country Assessment*, April 2002
161. Amnesty 2000; UN Special Rapporteur
162. UK Home Office *Cameroon Country Assessment*, April 2002
163. UN Special Rapporteur, para. 25
164. US State Dept *Report on Human Rights* 1997
165. Amnesty 2000
166. US State Dept *Report on Human Rights* 1998
167. The UN Special Rapporteur also noticed that beatings with machetes were common. (UN Special Rapporteur, paras 12 & 17)
168. FCO *Human Rights Report 2000*; & UN Special Rapporteur, paras 12 & 69

169. Amnesty 2000
170. US State Dept *Report on Human Rights* 1997
171. US State Dept *Report on Human Rights* 1998
172. US State Dept *Report on Human Rights* 1999
173. US State Dept *Report on Human Rights* 1997
174. US State Dept *Report on Human Rights* 1998; & UK Home Office *Cameroon Country Assessment*, April 2002
175. See the Medical Foundation's study of torture in Pakistan, *Evidence of Torture* (2001), pp79-80. The UN Special Rapporteur on Torture has made clear that "a well-founded fear of rape is a well-founded fear of persecution."
176. Also reported by the US Department of State in its *Report on Human Rights* 1999
177. Amnesty 2000
178. US State Dept *Report on Human Rights* 2000
179. Amnesty 2000
180. UN HRC 1999, para. 15
181. US State Dept *Report on Human Rights* 2000
182. UN HRC 1999, para. 18
183. US State Dept *Report on Human Rights* 2000
184. Rome Statute article 7(1i), see appendix 9.2
185. Velásquez Rodríguez v Honduras (IACHR, 1986), paras. 149, 155 & 158
186. FCO *Human Rights Report* 2000, p43
187. US State Dept *Reports on Human Rights* 1997 & 1998
188. Falloux & Schonveld
189. US State Dept *Reports on Human Rights* 1997 & 1998; & UK Home Office *Cameroon Country Assessment*, April 2002
190. US State Dept *Reports on Human Rights* 1997, 1998 & 2000
191. UN HRC 1999, para. 12; see also ESCR Committee's *Concluding Observations* 1999, para. 15
192. For his part, the UN Special Rapporteur observed that "neither youth nor age are factors tending to protect persons deprived of their liberty from being inhumanly treated" (para. 69).
193. At the time of the UN Special Rapporteur's visit to New Bell Prison in May 1999, it was said to house 2,393 prisoners, despite having been built to accommodate only 800. (UN Special Rapporteur, para. 26)
194. Blindfolded during transport, some survivors could not know exactly where they had been held.
195. At the time of the Special Rapporteur's visit in 1999, Nkongengui Prison contained 2,700 inmates, though its intended capacity was 800. Only 150 of those prisoners had been brought to trial. (UN Special Rapporteur, para. 32)
196. The UN Special Rapporteur also found private houses used as detention centres, run by the 'anti-gang' unit. (UN Special Rapporteur, para 22)

197. Sir Nigel found that “almost all” the detainees he interviewed in Cameroon had been “questioned without a lawyer or other third party being present. Consequently, there was no external presence ensuring that the interrogation was carried out in accordance with Cameroonian law.” (UN Special Rapporteur, para. 50)
198. In this respect, his case is far from exceptional. (UN Special Rapporteur, para. 62)
199. On his country visit in 1999, the UN Special Rapporteur on Torture found that “almost all” detainees were dressed only in their underwear. The explanation given to him was that it was a suicide prevention measure. He concluded that an additional purpose of forced nakedness was humiliation. (UN Special Rapporteur, para. 7)
200. Which the UN Special Rapporteur also observed. The guards he questioned about it explained that the women in their custody had a choice between sharing a cell with men or sleeping in the hallway. (UN Special Rapporteur, para. 10)
201. US State Dept *Reports on Human Rights* 1999 & 2000; UK Home Office *Cameroon Country Assessment*, April 2002; Amnesty 2000 & 2001; and UN Special Rapporteur
202. See UN Special Rapporteur, para. 63
203. UN Special Rapporteur, para. 55
204. UN Special Rapporteur, para. 68
205. UN Special Rapporteur, para. 60
206. See also Amnesty International’s 12-point programme for the prevention of torture (*Torture in the Eighties*. London: Amnesty International Publications 1984), the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the UN Special Rapporteur’s recommendations, para. 78.
207. See UN Special Rapporteur, para. 56
208. See UN Special Rapporteur, paras 54 & 55
209. See UN Special Rapporteur, para. 57
210. UN Special Rapporteur, para. 50
211. As recommended by Amnesty International, 1984, p250
212. See UN Special Rapporteur, para. 60
213. As per CAT (art. 4, para. 2) and in contrast with cases cited by the UN Special Rapporteur, para. 61. The Special Rapporteur noted in 1999 that “the only cases in which an action had been brought against torturers were those in which the victim had died, leading to public demonstrations” (para. 54).
214. UN Special Rapporteur, para. 71
215. The guidance and assistance of the INGO Transparency International is recommended, in addition to a country visit by the UN Special Rapporteur on the independence of judges and lawyers.

