



REF: CHRDA/HR12/24

**STATEMENT ON THE TORTURE OF MR. LONGKANA AGNO SIMON A.K.A
"LONGUÈ LONGUÈ", A RENOWNED CAMEROONIAN ARTIST**

The center for Human Rights and Democracy in Africa (CHRDA) has received with shock a video which has been circulating on several social media platforms capturing the torture of a civilian by some elements of Cameroon Defense and Security Forces.

After receiving the said video and due investigations done, CHRDA found out that the video dates back to 2019. In April 2019, the victim to this cruelty whom we got the name as Mr. Longkana Agno Simon, a well-known Cameroonian Musician and entertainer with the stage name "Longuè Longuè" was arbitrarily arrested in Douala by elements of the Military Security (SEMIL)-one of Cameroons Special Forces. The video depicts the victim being restrained with a chair and brutally tortured by over half a dozen military officers with the use of a machete while recording the act. In yet another video, CHRDA confirmed that he was arbitrarily arrested, detained and severely tortured by these elements who were not on military attire. These acts were committed under the auspices of a certain Commander Bernard Mbu Tabala, who was then, in charge of the Douala Branch of SEMIL and presently a Lieutenant-Colonel and in charge of the Kribi Navy-First Joint Military Region (RMIA1)

The 1996 Constitution of Cameroon as amended in 2008 in its preamble states *"every person has a right to life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment."* The preamble further states that *"...no person may be prosecuted, arrested or detained, except in the cases and according to the manner determined by law... every accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the rights of defense..."* Article 65 of this constitution makes the preamble a part and parcel of the constitution and therefore binding in equal force

The Cameroon Penal Code of 2016 as amended in 2019 in its Section 277-3 criminalizes torture. Section 277-3 (6) states *"No exceptional circumstances, whatever they are, whether the state of war or threat of war, internal political stability or state of exception, may be invoked to justify torture"* The acts committed above are directly violates the above provisions

Cameroon has also ratified a series of international treaties and conventions which, prohibit arbitrary arrest/ Detention, guarantee the right to presumption of innocence and prohibit torture, cruel and inhumane/degrading treatment. Among these instruments are the Universal Declaration of Human Rights (article 5); the International Covenant on Civil and Political Rights (article 6, 10, &14); the African Charter on Human and Peoples' Rights (articles 5 and 7); the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT). Article 2 of CAT states *"(1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. (2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. (3) An order from a superior officer or a public authority may not be invoked as a justification of torture"*

CHRDA states that the treatment meted out on Mr. Longkana Agno Simon amounts to acts of Torture, Cruel, Inhumane or Degrading Treatment or Punishment.

Torture according to CAT is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity'. This definition has been adopted by section 277-3 (5) of the 2016 Penal Code of Cameroon as amended in 2019. This therefore makes prohibition of Torture and other Cruel, Inhumane or Degrading Treatment or Punishment an *jus cogen* norm whose violation cannot be justified.

Considering the above;

CHRDA Condemns in strong terms this inhumane, barbaric and cruel treatment meted out on a defenseless citizen by Elements of Cameroon Defense and Security Forces

CHRDA further calls for a prompt, independent and transparent investigation so as to bring to justice all persons directly or remotely involved in this barbaric act

CHRDA calls on Cameroon authorities to respect the constitution, domestic laws as well as international Conventions and treaties, in accordance with article 45 of the 1996 constitution of Cameroon as amended in 2008

CHRDA calls on the State of Cameroon through the Minister of State, Minister of Justice and Keeper of the Seal to ensure that the victim to this barbaric act in the person of Mr. Longkana Agno Simon, Alias "Longuè Longuè" gets proper reparation in accordance with the Criminal Procedure Code of Cameroon as well as other national and international rules and regulations in force

CHRDA reassures her commitment to work with national and international stake holders to ensure that justice takes its course

Done in Buea the 24, October 2024

The President, CHRDA

