

MANDELA CENTER INTERNATIONAL

ONG à Statut Consultatif Spécial auprès de l'ONU

LEGAL & JUDICIAL ASSISTANCE

"When injustice becomes law, resistance becomes duty"



ALERT N°147/MCI

State Violence / **ARBITRARY AND INCOMMUNICADO DETENTION** **AT THE MILITARY SECURITY HEADQUARTERS IN YAOUNDE**

Mandela Center International, an international NGO in Special Consultative Status with the United Nations, carries :

To the attention of the national and international community:

1. That Mandela Center International has just been informed, as a matter of urgency, of the arbitrary and incommunicado detention of several people at the Military Security of Yaoundé for more than **15 days**, followed by acts of **torture and cruel, inhuman and degrading treatment** ;
2. That according to well-documented facts, on **02 December 2023**, while Mr. **Samuel MVONDO AYOLO**, Minister, **Director of the Civil Cabinet** (DCC) of the Presidency of the Republic of Cameroon, since **2018**, personal representative of the President of the Republic, Paul Biya, was taking part in a pontifical mass of thanksgiving celebrated by **Mgr Christophe ZOA**, Bishop of the Diocese of Sangmelima, surrounded by several other bishops, to celebrate the first centenary of the Saint-Michel parish of **Nden**, of the diocese of Sangmélima, Dja-et-Lobo, Division, in the South region, created in 1923, individuals on duty at his home in **Bastos, Yaoundé**, broke into one of his secure rooms to steal large sums of money, nearly **two billion Fcfa**, or **3,027,500 Euros**;
3. That as soon as he was informed upon returning home, the high dignitary of the Yaoundé regime immediately ordered military personnel on duty at the Presidency of the Republic and at Nsimalen-Yaoundé airport to launch a punitive expedition against those suspected of having committed the offence of theft from his home ;
4. That on **Monday December 4 and Tuesday December 05, 2023**, nearly a **dozen people** were arrested by **five Cameroonian security officers** in plainclothes, including a certain "**NPANGUE**" and a certain "**Tonny**", but who had no status as agents or officers of the judicial police as enshrined in **Section 79** of the **Cameroonian Criminal Procedure Code** of 2005;
5. That some of these illegally arrested persons were taken *manu militari* to an incommunicado detention center located at "**Montée Anne rouge**" in downtown Yaoundé, to undergo what their torturers called "**in-depth exploitation**", during which they were subjected to serious acts of torture and cruel, inhuman and degrading treatment or punishment ;

6. That using **truncheons, machetes, clubs, pieces of plank, fire, electric current** and other **prohibited objects**, these young people were beaten all night long by elements of the Cameroonian defense and security forces in what they called "**deep exploitation**";

7. That the victims include Mr. **Mete'e Marie-Joseph**, aged 20, Mr. **Zeh Meka Rodrigue**, aged 34, senior brother of **Mete'e Marie-Joseph**, **Ongono Bibiche**, aged 24, friend of **Zeh Meka Rodrigue** and Madame **Mebanga Marguerite**, trader and sister (**cousin**) of **Mete'e Marie-Joseph** and **Zeh Meka Rodrigue** and many others ;

8. That at the time of the present writings, some of these persons including Mr. **Mete'e Marie-Joseph** are still ARBITRALLY detained on the premises of the Directorate of Military Security in Yaoundé in execrable conditions and they are not entitled either to a visit from a family member or to a visit from their doctor or their counsel ;

9. That Mr. **Zeh Meka Rodrigue**, at the end of the barbaric acts of torture, is still, at this moment, abandoned and without care in a bed at the Military Hospital of Region n°1 in Yaoundé and constantly under the threats of the men who ensure his guard 24h/24 on the instructions of Samuel MVONDO AYOLO ;

10. That this is clearly an **illegal arrest**, without any warrant or legal title, followed by **arbitrary detention**, which is a violation of the right to liberty and is in breach of national law and international standards to which the Republic of Cameroon has freely subscribed ;

11. That **arbitrary detention** is a violation of the right to liberty and refers to the arrest and deprivation of liberty of a person in non-compliance with national law or international standards;

12. That this detention is at the same time illegal and arbitrary in that illegality here means non-compliance with the law, while arbitrariness refers to the **inappropriate, unjust, unpredictable and disproportionate** nature of the detention;

13. That in international law, the right to personal liberty is defined by article 9 of the **International Covenant on Civil and Political Rights**, which lists the conditions under which a deprivation of liberty is considered arbitrary, namely: 1. the **reason for the arrest is unlawful**, 2. the **victim has not been informed of the reasons for his arrest**, or 3. the **victim's procedural rights have been violated**;

14. That Mandela Center International is able to affirm that on **Tuesday, December 05, 2023**, several young people were indeed tortured, in particular with the savage and barbaric use of **clubs, machetes, planks, fire and other prohibited objects** and that these barbaric acts are indeed the work of elements of the Cameroonian security and defense forces acting on the instructions of the head of the civilian cabinet of the Presidency of the Republic of Cameroon ;

15. That Mandela Center International affirms, **without the slightest doubt**, that elements of the Cameroonian defense and security forces have **SERIOUSLY** infringed the rights and interests of these citizens, which are highly and totally

protected by the national, regional and international legal instruments to which the State of Cameroon has freely subscribed, in particular by engaging in **internationally reprehensible and imprescriptible acts of torture**;

16. That Mandela Center International affirms that the agents on duty at the **Sécurité Militaire** in Yaoundé are not agents or officers of the judicial police under the provisions of article 79 of the Criminal Procedure Code in force in Cameroon since 2005;

17. That these are clearly **acts of torture, cruel, inhuman and degrading treatment** within the meaning of Section 5 of the 1948 **Universal Declaration of Human Rights**, Section 7 of the 1966 **International Covenant on Civil and Political Rights**, Section 5 of the **African Charter on Human and Peoples' Rights** of 1981, the **United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** of December 10, 1984 (CAT), and other international instruments, all freely ratified by the Republic of Cameroon;

18. That the rules establishing and operating the **Alert and Reporting Mechanism to the African Commission on Human and Peoples' Rights on situations of torture and other cruel, inhuman or degrading treatment or punishment**, known as "**THE ABIDJAN RULES**", enshrine the **absolute prohibition of torture**;

19. That the State of Cameroon has the obligation to be accountable by taking, in a transparent manner, **all necessary measures to investigate this serious violation of human rights** and to **identify all those responsible for these violations and hold them accountable**;

20. That accountability also covers measures such as **reparation, guarantees of non-repetition, the adoption of disciplinary measures, and making the truth known**;

21. That as a State party to these international texts, the State of Cameroon is **IMPERATIVELY** bound to respect the rights contained therein and to exercise due diligence to prevent and repress violations of these rights;

22. That it is established, without ambiguity, that the responsibility for all these facts is thus **CLEARLY** attributed to the **State of Cameroon** by virtue of international law, under the terms of **sections 4** and following of a **Resolution 56/83 of the General Assembly of the United Nations** dated **December 12, 2001** on the responsibility of the State for an "**Responsibility of States for INTERNATIONALLY WRONGFUL ACTS**".

In view of the above, Mandela Center International and its international partners :

1. **Condemn, with the utmost energy**, this arbitrary detention and these acts of torture, cruel, inhuman and degrading treatment against Cameroonian citizens, contrary to international legal instruments relating to human rights ;

2. **Demand, in the strongest possible terms**, that the Cameroonian authorities IMMEDIATELY release all persons thus ARBITRALLY detained, and carry out investigations in accordance with republican laws and in transparency, in compliance with the Istanbul Protocol of 2022;
3. **Strongly remind** Military Security personnel in Cameroon that they are not officers of the judicial police and can in no way initiate a police investigation;
4. **Clearly remind** the Director of the Civil Cabinet of the Presidency of the Republic of Cameroon, Mr. Samuel MVONDO AYOLO, and the Director of Military Security, Colonel Émile Joël Bamkoui, that they will answer for their actions whatever protection they still enjoy within the security apparatus of the State;
5. **Remind, with strongest possible terms, the Cameroonian government once again** that section II of the UN Principles on Reparation defines the obligations of the State of Cameroon as follows: - **the obligation to prevent violations**; - **the obligation to investigate, bring to justice and punish the perpetrators**; - **the obligation to provide genuine access to justice for all individuals who may have been victims of a violation** (through impartial remedies/procedures); - **the obligation to provide full reparation to the victims or their beneficiaries**;
6. **Urge the Cameroonian government** to take special measures, in line with its international commitments, to ensure the effective protection of fundamental rights, which are thus violated daily.

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The Permanent Executive Secretary

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