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U.S. Department of State

Cameroon Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

CAMEROON

Cameroon is a republic dominated by a strong presidency. Since independence, a single party, now called the Cameroon People's Democratic Movement (CPDM), has remained in power and limited political choice. In October 1997 CPDM leader Paul Biya won reelection as President in an election boycotted by the three main opposition parties and generally considered by observers to be marred by a wide range of procedural flaws and not free and fair. Although the Government legalized opposition parties in 1990, after widespread protests, most subsequent elections, including the May 1997 legislative elections, which were dominated by the CPDM, were flawed by numerous irregularities. International and local observers generally consider the election process, which is controlled by the Government's Ministry of Territorial Administration, as not free and fair. 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, and no bills other than government bills have been enacted since 1991, although legislation proposed by the Government sometimes has not been enacted by the Assembly. The President repeatedly has used his control of the legislature to change the Constitution. The 1996 Constitution lengthened the President's term of office to 7 years, while continuing to allow Biya to run for a fourth consecutive term in 1997. The Government has taken no formal action to implement other 1996 constitutional changes that provide for new legislative institutions, including a partially elected senate and elected regional councils, and a more independent judiciary, even though the President had announced in 1997 that most of these reforms would be implemented during 1998. Although the country's first local government elections were held in 1996, President Biya limited their scope by expanding the number of municipal governments headed by presidentially appointed "delegates" rather than permitting the election of mayors, especially in pro-

opposition regions. The Government remained highly centralized. 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.

Internal security responsibilities 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. The police and the gendarmerie have dominant roles in enforcing internal security laws. The security forces, including the military forces, remain under the effective control of the President, the civilian Minister of Defense, and the civilian head of police. The security forces continued to commit numerous serious human rights abuses.

Cameroon's population of about 14 million had a recorded mean per capita Gross National Product (GNP) of about \$650. Following nearly a decade of economic decline, economic growth resumed in 1994 and has subsequently continued, due chiefly to large public sector salary cuts, a 50 percent currency devaluation, stabilization of terms of trade, and increased external preferential financing and debt relief. However, economic recovery continues to be inhibited by a large inefficient parastatal sector, excessive public sector employment, growing defense and internal security expenditures, and by the Government's inability to collect internal revenues effectively, especially in economically important pro-opposition regions. Widespread corruption in government and business also impedes growth. The civil service and the management of state-owned businesses have been dominated by members of the Beti and Bulu ethnic groups. The majority of the population is rural, and agriculture accounts for 25 percent of GNP. Principal exports include timber, coffee, cocoa, cotton, bananas, and rubber. The Government also continued to receive substantial assistance from international financial institutions.

The Government's human rights record continued to be generally poor, and government officials continued to commit numerous serious abuses. Citizens' ability to change their government remained limited. Security forces committed several extrajudicial killings and often beat and otherwise abused detainees and prisoners, generally with impunity. However, the Government began to prosecute some of the most egregious offenders; policemen were convicted and sentenced to prison terms for several extrajudicial killings, and in trials held in two prominent 1997 cases, both commissioners and policemen received prison sentences and fines. Conditions remained life threatening in almost all prisons. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights activists, and other citizens, often holding them for prolonged periods and, at times, incommunicado. Security forces conducted illegal searches, harassed citizens, infringed on their privacy, and monitored some opposition activists. The judiciary remained corrupt, inefficient, and subject to political influence. The Government continued to impose some limits on press freedom. Although private newspapers enjoyed considerable latitude to publish their views, journalists continued to be subject to official harassment, and the Government has increased its prosecutions of pro-opposition journalists under criminal libel laws. The Government obtained convictions against several journalists under these laws. A 1996 law revoked formal press censorship and moved supervision of the press from the administrative authorities to the courts, but the Government has not yet implemented a 1990 law designed to end its virtual monopoly of domestic broadcast media, and the Government continued to seize publications deemed threatening to public order, including newspapers. On several occasions, the Government restricted freedom of assembly and association. At times, the Government used its security forces to inhibit political parties from holding public meetings. Government security forces limited freedom of movement. Discrimination and violence against women remained serious problems. Female genital mutilation persisted in some areas, despite government efforts to counter the practice. Discrimination against ethnic minorities was widespread and discrimination against indigenous Pygmies continued. The Government continued to infringe on workers' rights, and child labor remained a problem. Slavery reportedly persisted in parts of northern Cameroon. Mob violence resulted in some deaths.

In June, 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.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no confirmed reports of political killings. However, the security forces continued to use excessive, lethal force and committed several extrajudicial killings. On January 21, policemen from the Commissariat of the 12th arrondissement of Douala reportedly shot and killed 28-year-old Serge Francois Massoma as he stepped out of his canoe in the Wouri River in Douala. According to his mother, the policemen previously had threatened to kill him. Three policemen reportedly were detained in connection with his death; their case had not been tried by year's end.

In May three policemen were arrested on charges of having tortured and killed Lawrence Arrey. The police allegedly detained Arrey on suspicion of grand theft in Mbiako, a village near Edea, and interrogated him by hanging him from a tree and physically abusing him in various ways until he died. The three policemen were charged, and in October were tried, convicted and sentenced to between 8 and 15 years in prison.

A policeman shot and killed a 17-year-old male during the security forces' suppression of racial violence against white foreigners in June (see Section 5). The policeman, who claimed to have intended to shoot into the air, was questioned and provisionally released. The case remained under investigation at year's end.

On June 20, a policeman from the Douala Mobile Intervention Unit shot and killed truck driver Jean-Marie Penga at a roadblock. Eyewitness accounts state that the police initially gave Penga unclear signals to stop. Realizing that the police were hailing him, he slowed down and was shot in the back. The policeman responsible for the shooting was arrested a month later. The case was pending at year's end.

On July 24, a policeman shot and killed Alain Tuno Fossi, a 28-year-old Douala-based businessman, at a roadblock in the city as he pulled his car over. The policeman was arrested 4 days later. Fossi's funeral procession on July 30 was joined by about 2,000 Douala residents protesting police brutality. The case was said to be pending at year's end.

On August 20, a policeman shot and killed a young street vendor named Leonard Ngonon Fouda at the Mfoundi market in Yaounde for refusing to pay a 90 cent bribe and failing to remove his wares from the sidewalk. The policeman who shot Fouda later went to the hospital, dressed in civilian attire, to get an update on the victim (by then pronounced dead); he was recognized by the crowd and severely beaten. The policeman was tried and sentenced to up to 2 years in prison.

In December the Douala Court of First Instance sentenced policeman Felix Nyem to 15 years in prison for shooting and killing a taxi driver in Douala, and ordered the police force to pay substantial damages to the family of the victim.

Two high-profile cases of extrajudicial killing from the previous year were brought to a conclusion. On June 5, police officers Eroume A. Ngon and Alexandre Mvoutti were jailed for 5-year prison terms in

connection with the November 1997 death in custody of mechanic Paul Njouomegni. The mechanic had died from beatings by the two arresting policemen, in part for having resisted arrest and also allegedly over his later refusal to pay so-called "cell fees." The police commissioner responsible for Yaounde's fifth precinct, Bienvenue Motassie, received a 1-year suspended sentence in the case.

On June 26, Police Commissioner Joseph Nsom Bekoungou, chief of Yaounde's third precinct, was sentenced to a 6-year jail term, and police inspector Jacques Bama received a 10-year sentence, in the November 1997 death of Emile Maah Njock, who was tortured to death while in their custody (see Section 1.c). Njock had been arrested at home and charged with robbery. Interrogating officers beat him and applied an electric iron to his genitals and other parts of his body during a 3-day effort to extract a confession. Commissioner Bekoungou, who refused requests for Njock to receive medical attention, was dismissed from the force by executive order prior to conclusion of the trial.

Credible reports by the press and the Movement for the Defense of Human Rights and Liberties (MDHRL), one of the few operating human rights organizations in the Far North province, describe an undetermined number of extrajudicial killings perpetrated by a newly established special antigang gendarmerie unit tasked with combating highwaymen ("coupeurs de route"). While some armed suspects were killed in firefights with the law-and-order forces, there were credible reports that others caught in the dragnet operations were executed summarily. The Maroua-based MDHRL estimated that over 300 persons were killed between April and July. At least one private newspaper, the Douala-based biweekly Mutations, also reported in August that security forces summarily executed hundreds of alleged highway robbers in northern Cameroon during recent years.

Several prisoners died in custody due to abuse inflicted by members of the security forces or harsh prison conditions and inadequate medical treatment. Six detainees held after March 1997 attacks on government installations in Northwest province are reliably reported to have died from abuse or illness and inadequate care since their imprisonment. (See Section 1.c.).

Ongoing traditional conflicts in various areas resulted in several extrajudicial killings. Tribal wars opposing the fondoms (kingdoms) of Balikumbat and Bafanji, and the fondoms of Oku and Din, resulted in at least 15 deaths (13 and 2, respectively). Mob violence and summary justice directed against suspected thieves and those suspected of practicing witchcraft and other crimes resulted in a number of deaths and serious injuries, especially in large urban centers. The phenomenon became more prevalent in 1998 as banditry spread to rural areas.

There were no developments in the 1997 killing of Faustin Fetsogo and in the case of the five persons killed in opposition politician Koulagne Nana's election campaign following a skirmish with the forces of a traditional ruler loyal to the ruling party.

b. Disappearance

There were no credible reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code proscribes torture, renders inadmissible in court evidence obtained thereby, and prohibits public servants from using undue force against any person; however, although President Biya also promulgated a new law in 1997 that bans torture by government officials, there were credible reports that security forces continued to inflict beatings and other cruel and degrading treatment on prisoners and detainees. The authorities often administer beatings not in prison facilities but in

temporary detention areas in a police or gendarme facility.

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. Nonviolent political activists have often been subjected to such punitive physical abuse during brief detentions following roundups of participants in antigovernment demonstrations or opposition party political rallies.

Security forces 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. Pretrial detainees sometimes are required, under threat of abuse, to pay so-called "cell fees."

Government officials at the Nkondengui and Mfou production prisons near Yaounde continued to inflict severe physical abuse on the survivors of the as many as 75 Anglophones who were arrested in a security force dragnet following armed attacks in March 1997 on government facilities in the Northwest province. Fourteen of these detainees were released between February and November. At least six of the original detainees reportedly have died from abuse or lack of medical care: Emmanuel Konseh, Samuel Tita, Mathias Gwei, Neba Ambe, Mado Nde, and Richard Fomusoh Ngwa. As many as 56 reportedly remained in detention at year's end. Two individuals acquitted of the same charges by a military tribunal in 1997, and released in March, stated that they had repeatedly been tortured, often by flogging, at the garrison of the Lakeside Gendarmerie Company in Yaounde; however, these allegations remained unconfirmed at year's end. Following a June visit to Nkondengui and Mfou prisons, Solomon Nfor Gwei, Chairman of the National Commission on Human Rights and Freedoms publicly criticized the conditions of these detainees. One reliable report described 28 detainees sharing a cell measuring 14 square meters (about 140 square feet). At year's end, nine of the surviving detainees reportedly were in life-threatening medical condition due to lack of adequate medical care. One of the surviving detainees, Derek Akwang, a former student from the University of Buea, was reportedly both mentally and physically ill due to the conditions of his confinement.

On the night of January 3, soldiers of the 21st Reconnaissance Battalion broke into the St. Paul's Parish Hall in Nylon, near Douala International Airport, beat and stabbed the priest and several young people, raped young women, and stole funds. Thirty soldiers were reportedly arrested in connection with this incident. In October the Douala Military Tribunal reportedly began to try 25 soldiers allegedly involved. The case was not known to have been concluded by year's end.

On April 16-17, personnel of the 11th Navy Battalion went on a looting and pillaging spree in the Anglophone Southwest province towns of Ekondo Titi, Lobe, and Masore. Navy personnel beat villagers, raped women and schoolgirls, and stole private belongings. The commanding officers of the naval personnel involved reportedly were reprimanded and the troops involved reportedly were punished, but the nature of their punishment is not known.

On June 16, during activities in Yaounde to commemorate a UNICEF-sponsored "African Day of the Child," gendarmes beat children, mostly between 6 and 15 years old, and lashed them with military belts, ostensibly to maintain order. The violence began when UNICEF staff began distributing free t-shirts and the children reportedly became unruly. A number of children required medical treatment. By year's end, no charges were known to have been brought against the gendarmes involved.

On June 19, gendarmes brutalized a number of persons in Ngoro, a small town in Center province,

following a confrontation over labor contract conditions between inhabitants and the owners of a timber company.

On October 10, a gendarme shot a Nigerian trader reportedly named Donatus Emelayo-Ume in the leg in the Mvog-Ava neighborhood of Yaounde. The victim reportedly told journalists that he was shot after refused to pay a bribe to gendarmes. The gendarme claimed that he tried to fire into the air. By year's end, no action was known to have been taken against this gendarme.

On the night of November 14, about 20 navy cadets went on a looting spree in Limbe, a port town in the Anglophone Southwest province, stealing goods from shops and bars, beating civilians, allegedly raping women, and causing 30 people to require medical attention. At year's end, an investigation was in progress.

Despite the unusual convictions of officials responsible for the fatal beatings of two individuals held in government custody (see Section 1.a.), severe beatings of detainees continued to occur. On February 20, Philip Afuson Njaro, a journalist for the English-language newspaper, *The Herald*, was arrested by police in Ekondo Titi, allegedly because he had written several articles about the corrupt practices of the chief of the local border police and his men. Medical reports confirmed that he suffered serious trauma from blows to the head and jaw. The police chief was removed several months later after a series of other complaints. In November gendarmes severely beat Rene Dasse, a journalist for the French-language Douala-based triweekly, *Le Messenger*, while he was in their custody (see Section 2.a.).

Prison conditions remained generally life threatening, especially outside major urban areas. Serious deficiencies in food, health care, and sanitation due to a lack of funds occur in almost all prisons, including those in the north operated by traditional rulers. Several prisoners died due to harsh prison conditions and inadequate medical treatment. One credible source who spent time in Douala's New Bell prison indicated that an average of at least six persons per month died in 1998 due to such conditions. In December, 20 cases of tuberculosis reportedly were diagnosed at New Bell.

In New Bell and other nonmaximum-security penal detention centers, families are permitted to provide food and medicine to inmates. However, beatings are common. Prisoners reportedly are chained or flogged at times in their cells and often are denied adequate medical care. Juveniles and nonviolent prisoners often are incarcerated with violent adults. There are credible reports of sexual abuse of juvenile prisoners by adult inmates. Corruption among prison personnel is widespread. Some high-profile prisoners are able to avoid some of the abuse that security forces routinely inflict on many common criminals. Some are held in elite wings of certain prisons, where they enjoy relatively lenient treatment. A 1997 report on prison conditions indicated that Bertoua Prison, which was built to hold 50 detainees, housed over 700 persons. However, the Government permitted increased access to some prisons by some nongovernmental organizations (NGOs), religious groups and entertainers.

In the north, the Government permits traditional Lamibe (chiefs) to detain persons outside the government penitentiary system. The places of detention in the palaces of the traditional chiefs of Rey Bouba, Gashiga, Bibemi, and Tcheboa have the worst reputations. Members of the National Union for Democracy and Progress (UNDP) party, which was in opposition until late 1997, have alleged that other UNDP members have been detained in these private jails and that some have died from mistreatment.

Because of the Government's refusal to ensure that representatives of the International Committee of the Red Cross (ICRC) have access to all detention centers, unofficial as well as official, the ICRC declined to visit any prisons from 1992 until December, although both the Cameroonian Red Cross and the National Human Rights Commission made frequent prison visits. However, in December the ICRC

obtained written agreement from the Government to have access to all detention centers and prisons. The agreement followed a complete exchange, on November 24, of Cameroonian and Nigerian prisoners of war captured during conflicts since 1994 over the Bakassi peninsula. The Cameroonian authorities granted the ICRC weekly visits to the Nigerian prisoners of war during the entire period of their incarceration according to the provisions of the Geneva convention, even though Nigeria did not reciprocate until shortly before the prisoner exchange.

d. Arbitrary Arrest, Detention, or Exile

The Penal Code requires that detainees be brought promptly before a magistrate; however, security forces continued to arrest and detain citizens arbitrarily. Arbitrary, prolonged detention remained a serious problem, as security forces often failed to bring detainees promptly before a magistrate and sometimes held them incommunicado.

Police legally may detain a person in custody in connection with a common crime for up to 24 hours, renewable three times, before bringing charges. However, the law provides for the right to a judicial review of the legality of detention only in the two Anglophone provinces. Elsewhere, the French legal tradition applies, precluding judicial authorities from acting on a case until the administrative authority that ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trial, he may hold the detainee in administrative or "pretrial detention" indefinitely, pending court action. Furthermore, a 1990 law permits detention without charge by administrative authorities for renewable periods of 15 days, ostensibly in order to combat banditry and maintain public order. Persons taken into detention frequently are denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces, where the legal system includes features of British common law. Even there, bail is granted infrequently.

On March 22, Brice Nitcheu, an opposition activist and member of the committee for the liberation of imprisoned journalist Pius Njawe (see Section 2.a.), was arrested without a warrant at Douala International Airport prior to boarding an overseas flight to campaign for Njawe's release. He remained in custody at the airport for 24 hours and later was released but required to report his presence to territorial surveillance police every 48 hours. On March 24, Aboubakar Oumarou Bongo, a businessman and former UNDP National Assembly deputy when that party was in opposition to the Government, was arrested in Maroua, detained on unspecified charges, held for 4 days and released. On April 29, Augustine Ndangam, a member of the National Executive Committee of the opposition Social Democratic Front (SDF) party and vice chairman of a separate organization advocating greater autonomy for Cameroon's Anglophone region, was arrested without a warrant in Bamenda. He was released on May 18 without any charges having been filed against him. Gendarmes arrested two civilian local government officials elected as candidates of the opposition SDF party, Kumba deputy mayor and SDF member Ferdinand Asabngu and Douala deputy mayor John Kumasa, on August 30 and September 7, respectively, on instructions from a military tribunal investigating the March 1997 violence in the Northwest province. The two deputy mayors were held without charges until September 14, when they were released for lack of evidence. In November two journalists were briefly detained without charges, and one was beaten by gendarmes while in custody (see Section 2.a.).

On April 30, Moise Moubitang, a civil servant at the Ministry of Communications, was assaulted by the bodyguard of the Minister of Culture for not stopping his work when the visiting minister entered his work area. Moubitang was arrested but released a few hours later, following an intervention by his own minister.

Between February and November, the Government released 14 detainees held following armed attacks against government installations in the Anglophone Northwest province in March 1997 (see Section

1.c.). At year's end, as many as 56 detainees remained in prison awaiting trial by a military tribunal on charges of having participated in those attacks. Although the chairman of the government-established human rights organization publicly criticized the conditions of their incarceration (see Section 1.c.), the Government did not respond to the report. In the absence of public trials to ascertain the facts, the circumstances of the March 1997 attacks remained unclear and were the subject of much speculation. For example, some observers have suggested that the attacks, which were described in the government media as the work of Anglophone separatists, may have been instigated with the connivance of government authorities to discredit the Anglophone-led SDF opposition party or to give the Government a pretext to impose additional security in a strongly pro-SDF province during the 1997 legislative elections.

The Government does not practice forced political exile. Some opposition members who considered themselves threatened by the Government have left the country voluntarily and declared themselves to be in political exile. In December a noted political cartoonist, Nyemb Ntoogue, also known as Popoli, fled Cameroon after being harassed and threatened by unknown persons (see Section 2.a.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary remains highly subject to political influence and corruption. The court system remains technically part of the executive branch, subordinate to the Ministry of Justice. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints judges with the advice of the Supreme Council of the Magistrature. However, during the 1990's, elements of the judiciary began to show some modest signs of growing independence. For example, in 1992 the Supreme Court publicly itemized numerous flaws in President Biya's reelection. In 1996 courts voided 18 municipal elections that the Ministry of Territorial Administration had declared won by ruling party candidates, and ordered the Ministry to hold them again (see Section 3). Since 1997, the courts repeatedly have used powers given them under the 1996 press law to order the Ministry of Territorial Administration to desist from seizing print runs of newspapers critical of the Government (see Section 2.a.).

The court system includes the Supreme Court, a court of appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisio