

General comment on the subcommittee on prevention of torture (SPT) on article 4 of the OPCAT (optional protocol to the convention against torture)

Cameroon, formally known as the Republic of Cameroon is a member of the CEMAC zone, with a population of over 23 million people. The country is a member of The African Union, The United Nations, and member of other International and Regional Organizations. Cameroon ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT) on September 2008. even though the country has been marked by numerous crises resulting in gross human rights violations and the non-respect for fundamental human rights. The state is known to use its machinery to suppress freedom of association, freedom of expression and assembly, arbitrary arrest and detentions, and keeping political prisoners. Even as the preamble of the Optional Protocol states that "States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures" The situation in Cameroon is very much complex and leaves much to be desired as the country doesn't respect these engagements.

However, in the case of Cameroon, the situation is quite concerning. Cameroon ratified the OPCAT and is therefore obliged to establish an independent and effective NPM to prevent torture and other ill-treatment, and full access to detention areas. Unfortunately, Cameroon has not yet established an NPM that meets the requirements of the OPCAT, and the situation for detainees and prisoners remains dire. Reports by international human rights organizations, such as Amnesty International and Human Rights Watch, have documented cases of torture, extrajudicial killings, and other forms of ill-treatment in Cameroonian prisons and detention centers.

According to our findings and daily reports from other sources, the conditions in many of the prisons are overcrowded, unsanitary, and lack basic amenities such as food, water, and medical care. Many detainees are also held for long periods without trial, which is a violation of their human rights.

In 2021, Amnesty International released a report detailing the poor conditions in Cameroon's prisons, including the use of torture and other forms of ill-treatment. The report also highlighted the lack of access to legal representation for many detainees, as well as the prevalence of corruption and bribery within the criminal justice system. Over the years, the country has been characterized by a wave of fear and uncertainty as a good number of persons who were arrested by the police were never seen again by their family members. In the case of Journalist Samuel

Wazizi who was arrested in 2019 in the south West region and taken to Yaoundé where he was tortured and denied access by his family members till he died in detention, his body has never been presented to his family for burial.

Certainly. The draft general comment of the Subcommittee on Prevention of Torture (SPT) on Article 4 of the OPCAT guides States Parties on the implementation of the OPCAT, which requires them to establish a National Preventive Mechanism (NPM) to prevent torture and other ill-treatment. The NPM is responsible for monitoring all places of detention, including prisons, police stations, and immigration detention centers, and for conducting regular visits to these places to prevent torture and other ill-treatment. This accord seems to be a far reality in Cameroon as inhumane treatment and torture are the main weapons of fear used by the state to oppress persons who have been deemed a menace to them. In addition, sexual and gender minorities face extensive inhumane treatment in detention centers, and most of them are seen as an abomination and a thing to be exterminated before it contaminates others. The lack of legal protections for LGBTQIA persons in Cameroon leaves them vulnerable and exposed to further harm, including torture and other forms of ill-treatment. The laws in Cameroon that criminalize homosexuality have led to an increase in discrimination and violence against LGBTQIA persons. The situation has been further exacerbated by the recent wave of arbitrary arrests, torture, and detention of LGBTQIA persons in the country. The national report of Platform Unity presented over 4016 cases of Gender-based violence perpetrated on LGBTQIA persons with over 40%, arbitrary arrest, detention, and torture in detention centers.

It is however worth noting that Cameroon is not respecting its obligations under the OPCAT, as the country has not established an effective NPM, and the situation for detainees and prisoners remains dire. The lack of legal protections for LGBTQIA persons in Cameroon also leaves them vulnerable and exposed to further harm. It is, therefore necessary that Cameroon takes the necessary steps to establish an independent and effective NPM to prevent torture and other ill-treatment and to protect the human rights of all persons, including LGBTQIA persons. While indicating the abuse of state power, where individual citizens are judged in military tribunals, and that state authorities and influential individuals have been engaged in using the States Secret Service to kidnap, torture, and kill citizens like the recent case of Journalist Martinez ZOGO who was brutally murdered and investigations indicating that he was tortured and killed by the State secret service under the orders of the certain rich and influential individual (Amougou Belinga) and other state authorities. This indicates the level at which human rights have been continuously violated by the State.

To indicate clearly that the state has (Comment):

- 1) Committed gross human rights violations
- 2) Arbitrary arrest and detentions of persons

- 3) Torture and extrajudicial killings
- 4) Refused access from persons and lawyers to visit their family members in detention or clients.
- 5) That state officials have continuously used state machinery against the law to target individual citizens.
- 6) That the state has actively engaged in a mass hunt of those persons who have different political affiliations and kept them as political prisoners.
- 7) That the military tribunal has been used by the state to judge citizens.

We, therefore recommend (Comment):

- 1) That all state parties who have ratified the OPCAT including Cameroon, have a mandatory National Preventive Mechanism with an international status that will allow for neutral foreigners provided by the body to have a say in the situation of various countries that have ratified the OPCAT.
- 2) That article 4 of the OPCAT be modified to include a penalty for states who are not keeping up with their obligations.
- 3) That there be an international observatory body put in place to monitor the human rights situation of ratified states.
- 4) That a portal be created where individuals will have direct access to report cases of human rights violations in detention centers with documented proof.
- 5) That modalities be taken where vulnerable populations and LGBTQIA persons are particularly well implicated and protected.
- 6) OPCAT be made available to the general public, in terms of communication.

In conclusion, Cameroon is not respecting its obligations under the OPCAT, as the country has not established an effective NPM, and the situation for detainees and prisoners remains dire. The lack of legal protections for LGBTQIA persons in Cameroon also leaves them vulnerable and exposed to further harm. Cameroon must take the necessary steps to establish an independent and effective NPM to prevent torture and other ill-treatment and to protect the human rights of all persons, including LGBTQIA persons.

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