Facts

The author of the communication was the wife of the alleged victim, a Cameroon citizen. The author alleged that a group of police officers broke into her house without a warrant, claiming to be looking for a gun, and began beating her husband (as well as battering the author, who was in an advanced state of pregnancy at the time). The police officers took some 300,000 Frs from the house. Two days later the police officers returned to the house and took the author’s husband to the police station before beating him, denying him food, and otherwise mistreating him. On several occasions the author attempted to bring her husband food but was chased away from the police station. Even after the gun the police officers were looking for was found on the street, the author’s husband continued to be held incommunicado and beaten because, as explained by one of the police officers, the author’s husband belonged to a secessionist organization.

After a complaint filed by the author, a prosecutor ordered the release of the author’s husband but the police refused to comply. The author’s husband was transferred to a military prison where the police continued to psychologically torture him. The prison was rife with disease, unventilated, and infested with bedbugs and mosquitoes. One morning the author’s husband complained of pain and asked for medication but the prison nurse was unable to access him as no guard on duty had a key to his cell. By the time the cell was opened that evening, the author’s husband had died. The author’s family requested an autopsy, but no post-mortem was allowed.

The author alleges violation of articles 2(3)(a) and (b), 6, 7, 9(1), (2), (3) and (4), 19, 22 and 27 of the International Covenant on Civil and Political Rights (the Covenant).

Despite the Committee’s request, Cameroon did not submit any information on the admissibility and merits of the communication.

Decision and Reasoning

The Committee held that:

The author did not sufficiently substantiate how her husband’s rights under articles 19, 22 and 27 of the Covenant were violated by his detention;
Cameroon did not fulfill its obligations under 6(1) of the Covenant to protect the author’s husband’s right to life because it (a) failed to allow a nurse access to his cell when he was ill and (b) condoned the life threatening conditions in the state prison;
Cameroon violated article 7 of the Covenant by subjecting the author’s husband to cruel, inhuman and degrading treatment, related to (a) the conditions of the detention, (b) the beatings he endured, (c) the deprivation of food and clothing, and (d) the death threats and incommunicado detention he suffered;
Cameroon also violated article 7 of the Covenant in respect to the author herself, given the battery inflicted on the author by the police officers and the fact she was chased away from the police station when she tried to bring her husband food; and
Cameroon violated article 9(1), (2), (3) and (4) of the Covenant because no warrant was ever issued for the author’s husband’s arrest or detention, he was never informed of the reasons for his arrest, brought before a judge or given the opportunity to challenge the lawfulness of his detention.
The Committee ordered Cameroon to provide the author with an effective remedy, including compensation and the commencement of criminal proceedings against the responsible parties, in accordance with article 2(3)(a) or the Covenant.

Decision Excerpts