



Home Office

# **Country Policy and Information Note**

## **Cameroon: Actors of protection**

**Version 1.0**

**December 2020**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

### **Independent Advisory Group on Country Information**

Independent Chief Inspector of Borders and Immigration  
5th Floor  
Globe House  
89 Eccleston Square  
London, SW1V 1PN  
Email: [chiefinspector@icibi.gov.uk](mailto:chiefinspector@icibi.gov.uk)

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

# Contents

<b>Assessment</b>	<b>5</b>
1. Introduction	5
1.1 Scope of this note	5
2. Consideration of issues	5
2.1 Credibility	5
2.2 Exclusion	5
2.3 Protection	5
<b>Country information</b>	<b>8</b>
3. Security apparatus	8
3.1 Overview	8
3.2 Police	8
3.3 Armed forces	11
4. Legal rights	11
4.1 Penal code	11
4.2 Arrest and detention	12
4.3 Conditions of detention	13
5. Capability of security forces	15
5.1 Corruption and effectiveness	15
5.2 Human rights abuses	16
5.3 Accountability and impunity	18
6. National Human Rights Commission and The Cameroon Network of Human Rights Organizations (RECODH)	21
7. Judiciary	22
7.1 Structure	22
7.2 Independence and effectiveness of the judiciary	22
7.3 Access to justice for women	24
7.4 Trial procedures	25
7.5 Legal aid and other assistance	27
7.6 Lawyers	28
<b>Terms of Reference</b>	<b>30</b>
<b>Bibliography</b>	<b>31</b>
Sources cited	31
Sources consulted but not cited	33
<b>Version control</b>	<b>35</b>

# Assessment

Updated: 23 December 2020

## 1. Introduction

### 1.1 Scope of this note

- 1.1.1 Whether in general those with a well-founded fear of persecution or serious harm from non-state actors can obtain effective state protection.

[Back to Contents](#)

## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

### 2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

[Back to Contents](#)

### 2.3 Protection

- 2.3.1 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.3.2 Cameroon has a framework of laws to penalise various forms of criminal activity and a functioning criminal justice system composed of the security forces – police, military, intelligence services - and the judiciary, comprised of federal and state courts, and the Supreme Court sitting above various subordinate courts. The legal system is a mix of English common law, French civil law and customary law. According to the sources consulted the government maintains some control over the security forces and had some mechanisms in place to investigate and punish abuse and corruption (see [Security apparatus](#), [Penal code](#) and [Judiciary](#)).

- 2.3.3 The two bodies of police that are responsible for law enforcement are the national police (Sûreté Nationale), which reports to the Presidency, and the Gendarmerie Nationale, which is a paramilitary force under the Ministry of Defence. The Gendarmerie Nationale has historically held responsibility for rural areas, while the national police focus on cities and towns. CPIT could find no information in the sources consulted with regard the number or ratio of police officers to citizens (see [Security apparatus](#)).
- 2.3.4 The police are reportedly inefficient, lack equipment and poorly trained. According to the sources consulted corruption and bribery are commonplace, while the police's response to crimes is often slow and sometimes non-existent. One source noted that perpetrators of crimes were rarely caught. The law which provides penalties for corrupt officials is not implemented effectively. The police and army have offices to investigate reports of abuse and corruption, and while some cases have been forwarded to the courts members of the security forces are rarely held to account (see [Corruption and effectiveness](#) and [Accountability and impunity](#)).
- 2.3.5 Oversight of human rights is provided by the government funded National Commission on Human Rights and Freedoms (NCHRF). It was established in 1990 as an independent body, however the remit of the commission is limited (see [National Human Rights Commission and The Cameroon Network of Human Rights Organizations](#)).
- 2.3.6 The security forces are reported to have committed human rights abuses, including arbitrary killings, forced disappearances, rape, beating, harassing and abusing citizens, as well as destroying private property and the killing of civilians and suspected separatists. Torture and killings are also alleged to have taken place on detainees (See [Human rights abuses](#) and [North-West South-West Crisis CPIN](#)). According to the sources consulted there is incommunicado detention without trial and extraction of confessions under torture ([Arrest and detention](#)) and detainees are held in grossly overcrowded harsh conditions (see [Conditions of detention](#)).
- 2.3.7 According to the sources consulted the law provides for an independent judiciary but political influence and corruption sometimes compromises this. Traditional authorities, which have been significantly affected by insecurity, limit women's access to justice. The judiciary is subordinate to the Ministry of Justice and judges can be appointed and dismissed by the president. Politicisation of and pressure against the judiciary persists. Military courts can also exercise jurisdiction over civilians for a range of offences. There is a lack of equipment, services and shelters for women affected by sexual and gender based violence (see [Independence and effectiveness of the judiciary](#) and [Access to justice for women](#)).
- 2.3.8 According to the sources consulted, more widely due process is generally not respected and lengthy pretrial detentions are common. Detainees are not always informed of the charges against them and treated as if already convicted. Defendants with court appointed counsel (legal aid) are disadvantaged by poor quality legal assistance and burdensome and lengthy processing of cases through the courts (see [Trial procedures](#), [Independence and effectiveness of the judiciary](#) and [Legal aid and other assistance](#)).

- 2.3.9 The state has taken steps to establish and operate an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm and to which persons have access.
- 2.3.10 Despite some weaknesses in the criminal justice system, the state is generally willing and able to offer effective protection. However, this may be particularly difficult to access for those living in areas of armed conflict, for women or those belonging to certain groups (see [country policy and information notes](#) on North-West South-West Crisis, Sexual orientation and gender identity or expression, Internal relocation and Background note).
- 2.3.11 Decision makers must consider each case on its facts, taking into account the person's background and profile, and whether they have previously sought protection and the outcome of this, or a person's reasons for not seeking protection – noting that a person's reluctance to seek protection does not necessarily mean that effective protection is not available. The onus is on the person to demonstrate why the state would not be willing and able to provide effective protection.
- 2.3.12 For further information relating to particular groups, for example, Sexual orientation and gender identity or expression, see the relevant [Country Policy and Information Note](#).
- 2.3.13 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

# Country information

Section 3 updated: 1 December 2020

## 3. Security apparatus

### 3.1 Overview

- 3.1.1 The US State Department (USSD) human rights report 2019, covering events in 2019, stated:

'The national police and the national gendarmerie have primary responsibility over law enforcement and maintenance of order within the country. The army is responsible for external security but also has some domestic security responsibilities. The national police, which includes public security, judicial, territorial security, and frontier police, reports to the General Delegation of National Security (DGSN), which is under the direct authority of the presidency. The national gendarmerie reports to the Secretariat of State for Defense (SED) in charge of the gendarmerie, a dedicated branch of the Ministry of Defense. In addition to the gendarmerie, the army and the army's military security unit are other components of the ministry, which is headed by a minister delegate under the direct authority of the president. The General Delegation for External Research (DGRE) serves as the intelligence agency for both internal and external security, and like the Ministry of Defense and DGSN, reports to the office of the president, resulting in strong presidential control of security forces. The Rapid Intervention Battalion (BIR) falls outside the purview of conventional security forces, reporting directly to the president. Civilian authorities at times did not maintain effective control over the security forces, including police and gendarmerie.'

<sup>1</sup>

[Back to Contents](#)

### 3.2 Police

- 3.2.1 The Law on Use of Police Force Worldwide noted that 'There are two main bodies of police in Cameroon: the regular police force (Sûreté nationale), reporting to the Presidency, and the Gendarmerie Nationale, a paramilitary police force under the Ministry of Defence. By 2012 Presidential Decree, the Sûreté nationale was given concurrent responsibility for ensuring respect and protection of institutions, freedoms, individuals, and property.'
- <sup>2</sup>

- 3.2.2 A Global Security article noted:

'... the Gendarmerie Nationale [...] by 2016 had a strength of 9,000 troops...

'The Gendarmerie Nationale is a component of the Defence Forces. It acts throughout the national territory and especially in rural areas and communication routes. Under the authority of the Minister of Defense, the National Gendarmerie is a military force, also ensuring civilian missions. It can employ civilian personnel.

'Under the authority of the Minister of Defence, the Gendarmerie executes tasks to the Minister of Territorial Administration and the Minister of Justice.

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<sup>1</sup> USSD, '[Human rights report 2019 \(section 1D\)](#)', 11 March 2020

<sup>2</sup> The Law on Use of Police Force Worldwide, '[Cameroon](#)', last updated July 2019



It is also at the disposal of other Heads of departments within the missions assigned to it in accordance with regulations. The Gendarmerie performs administrative police missions and police, as provided by the regulations in force.

‘It contributes to national defense. It contributes to the maintenance of internal security of the State. It ensures the military police missions and military police. It satisfies the orders of the Head of State and the Minister of Defence, according to its technical and its resources, the requisitions and aid applications submitted regularly by the competent authorities.

‘Under the authority of the Secretary of State for Defence specially charge of the Gendarmerie, the National Gendarmerie includes: Central Services; The territorial commands; Commands and specialized training.

‘Under the authority of the Minister of Defense, the Secretary of State for Defence has special responsibility for the gendarmerie. It can perform other missions as the Minister of Defence entrusted. He is responsible for: administration of the National Gendarmerie; Designing and developing rules and guidelines necessary to implement the tasks of the National Gendarmerie. As such: It ensures the recruitment of staff not officers and civilians of Gendarmerie personnel; It ensures the initial training and continuing training of staff of the National Gendarmerie; It develops and enforces the equipment plans and infrastructure of the National Gendarmerie, after approval of the Minister of Defence; Prepares the budget proposals of the National Gendarmerie and submit it to the Minister of Defence. It is responsible to it for implementing the budget of the National Gendarmerie; Elaborates the draft texts concerning the organization and functioning of the National Gendarmerie; It is consulted in the development of any text, the application may concern the Gendarmerie Nationale.

‘The Secretary of State for Defence specifically responsible for the Gendarmerie Nationale is at the disposal of the various ministers, including the Minister in charge of Territorial Administration and the Minister of Justice to perform the tasks assigned to Gendarmerie and within their respective powers. It ensures that no abuse of employment is committed to the detriment of the missions of the Force and its staff.

‘The Gendarmerie Region is in charge of command, administration, coordination and support training of the National Gendarmerie in the execution of their tasks. The Gendarmerie Region also includes organizations, establishments, workshops, warehouses, stocks, shops and public infrastructure or specialized ministerial implanted and placed in the Region, by delegation of the Secretary of State for Defence in charge of the Gendarmerie, under the authority of the Commander of the Gendarmerie Region.

‘The jurisdictions and command posts of the Gendarmerie Region's fixed as follows:

‘First Region Police (RG1) :

‘territories: Central Province, Eastern Province, Southern Province;

‘command post: Yaoundé

‘Second Region Police (RG2)

‘territories: Littoral Province, North West Province, Western Province, South-West Province;

‘command post: Douala

‘Third Region Police (RG3)

‘territories: Adamawa Province, Far North Province, Northern Province

command post: Garoua.’<sup>3</sup>

- 3.2.3 In the book ‘Complex Adaptive Systems, Resilience and Security in Cameroon’ by Dr Manu Lekunze, a teaching fellow at the University of Aberdeen<sup>4</sup>, observed:

‘The core of day-to-day police participation in security provision is the responsibility of...the Directorate of Public Security... “local police” [are those] engaged in day-to-day security provision... It is intended for the police to be more active in urban areas while the gendarmerie covers the rural areas.

‘...local police are involved in day-to-day security provision in communal areas such as markets or “motor parks” (minicab or minibus ranks). They address minor issues of shoplifting, assault and anti-social behaviour. Indeed, one... Police Commissioner [said] that one of the common crimes they deal with on a day-to-day basis is assault.

‘...in addition to the local police are other parts of the police force [referred] to as interventionist police. They tend to only take part in security provision when the customary actors and the local police are incapable of coping with specific security challenges. These are usually the Groupement Mobile d’Intervention (GMI) with sub-units such as L’Equipe Speciale d’Intervention Rapide (ESIR). “En temps normal”, the GMI... is tasked with the role of reinforcing the actions of other forces and police units in their role to maintain... order, civil protection and the monitoring of the entire region...”En temps de crise”, it is tasked to intervene to maintain order at the request of the governor.’<sup>5</sup>

- 3.2.4 A Business in Cameroon article from June 2019 noted that ‘On July 8, 2019, Cameroon will start the progressive transfer of some of the police forces’ competencies to the special security unit (ASU) of Douala international airport. These are namely services related to passengers, luggage, access and vehicles’ checks and screening.’<sup>6</sup>
- 3.2.5 CPIT has been unable to find any further up to date information regarding police numbers or ratios in the sources consulted (see [Bibliography](#)).

[Back to Contents](#)

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<sup>3</sup> Global Security.org, ‘[Gendarmerie Nationale](#)’, last modified 21 September 2016

<sup>4</sup> University of Aberdeen, [Staff directory](#), undated

<sup>5</sup> Routledge, ‘[Complex Adaptive Systems, Resilience and Security in Cameroon](#)’, 29 May 2019

<sup>6</sup> Business in Cameroon, ‘[Cameroon transfers security checks...](#)’, 26 June 2019

### 3.3 Armed forces

3.3.1 The DefenceWeb website provided some basic information on [Cameroon Armed Forces](#). The report from 2013 gives the total force strength at that time as:

- 'Army: 23,000
- 'Navy: 1,500
- 'Air Force: 1,800
- 'Gendarmerie: 9,000'<sup>7</sup>

3.3.2 The book Historical Dictionary of the Republic of Cameroon by [Mark Dike DeLancey](#) (associate professor in the Department of History of Art and Architecture and director of the Islamic World Studies Program at DePaul University), [Mark W. Delancey](#) (retired professor of political science and African studies at the University of South Carolina, Columbia, SC and Sookmyung Women's University, Seoul, Korea) and [Rebecca Neh Mbuh](#) (Professor in the Department of Business Administration at Hankuk University of Foreign Studies, Seoul, South Korea) stated:  
  
'...In most reports, the National Gendarmerie is included as part of the armed forces. There are also paramilitary forces. In 2017, all units included about 38,000 (some estimate 40,000) people. This represents a large increase from the 2009 estimate of 28,000... Military service is voluntary; there is no conscription.'<sup>8</sup>

3.3.3 The CIA factbook lists Cameroon military and security forces as:

- 'Cameroon Armed Forces (Forces Armees Camerounaises, FAC):
- 'Army (L'Armee de Terre),
- 'Navy (Marine Nationale Republique,
- 'MNR, includes naval infantry),
- 'Air Force (Armee de l'Air du Cameroun, AAC),
- 'Gendarmerie, Presidential Guard (2019).'<sup>9</sup>

[Back to Contents](#)

Section 4 updated: 1 December 2020

## 4. Legal rights

### 4.1 Penal code

4.1.1 Cameroon has established a code of criminal law through the [Penal Code of Cameroon](#), adopted on 12 July 2016<sup>10</sup>.

[Back to Contents](#)

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<sup>7</sup> Defence Web, '[Cameroon](#)', 14 February 2013

<sup>8</sup> Rowman & Littlefield, '[Historical Dictionary of the Republic of Cameroon](#)', 15 June 2019

<sup>9</sup> CIA World Factbook, '[Cameroon](#)', updated 24 November 2020

<sup>10</sup> Government of Cameroon, '[The Penal Code of Cameroon](#)', 12 July 2016

## 4.2 Arrest and detention

### 4.2.1 The USSD human rights report 2019 noted:

'The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness in court of an arrest or detention. The law states that except in the case of an individual discovered in the act of committing a felony or misdemeanor, the officials making the arrest must disclose their identity and inform the person arrested of the reason. Any person illegally detained by police, the state counsel, or the examining magistrate may receive compensation. The government did not always respect these provisions.'<sup>11</sup>

### 4.2.2 The same report also stated:

'The law requires police to obtain a warrant from a judge or prosecutor before making an arrest, except when a person is caught in the act of committing a crime, but police often did not respect this requirement. The law provides that suspects be brought promptly before a judge or prosecutor, although this often did not occur, and citizens were detained without judicial authorization. Police may legally detain a person in connection with a common crime for up to 48 hours, renewable once. This period may, with the written approval of the state counsel, be exceptionally extended twice before charges are brought. Nevertheless, police and gendarmes reportedly often exceeded these detention periods. The law also permits detention without charge for renewable periods of 15 days by administrative authorities such as governors and civilian government officials serving in territorial command. The law also provides that individuals arrested on suspicion of terrorism and certain other crimes may be detained for investigation for periods of 15 days, renewable without limitation with authorization of the prosecutor. The law provides for access to legal counsel and family members, although police frequently denied detainees access to both. The law prohibits incommunicado detention, but such cases occurred, especially in connection with the Anglophone crisis and the postelection situation. The law permits bail, allows citizens the right to appeal, and provides the right to sue for unlawful arrest, but these rights were seldom respected.'<sup>12</sup>

### 4.2.3 Human Rights Watch reported that:

'In a communique issued on August 31 [2019], the Cameroon Bar Council explained that the lawyers decided to stage the five-day strike because of what they describe as systematic denial of access to their clients in detention facilities across the country, including the State Defense Secretariat (SED) detention facility in Yaoundé. The lawyers are also protesting authorities' alleged refusal to acknowledge or respond to their various written requests, the prolonged and unlawful detention of their clients, and the extraction of confessions under torture. The lawyers further claim in the letter that they are "continuously being threatened, arrested and detained" while trying to do their work.

'Human Rights Watch has extensively documented the widespread use of incommunicado detention and torture at SED, as well other violations of due

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<sup>11</sup> USSD, '[Human rights report 2019](#) (section 1D)', 11 March 2020

<sup>12</sup> USSD, '[Human rights report 2019](#) (section 1D)', 11 March 2020

process rights. A military court recently handed down a life sentence to the leaders of a separatist group following a trial in which the defendants were not able to exercise their right to effectively defend themselves .

‘The strike occurs about a month after inmates in Yaoundé’s Central Prison rioted in protest against abysmal living conditions and trial delays. Following the riot, Cameroonian authorities held over 100 detainees incommunicado for almost 2 weeks at SED. Many of them were tortured.’<sup>13</sup>

- 4.2.4 For more information on legal, social and economic rights see CPIN: [Cameroon – Background note.](#)

[Back to Contents](#)

### 4.3 Conditions of detention

- 4.3.1 The World Prison Brief for Cameroon noted there were 79 functional prisons with an occupancy level of 171.4% as at the end of 2017 with 58.1% pre-trial detainees <sup>14</sup>.

- 4.3.2 The USSD human rights report for 2019 noted:

‘Prison conditions were harsh and life threatening due to food shortages and poor-quality food, gross overcrowding, physical abuse, as well as inadequate sanitary conditions and medical care.

‘Physical Conditions: Overcrowding remained a significant problem in most prisons, especially in major urban centers. Prison overcrowding was exacerbated by the significant increase in arrests related to the Anglophone crisis and CRM protests following the October 2018 elections. Officials held prisoners in dilapidated, colonial-era prisons. Authorities often held pretrial detainees and convicted prisoners in the same cells. In many prisons, toilets were only common pits. In some cases, women benefitted from better living conditions, including improved toilet facilities and less crowded living quarters. Prisons generally had separate wards for men, women, and children. Authorities claimed to hold the sick separately from the general prison population, but this was often not the case.

‘According to prison administration officials, the country had 79 operational prisons, with an intended capacity of 17,915. During the past five years, the prison population increased steadily, from 23,500 in 2013 to 30,701 in December 2017, according to the latest report published in 2018 by the National Commission on Human Rights and Freedoms (NCHRF). In its 2018 country report on Cameroon, Amnesty International indicated that the Central Prison in Maroua, Far North Region, held 1,500 detainees, more than four times the planned capacity. Malnutrition, tuberculosis, bronchitis, malaria, hepatitis, scabies, and numerous other untreated conditions, including infections, parasites, dehydration, and diarrhea, were rampant.

‘In a July 23 press release following the riots at Yaoundé’s Kondengui and Buea prisons, Amnesty International noted that prison conditions were dire, stating that until the situation improved there was a strong risk of further violence. During an August 2 press briefing, Justice Minister Laurent Esso

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<sup>13</sup> HRW, ‘[Cameroonian Lawyers Say ‘Enough is Enough’](#)’, 18 September 2019

<sup>14</sup> World Prison Brief, ‘[Cameroon 2017](#)’, 2018

announced some measures to address overcrowding: acceleration of judicial proceedings, a strengthening of disciplinary measures, modernization of the means of controlling and monitoring prisoners, decongestion of prisons with proven overcrowding, and the prohibition on the use of certain items in the prison environment.

‘Physical abuse by prison guards and prisoner-on-prisoner violence were problems. For instance, during the July 22 riots at the Kondengui Central Prison, at least two high-profile inmates, including former prime minister Inoni Ephraim and former health minister Olanguena Awono, sustained injuries after other prisoners attacked them for the privileged lifestyles they carried on within the prison. Corruption among prison personnel was reportedly widespread. Visitors were at times forced to bribe wardens to be granted access to inmates. Prisoners bribed wardens for special favors or treatment, including temporary freedom, cell phones, beds, and transfers to less crowded areas of the prisons. Due to their inability to pay fines, some prisoners remained incarcerated after completing their sentences or after they had received court orders of release.

‘Administration: Independent authorities often investigated credible allegations of mistreatment. Visitors needed formal authorization from the state counsel; without authorization, they had to bribe prison staff to communicate with inmates. Visits to Boko Haram suspects, alleged Anglophone separatists, and political opponents detained after the October 2018 presidential election were restricted. Authorities allowed prisoners and detainees to observe their religions without interference.

‘Independent Monitoring: The government permitted monitoring by some NGOs, including Buea-based [Human Is Right](#), which in July helped identify at least one case of prolonged illegal detention. The NCHRF and the Commissions for Justice and Peace of the Catholic Archdioceses also conducted prison visits. In a February 27 press release, the NCHRF deplored the challenges in gaining access to CRM activists incarcerated at Kondengui Central Prison. With the exception of the International Committee of the Red Cross, the government restricted international humanitarian organizations’ access to prisoners.

‘There were reports of newly identified political prisoners or detainees, but no comprehensive or accurate statistics were available. Political prisoners were detained under heightened security, often in SED [Secretariat of State for Defense] facilities and at the Principal and Central Prisons in Yaounde. Some were allegedly held at DGRE [intelligence agency] facilities. The government did not readily permit access to such persons.’<sup>15</sup>

#### 4.3.3 A Voice of America (VoA) News article noted:

‘Hundreds of people marched in Cameroon's capital, demanding to know the whereabouts of imprisoned relatives who were moved to unknown locations last week after a riot inside a large Yaoundé jail.

‘...The prisoners were moved after a riot in the Kondengui Central Prison on July 22 [2019]. Detained separatists from Cameroon's English-speaking

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<sup>15</sup> USSD, [‘Human rights report 2019](#) (section 1)’, 11 March 2020



regions and jailed opposition members took possession of the prison yard to denounce overcrowding, deplorable conditions and lengthy trial delays.

‘The prison, built for 750 inmates, was holding more than 6,000.

...they [Separatists on social media] had been informed that 88 of the English-speaking inmates were in a cell in Yaoundé.’<sup>16</sup>

- 4.3.4 The Human Rights Watch report on events in 2019 noted: ‘During the year, there was widespread use of incommunicado detention and torture of people suspected of ties to armed separatist groups at the State Defense Secretariat (Secrétariat d’Etat à la défense, SED) prison in Yaoundé. Gendarmes and other security personnel at the SED used torture, including severe beatings and near-drowning, as well as other ill-treatment to force suspects to confess to crimes, or to humiliate and punish them.’<sup>17</sup>

- 4.3.5 Amnesty International in a May 2020 report stated:

‘Kondengui Prison, the capital’s main prison was built to house 1,500 detainees. However, prior to the government’s order to release some prisoners, there were over 6,000 detainees held in the prison.

‘Pre-trial detainees make up to 58% of the prison population in Cameroon. Many detainees currently held in pre-trial detention in relation to the separatist anglophone crisis won’t benefit from the government’s measures. Others, like Ivo Fomusoh and two of his friends, who were sentenced to 10 years for sharing an SMS joke, will also remain in prison.

‘Poor access to health care also characterizes detainees’ dire living conditions. There is only one doctor per 1,335 prisoners. Inmates are malnourished and at least 15% of them are sick with tuberculosis. The situation is more or less the same in other prisons in Cameroon. The prison of Maroua, in the Far North Region - which has an occupancy rate of over 230% - has registered many deaths in custody due to the harsh conditions of detention.’<sup>18</sup>

[Back to Contents](#)

Section 5 updated: 1 December 2020

## **5. Capability of security forces**

### **5.1 Corruption and effectiveness**

- 5.1.1 The USSD human rights report 2018, covering events in 2018 noted ‘Police remained ineffective, poorly trained, and corrupt. Impunity continued to be a problem.’<sup>19</sup>

- 5.1.2 Transparency International’s undated website noted:

‘About 56% of Cameroonians believe that the police sector is the most corrupt in the country. Police and gendarmerie officers collect bribes from road users and the public believe that this is condoned at the highest levels of the state. Although the government has tried from time to time to win the

<sup>16</sup> VoA News, [‘Whereabouts of 100s Unknown After Cameroon Prison Riot’](#), 5 August 2019

<sup>17</sup> HRW, [‘2020 World Report’](#), 13 January 2020

<sup>18</sup> AI, [‘Sub-Saharan states must protect detainees against COVID-19’](#), 25 May 2020

<sup>19</sup> USSD, [Human rights report 2018 \(section 1d\)](#), 13 March 2019

hearts and minds of the public by broadcasting the names of some gendarmerie and police officers involved in corrupt practices over the National Radio and Television, one of the reasons that the population does not trust these institutions is that the government fails to provide details of those tried. Only about 37% believe [sic] that, in general, the government is doing a good job of fighting corruption.’<sup>20</sup>

5.1.3 The USSD’s Overseas Security Advisory Council (OSAC) Crime and Safety Report for the country, updated in April 2020, noted:

‘Law enforcement and security personnel struggle to deter and respond to criminal activities. Police response is often slow, and may be non-existent in some areas; perpetrators of crimes are rarely caught. Police and security forces lack training and equipment. In some cases, police and security force members have colluded with criminal elements and/or perpetrated criminal acts. In others, law enforcement authorities have required victims to provide payment to ensure or to expedite investigation or other appropriate police action. Checkpoints and roadblocks often serve as a venue for authorities to extort bribes from travelers.’<sup>21</sup>

[Back to Contents](#)

## 5.2 Human rights abuses

5.2.1 The USSD human rights report 2019 noted:

‘There were several reports that the government or its agents committed arbitrary and unlawful killings through excessive use of force in the execution of official duties.

‘While the government repeatedly promised to investigate abuses committed by security forces, it did not do so transparently or systematically and did not provide details.

‘As in the previous year, government security forces were widely believed to be responsible for disappearances of suspected Anglophone separatists and political opponents.

‘Although the constitution and law prohibit such practices, there were reports that security force members tortured or otherwise abused citizens, including separatist fighters and political opponents. Amnesty International and HRW documented several cases in which security forces severely mistreated political opponents, and others where armed separatists mistreated civilians and members of defense forces.

‘The law provides that suspects be brought promptly before a judge or prosecutor, although this often did not occur, and citizens were detained without judicial authorization. .... police, gendarmes, the BIR, and other government authorities reportedly continued to arrest and detain persons arbitrarily, often holding them for prolonged periods without charge or trial and at times incommunicado.

‘Although the constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence, these rights were subject to restriction for

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<sup>20</sup> Transparency International, ‘[Cameroon-Political Risk](#)’, 2020

<sup>21</sup> OSAC, ‘[2020 Crime and Safety Report-Cameroon](#)’, 28 April 2020



the interests of the state, and there were credible reports police and gendarmes abused their positions by harassing citizens and conducting searches without warrants.’<sup>22</sup>

5.2.2 The USSD human rights report 2018 noted:

[Amnesty International reported in July 2017](#) on the cases of 101 individuals whom security forces allegedly tortured between March 2013 and March 2017 in detention facilities run by the Rapid Intervention Battalion (BIR) and the General Directorate of Counter Intelligence (DGRE). While most of the cases documented involved persons arrested in 2014 and 2015 and allegedly tortured between 2014 and 2016, Amnesty International asserted that the practice continued into 2017. It stated that torture took place at 20 sites, including four military bases, two intelligence centers, a private residence, and a school. Specific sites named in the report included the BIR bases in Salak, Kousseri, and Kolofata in the Far North Region, and DGRE facilities in Yaoundé. As of October the government had not shared results of its internal investigations but claimed it had investigated some, if not all, of the allegations.’<sup>23</sup>

5.2.3 A November 2019 report of the UN Secretary-General reported that:

‘A technical team of the Office of the United Nations High Commissioner for Human Rights (OHCHR) visited Cameroon from 5 to 27 September [2019] and found that serious human rights violations and abuses, attributed to both government security forces and armed separatists, were occurring across the two regions. OHCHR received allegations of unlawful killing, rape and gang rape, torture and other forms of ill-treatment, abduction for ransom, infringement of the rights to freedom of expression and peaceful assembly, forced displacement, destruction of property and attacks on schools and medical facilities, as well as arbitrary detention. There was concern regarding impunity.’<sup>24</sup>

5.2.4 A January 2020 Landinfo report on the Anglophone situation, based on a range of sources, and covering the political development and the human rights situation of the period from July 2018 through December 2019 noted in its summary: ‘The political situation continues to be deadlocked, Cameroonian security forces have increased their use of violence both against separatist militias and civilians and the number of IDPs has more than tripled [updated from Landinfo report 2018]. Cameroonian authorities continue using harsh methods suppressing both peaceful political activities and armed rebels, and armed rebels still target both security forces and civilians perceived as regime collaborators.’<sup>25</sup>

5.2.5 For more information on Human rights abuses see CPIN: [North-West South-West Crisis](#).

[Back to Contents](#)

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<sup>22</sup> USSD, ‘[Human rights report 2019 \(section 1D\)](#)’, 11 March 2020

<sup>23</sup> USSD, ‘[Human rights report 2018 \(section 1C\)](#)’, 13 March 2019

<sup>24</sup> UNSG, ‘[The situation in Central Africa and the activities...](#)’ (para 29), 29 November 2019

<sup>25</sup> Landinfo, ‘[Report on the Anglophone conflict...](#)’, 27 January 2020

### 5.3 Accountability and impunity

#### 5.3.1 The USSD Human Rights report 2018 stated:

‘Civilian authorities maintained some control over the police and gendarmerie, and the government had some mechanisms in place to investigate and punish abuse and corruption. The DGSN (General Delegation of National Security) [Headquarters of the national police<sup>26</sup>] and gendarmerie investigated reports of abuse and forwarded cases to the courts. Lesser sanctions were handled internally. The DGSN, Ministry of Defense, and Ministry of Justice stated that members of security forces were sanctioned during the year for committing abuses, but few details were known about investigations or any subsequent accountability.

‘The national gendarmerie and the army have special offices to investigate abuse. The secretary of state for defense and the minister delegate at the presidency are in charge of prosecuting abusers. The minister delegate of defense refers cases involving aggravated theft, criminal complicity, murder, and other major offenses to the military courts for trial.

‘In March [2018] authorities opened an investigation into the case of taxi driver Jean Nga Mvondo, who died a few hours after the Ngousso gendarmerie brigade in Yaoundé released him from detention. Pending the outcome of the investigation, on March 23, the secretary of state in charge of the National Gendarmerie (SED) relieved the brigade commander of his duties.

‘... on July 24, the minister delegate for defense announced that the gendarmerie in Bamenda, Northwest Region, arrested first class soldier Mbita Arthur and referred him to the office of the Bamenda military court prosecutor. The minister also promised to take disciplinary action against the soldier in accordance with the law. Mbita Arthur allegedly raped a female victim on July 23.’<sup>27</sup>

#### 5.3.2 The USSD human rights report for 2019 stated: ‘Although the government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, it did not do so systematically and rarely made the proceedings public. Some offenders, including serial offenders, continued to act with impunity.’<sup>28</sup>

#### 5.3.3 Human Rights Watch in their report covering events in 2019 stated:

‘In a March letter to Human Rights Watch, government officials said that about 30 cases were pending before the Military Courts in Bamenda and Buea for crimes committed by security forces, including torture, destruction of property, violation of orders, and theft. Officials added that, while investigations were conducted, information about them are confidential. However, the visible lack of accountability appears to have fueled abuses, including killings, destruction of property, and torture.

‘The trial of seven soldiers allegedly caught on video carrying out the 2015 execution of two women and two children in the Far North region started in

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<sup>26</sup> CIRB, ‘[Cameroon: Notices to appear issued by the DGSN...](#)’, 23 October 2013

<sup>27</sup> USSD, ‘[Human rights report 2018 \(section 1\)](#)’, 13 March 2019

<sup>28</sup> USSD, ‘[Human rights report 2019 \(section 1D\)](#)’, 11 March 2020

August, however hearings have been delayed several times, including following a request by defense lawyers to hold the trial behind closed doors.

'In May, authorities announced an investigation into the burning of at least 70 homes allegedly carried out by security forces in Mankon, Bamenda, on May 15, as well as the establishment of a commission of inquiry to evaluate the material damage and property destroyed. The commission was due to submit its report by May 24, but authorities have made no information about the findings public.

'On April 12 in what appears to be an attempt to curb reports of abuse by its security forces, the government denied a Human Rights Watch researcher access to the country. Despite several attempts to obtain explanations, Human Rights Watch had yet to receive any clarification from the government as to the basis for its decision to block access.'<sup>29</sup>

- 5.3.4 News sources reported on the killing of 21 civilians in Cameroon's Ngarbuh village, including reportedly 13 children and 1 pregnant woman, on February 14, 2020<sup>30</sup>. A UN News report stated:

'...While the opposition party are blaming the killings on the army, no one has claimed responsibility...

'The UN chief called on the Government to "conduct an investigation and to ensure that those responsible are held accountable".

'He also told armed actors to "refrain from attacks against civilians and to respect international humanitarian and international human rights law".

'The statement concluded with Mr. Guterres reiterating that the UN stands ready "to work with all stakeholders towards a political solution to the crisis in the northwest and southwest regions of Cameroon through meaningful dialogue".

'This is just the latest deadly incident in western Cameroon where hundreds of thousands of people have been displaced by clashes between security and defense forces and armed separatist groups.

'The Office of the UN High Commissioner for Human Rights (OHCHR) called it "a shocking episode" in the ongoing crisis that has afflicted the country's northwest and southwest regions for the past three years.

'Noting the Government's announcement on Monday that it would investigate the killings and make public the findings, OHCHR Spokesperson Rupert Colville told journalists in Geneva: "We urge the authorities to ensure that the investigation is independent, impartial and thorough, and that those responsible are held fully to account".

'He cited witnesses as saying that some 40 armed men, including members of the security and defense forces, attacked the village in the department of Donga Mantung in North-West Cameroon, "opening fire on people and burning down houses".

'...he continued...

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<sup>29</sup> Human Rights Watch, '[2020 World Report-Cameroon](#)', 14 January 2020

<sup>30</sup> HRW, 'Cameroon: '[Civilians massacred in separatist area](#)', 25 February 2020

“We call on the Government to ensure that the security forces abide by applicable international law norms standards during the conduct of their operations”, Mr. Colville said, while similarly reminding armed separatist groups of their responsibilities under international law and all parties to refrain from deliberate attacks on civilians.’<sup>31</sup>

5.3.5 Africa Times an independent online news site reported on 19 February 2020:

‘Cameroon’s government is denying allegations that its military was involved in a massacre last week in the village of Ngarbuh, a community in the country’s Northwest Anglophone region.

‘Spokesman René Emmanuel Sadi, speaking to reporters Tuesday, said the accusations against security forces were false. “Without the slightest preliminary investigation, several political activists, inveterate detractors, have invaded the media to blame the defense forces for the consequences of this incident,” he told [Radio France International](#).’<sup>32</sup>

5.3.6 The BBC reported on 21 April 2020 that:

‘Cameroon has admitted that soldiers acting alongside a militia shot dead 13 civilians, including 10 children, in the restive north-west of the country.

‘Officials had initially denied the army was involved in the killings in Ntumbo in February.

‘In a statement, Cameroon’s presidency said three soldiers along with members of a vigilante group had stormed a separatist rebel base.

‘It suggested the deaths were accidental but soldiers tried to cover them up.

‘Cameroon’s government has been fighting separatists in the region for three years.

‘At the time of the attack, the UN said 23 people had been killed including 15 children and two pregnant women. A tally by Human Rights Watch (HRW) said 21 civilians were killed, including 13 children and a pregnant woman, and blamed the attack on at least 10 troops from an elite army unit who were backed by “at least 30 armed Fulani” militiamen.

‘BBC World Service Africa editor Will Ross says this is an embarrassing U-turn for the government but there are still doubts about the official version.

‘The government had denied the army was involved but President Paul Biya responded to international pressure by ordering an investigation.

‘On Tuesday, a statement broadcast on state radio said soldiers and vigilantes stormed the rebel base and then discovered “that three women and 10 children were killed” in the gun battle.

“Overcome with panic, the three soldiers helped by some members of the self-defence group tried to hide the incident by setting fires,” the statement added.

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<sup>31</sup> UN News, [‘Guterres ‘deeply concerned’ over deadly assault...’](#), 18 February 2020

<sup>32</sup> Africa Times, [‘Cameroon denies military was responsible for last...’](#), 19 February 2020

'President Biya has ordered the arrest of the sergeant who led the raid, officials said.'<sup>33</sup>

[Back to Contents](#)

Section 6 updated: 1 December 2020

## **6. National Human Rights Commission and The Cameroon Network of Human Rights Organizations (RECODH)**

### **6.1.1 The USSD human rights report for 2019 noted:**

'In June the government passed a law establishing the Cameroon Human Rights Commission (CHRC), as a replacement for the existing NCHRF. Like the NCHRF, the CHRC is a nominally independent but government-funded institution. The law establishing the CHRC extended its missions to protect human rights, incorporating provisions of Articles 2 and 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The CHRC did not become operational during the year, because the president had not yet designated its members. The NCHRF continued to operate in its place. It coordinated actions with NGOs, visited some prisons and detention sites, and provided human rights education. NGOs, civil society, and the general population considered the NCHRF dedicated and effective, albeit inadequately resourced and with insufficient ability to effectively hold human rights violators to account. A number of observers questioned the decision to establish a new institution and expressed concerns about its ability to confront the government that funds it.

'Citizens and organizations have the right to seek civil remedies for human rights violations through administrative procedures or the legal system; both options involved lengthy delays. Individuals and organizations may appeal adverse decisions domestically or to regional human rights bodies, but the decisions of regional human rights bodies are not compelling.'<sup>34</sup>

### **6.1.2 A UN General Assembly Summary of Stakeholders' submissions on Cameroon's Universal Periodic Review noted that '...JS2 [Contra Nocendi International Paris] indicated that the National Commission for Human Rights is not an independent institution and has a limited mandate.'<sup>35</sup>**

### **6.1.3 The United Religions Initiative noted the existence of 'The Cameroon Network of Human Rights Organizations (RECODH)... a legalized network of non-profit associations, trade unions and platforms working for the promotion and protection of human rights, social cohesion and governance.'<sup>36</sup>**

[Back to Contents](#)

Section 7 updated: 1 December 2020

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<sup>33</sup> BBC, '[Cameroon admits army's role in civilian killings](#)', 21 April 2020

<sup>34</sup> USSD, '[Human rights report 2019 \(section 1E\)](#)', 11 March 2020

<sup>35</sup> UN General Assembly, '[Summary of Stakeholders' submissions...](#)' (para 27), 28 February 2018

<sup>36</sup> URI, '[...Cameroon Network of Human Rights Organizations](#)', December 2018

## 7. Judiciary

### 7.1 Structure

- 7.1.1 The CIA factbook describes the legal system in Cameroon as a 'mixed legal system of English common law, French civil law, and customary law.'<sup>37</sup>
- 7.1.2 The Justice and Peace Commission noted that 'the law on judicial organization comprises the following courts: Customary Law Courts; Courts of First Instance; High Courts; Military Courts; Lower Courts of Administrative Litigation; Lower or Regional Audit Courts; Courts of Appeal; The Supreme Court.'<sup>38</sup>
- 7.1.3 The same Justice and Peace Commission report provided further detail of the [Judicial Organization of Cameroon](#).
- 7.1.4 A July 2020 Office for the Coordination of Humanitarian Affairs (UN OCHA), report explained that: 'Judicial services exist in the country. However, access to the judiciary system is challenging in remote areas affected by conflict and crisis. Traditional chiefdoms are auxiliaries to the administration and the justice system. The presence of the administration and of traditional authorities has been significantly affected by insecurity. Government measures to combat COVID-19, including social distancing measures, is further slowing down administrative and judicial services.'<sup>39</sup>

[Back to Contents](#)

### 7.2 Independence and effectiveness of the judiciary

- 7.2.1 JS2 [Contra Nocendi International Paris], in the summary of stakeholders' submissions to the UN Human Rights Committee as part of Cameroon's Universal Periodic Review in February 2018 noted that 'the judiciary is not fully independent in Cameroon as the president has the power to dismiss judges.'<sup>40</sup>
- 7.2.2 The Freedom in the World report covering events in 2019 stated that:  
'The judiciary is subordinate to the justice ministry, and political influence and corruption weaken courts. The president appoints judges, and can dismiss them at will. Executive interference can influence judicial proceedings. Prosecutors have been pressured to stop pursuing corruption cases against some high-profile officials, while critics allege that corruption charges have been used to punish officials who have fallen out of favor with the regime.'<sup>41</sup>
- 7.2.3 The USSD human rights report 2018 noted:  
'The constitution and law ostensibly provide for an independent judiciary, but the judiciary is under and often controlled by the president and, by proxy, the ruling party. Individuals reportedly accused innocent persons of crimes, often

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<sup>37</sup> CIA World Factbook, '[Cameroon](#)', updated 24 November 2020

<sup>38</sup> Justice and Peace Commission, '[The Judicial System in Cameroon](#)', undated

<sup>39</sup> UNOCHA, '[Cameroon: Humanitarian Response Plan 2020](#)' (p13), updated July 2020

<sup>40</sup> UN General Assembly, '[Summary of Stakeholders' submissions...](#)' (para 27), 28 February 2018

<sup>41</sup> Freedom House, '[2020 Freedom in the World Report](#)' (section F1), 4 March 2020



due to political motivations, or caused trial delays to settle personal scores. Authorities generally enforced court orders.

‘...Despite the judiciary’s partial independence from the executive and legislative branches, the president appoints all members of the bench and legal department of the judicial branch, including the president of the Supreme Court, and may dismiss them at will. The court system is subordinate to the Ministry of Justice, which in turn is under the president. The constitution designates the president as “first magistrate,” thus “chief” of the judiciary, making him the legal arbiter of any sanctions against the judiciary. The constitution specifies the president is the guarantor of the legal system’s independence. He appoints all judges, with the advice of the Higher Judicial Council. While judges hearing a case are technically to be governed only by the law and their conscience as provided for by the constitution, in some matters they are subordinate to the minister of justice or to the minister in charge of military justice. With approval from the minister of justice, the Special Criminal Court may drop charges against a defendant who offers to pay back the money he is accused of having embezzled, which essentially renders the act of corruption free of sanctions.

‘Military courts may exercise jurisdiction over civilians for offenses including the following: offenses committed by civilians in military establishments; offenses relating to acts of terrorism and other threats to the security of the state, including piracy; unlawful acts against the safety of maritime navigation and oil platforms; offenses relating to the purchase, importation, sale, production, distribution, or possession of military effects or insignia as defined by regulations in force; cases involving civil unrest or organized armed violence; and crimes committed with firearms, including gang crimes, banditry, and highway robbery.’<sup>42</sup>

- 7.2.4 The USSD human rights report for 2019 also stated: ‘Despite the judiciary’s partial independence from the executive and legislative branches, the president appoints all members of the bench and legal department of the judicial branch, including the president of the Supreme Court, and may dismiss them at will.

‘Military courts may exercise jurisdiction over civilians in a broad number of offenses including civil unrest.’<sup>43</sup>

- 7.2.5 Human Rights Watch in a September 2020 report stated: ‘On September 21, a military court in [Cameroon](#) sentenced 4 soldiers to 10 years in prison and 1 other to 2 years for the brutal killing of 2 women and 2 children in 2015. While the sentence breaks the norm of impunity for military abuses, the potential impact of the trial in setting accountability standards was compromised because the trial and sentencing took place behind closed doors and lacked transparency.’<sup>44</sup>

- 7.2.6 CPIT has been unable to find any further up to date or reliable information regarding the numbers of crimes, investigations, prosecutions and outcomes in the sources consulted (see [Bibliography](#)).

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<sup>42</sup> USSD, [Human rights report 2018](#) (section 1E), 13 March 2019

<sup>43</sup> USSD, [Human rights report 2019](#) (section 1E), 11 March 2020

<sup>44</sup> HRW, [Soldiers sentenced to 10 years in prison for murder of civilians](#), 23 September 2020

### 7.3 Access to justice for women

#### 7.3.1 The Organisation for Economic Co-operation and Development (OECD) Social Institutions and Gender Index report of 2019, quoting a variety of sources, noted:

‘The state’s Constitution guarantees women and men’s [sic] same rights to access justice, including rights to effective court remedies and fair and independent court hearing (Art. 8 -10, 1996). Moreover, Act No. 2009/004 provides legal aids to increase women’s legal literacy (CEDAW, 2014). In addition, the government established the National Commission on Human Rights and Freedoms, an independent institution for the monitoring, promotion and protection of the human rights of each Cameroonian citizen (Presidential Decree No 90-1459, Act. No. 2004/016, 2004).

‘Particularly in rural areas, customary courts are often more accessible than formal courts owing to a lack of awareness of legal rights under civil law and the influence of tradition... Broadly speaking, customary courts limit women’s access to justice as they reinforce discriminatory practices and attitudes favoring men in most cases...’<sup>45</sup>

#### 7.3.2 Referring to the crisis in the NWSW, UN Women in their May 2019 report stated:

‘The conflict has severely affected the situation and living conditions of women and girls. This vulnerability has increased with the weakening or even non-existence of the entire protection system in normal situations. Thus, the situation of violence against women and girls has increased significantly since the beginning of the crisis.

‘Cases of gender-based violence that are often cited by the main actors encountered are mainly rape, sexual exploitation, forced and early marriages, early and unwanted pregnancies, physical and psychological violence and even harmful cultural practices. This had an impact on the health and economic situation of women and girls, increasing their vulnerability.’<sup>46</sup>

#### 7.3.3 The United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in their situation report, Cameroon: North-West and South-West as of 31 May 2019 that: ‘There is a lack of GBV service providers in the entire Ndlan division.’<sup>47</sup>

#### 7.3.4 UN OCHA reported in October 2019 that:

‘Adolescent survivors of sexual assault face stigma and are sometimes forced to marry their abusers.

‘The lack of a formal referral mechanism to guide survivors greatly limits their access to appropriate holistic services. Health centers, while more accessible, do not offer the privacy and confidentiality that is recommended for the treatment of such cases. Information about cases of violence is also

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<sup>45</sup> OECD, ‘[Social Institutions and Gender Index](#)’ (access to justice), 2019

<sup>46</sup> UN Women, ‘[Cameroon: Gender profile for the South West crisis](#)’ (section 2), May 2019

<sup>47</sup> UNOCHA, ‘[Cameroon: North-West and South-West Situation Report No. 07](#)’, (p7), 26 June 2019



not stored safely. Lack of support to cover medical costs as well as the lack of complete PEP kits undermine the quality of care. The accessibility to the forensic certificate remains limited because they are paying. In addition, survivors in some localities do not report abuse to the police for fear of arrest or fear that their case will not be handled in a way that places their own safety at the center. Beyond the absence and inadequacy of existing services, survivors face various obstacles preventing them from reporting abuse. Thus, the social representation of marriage, with the perception that a raped woman / girl has very little chance of finding a husband, being considered a "torn cloth", reduces them to silence. Also, the guilt of the rape suffered is sometimes placed on the victim who, by her actions or inadequate outfit, would have "provoked" the aggression. Sometimes survivors think they cannot be believed. Finally, the level of power often held by the perpetrators of such acts, with an ascendant over their victims, the threat of reprisals, the apprehension of being repudiated or the fear of being married to the executioner, are all obstacles to denunciation.<sup>48</sup>

7.3.5 A July 2020 UN OCHA report noted: 'In the North West and South West regions, it is essential to improve access to and availability of essential services for holistic GBV case management in order to save lives. Of particular concern is the establishment of safe shelters for women and girls. The two regions are lacking safe homes, and as a result of this, women remain in abusive relationships. The safe shelters in North West are almost dysfunctional due to limited funding to sustain them.'<sup>49</sup>

7.3.6 A UN OCHA Humanitarian needs overview report, updated June 2020 stated:

'The inadequacy of protection services (police, judiciary, social services) and the low capacity of actors to deal holistically with gender-based violence are among the root causes of the crises. As for structural causes, there are inequalities of power, weakness of institutional mechanisms and weak synergies between response actors. The actions of both the NSAGs and the government forces threatens the fundamental rights for women and girls: women have been subjected to rape and other forms of sexual violence by both NSAGs and government security forces.'<sup>50</sup>

[Back to Contents](#)

## 7.4 Trial procedures

7.4.1 A UN General Assembly Summary of Stakeholders' submissions on Cameroon's Universal Periodic Review noted that 'SCAPAC [Southern Cameroons Public Affairs Committee, New York] indicated that English language was excluded in courts and that Anglophones have been deprived of access to justice and an effective justice remedy. SAPAC further noted that many Anglophone detainees are not informed of the charged [sic] for which they were accused.'<sup>51</sup>

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<sup>48</sup> UNOCHA, '[Data on gender equality in Cameroon](#)', 23 October 2019

<sup>49</sup> UNOCHA, '[Cameroon: Humanitarian Response Plan 2020](#)' (p60), updated July 2020

<sup>50</sup> UNOCHA, '[Humanitarian needs overview](#)' (p49), updated June 2020

<sup>51</sup> UN General Assembly, '[Summary of Stakeholders' submissions...](#)' (para 26), 28 February 2018

#### 7.4.2 Human Rights Watch reported in September 2019:

‘Ten leaders of the separatist Ambazonia Interim Government in Cameroon lodged an appeal on August 26, 2019, against their August 20 convictions and life sentences by a military court following a trial that raises serious concerns of due process and violations of fair-trial rights.

‘Although the trial, on charges including terrorism, rebellion, and secession, commenced in December 2018, all the alleged evidence against the men was only presented to the defense in court during a single 17-hour overnight hearing that started on August 19. The court admitted thousands of pages of statements and documents as evidence against the accused and over 1,000 items of forensic evidence, such as guns, spears, and laptops, that defense lawyers told Human Rights Watch they did not know about and were unable to examine, discuss with their clients, or effectively challenge.

“It appears that the military court handed down a hasty verdict and sentence without giving the accused any meaningful opportunity to defend themselves,” said Lewis Mudge, Central Africa director at Human Rights Watch. “This process has been plagued by pretrial abuses and serious allegations of fair-trial breaches that warrant independent and impartial judicial review, which we hope will happen under appeal.”

‘The trial, which was conducted in French without adequate translation though the defendants were entitled to a trial in English, their mother tongue and an official language in Cameroon, took place after serious violations of the defendants’ rights in detention. Defense lawyers accused the judges of bias and withdrew from the proceedings after the main military judge threatened them with arrest for raising objections.’<sup>52</sup>

#### 7.4.3 The Freedom in the World report covering events in 2019 stated that:

‘Due process rights are generally not respected. Lengthy pretrial detentions are commonplace. State security forces have carried out arbitrary detentions in connection with the Anglophone crisis, and in the Far North Region in response to Boko Haram activity. French legal norms are regularly imposed upon Cameroonians in Anglophone regions. Defendants are frequently not afforded the right to a fair trial, particularly in terrorism cases.

‘The government has employed charges of terrorism, rebellion, and insurrection against opposition leaders and separatist supporters in 2019. CRM leader Maurice Kamto was charged with insurrection and rebellion after his party protested Biya’s reelection; he was released in October 2019 as the government sought to resolve the separatist crisis. In August 2019, SCNC leader Sisiku Ayuk Tabe received a life sentence from a military court for charges of insurrection and terrorism, along with nine supporters. One of Ayuk Tabe’s lawyers claimed that the ruling was prearranged, and local activists called the trial a sham.’<sup>53</sup>

#### 7.4.4 The USSD human rights report 2019 noted:

‘The constitution and law provide for the right to a fair and public trial without undue delay, and the defendant is presumed innocent. Authorities did not

<sup>52</sup> HRW, ‘[Cameroon: Separatist leaders appeal conviction](#)’, 3 September 2019

<sup>53</sup> Freedom House, ‘[2020 Freedom in the World Report](#)’ (section F1), 4 March 2020

always respect the law. Criminal defendants have the right to be informed promptly and in detail of the charges, with free assistance of an interpreter. Pretrial suspects were frequently held in the same quarters as convicted criminals. Defendants have the right to be present and to consult with an attorney of their choice, but in many cases the government did not respect this right, restricting access to lawyers, particularly in cases of individuals suspected of complicity with Boko Haram, Anglophone separatists, or political opponents. When defendants cannot pay for their own legal defense, the court may appoint trial counsel at the public's expense; the process was often burdensome and lengthy, and the quality of legal assistance was poor. Authorities generally allowed defendants to question witnesses and to present witnesses and evidence on their own behalf. Defendants have the right to adequate time and facilities to prepare a defense and not to be compelled to testify or confess guilt, but authorities often violated this right. Hearsay testimony and anonymous testimony was sometimes permitted, especially in terrorism cases. Defendants are entitled to an interpreter at no charge, but often the quality of interpretation was described as poor. Defendants may appeal convictions. In some cases, authorities did not give the victim a chance to confront the offender and present witnesses or evidence to support his or her case.

'On August 31, the Cameroon Bar Association announced a five-day lawyers' strike from September 16 to 20. The lawyers said that they had consistently been denied access to their clients in various detention centers. They stated the government repeatedly violated at all phases of the judicial process the rights of the defense as enshrined in domestic and international law. They cited as key areas of concern that trials were sometimes held in a language not understood by the accused, the use of torture and inducements to extract confessions, and illegal and prolonged detentions.' <sup>54</sup>

7.4.5 For more information see CPIN: [North-West South-West Crisis](#).

[Back to Contents](#)

## 7.5 Legal aid and other assistance

### 7.5.1 The Global Legal Monitor noted:

'It was reported on April 21, 2009, that Cameroonian President Paul Biya had enacted a new law on legal aid...The law allows individuals who cannot afford to appear before a court to have their rights enforced and those who have already obtained a writ or judgment in their favor but are unable to follow through to the enforcement stage for want of resources to make an application for legal aid. It mandates that legal aid commissions with the task of examining and approving applications for legal aid be established at all levels of the courts. Under the new law, an application for legal aid may be made to the secretary of the legal aid commission in the appropriate court either orally or in writing. The secretary then forwards the petition to the chairperson of the legal aid commission, who in turn, in consultation with counsel, makes a determination on whether an applicant qualifies for aid.

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<sup>54</sup> USSD, '[Human rights report 2019](#) (section 1E)', 11 March 2020

‘...The law gives the commissions the discretionary power to determine the extent of the legal aid to be provided to an applicant, be it in terms of proceedings or cost. The commissions may also discontinue legal aid upon learning that the recipient has reached a point at which he can afford to pay for his own legal representation or that he provided false information in order to secure legal aid.’<sup>55</sup>

7.5.2 A UN Office on Drugs and Crime (UNODC) report noted that ‘In Cameroon, the legal aid commission that sits to determine a legal aid application “scarcely” sits because of a lack of a quorum and the remuneration is “quite low and discouraging” for lawyers.’<sup>56</sup>

7.5.3 The Human Is Right Cameroon website on its legal assistance page, which is undated, noted:

‘Lack of access to legal counsel and knowledge of basic human rights makes access to justice far-fetched across many communities and vulnerable groups in Cameroon. Far too many vulnerable persons from underprivileged backgrounds in Cameroon often lack the means to hire lawyers to defend their basic rights. Our experience amongst lawyers in Cameroon has also shown that there is often lack of incentive from lawyers to offer free legal services to persons who cannot afford pay both an honorarium as well as the administrative fees to prepare for their case.’<sup>57</sup>

[Back to Contents](#)

## 7.6 Lawyers

7.6.1 The Kinsmen Advocates website noted that ‘The general responsibility of Cameroon lawyers is to uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct and shall not engage in any conduct which is unbecoming of a legal practitioner.’<sup>58</sup>

7.6.2 An American Bar Association article from April 2019 noted:

‘[MDDT](#) [Movement for Democracy, Development, and Transparency Cameroon – a civil society organisation based in the South West region] runs a legal clinic that advocates for decriminalization of petty offences such as non-possession of national identity card, non-payment of house rents etc. The legal clinic aims at guaranteeing easy access to justice to vulnerable persons such as minors, youths and women who cannot afford legal services. It builds synergies with law firms to render pro bono services to defend human rights activists arrested in course of protecting or promoting human rights. Suspects and accused persons are transferred to different cities without trace. Going for weeks and months without access to family members or lawyers. Lack of an effective book-keeping system make it difficult for lawyers to trace accused persons. Access to justice is hindered by the limited number of court rooms and common law judges thus, there are

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<sup>55</sup> Global Legal Monitor, ‘[Cameroon: Legal Aid Law](#)’, 28 April 2009

<sup>56</sup> UNODC, ‘[Access to Legal Aid in Criminal Justice Systems in Africa](#)’ (p20), 2011

<sup>57</sup> Human Is Right Cameroon, ‘[Legal Assistance](#)’, undated

<sup>58</sup> Kinsmen Advocates, ‘[Professional Ethics of Law Firms in Cameroon](#)’, 8 May 2018

bound to be frequent adjournments and ineffective review of cases, especially in cases where a civil law judge sits in a common law court. The Legal clinic fosters the principles of fair trial...' <sup>59</sup>

[Back to Contents](#)

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<sup>59</sup> American Bar Association, ['In His Words: An Interview with Clifford Akonteh'](#), 8 April 2019

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Security apparatus
  - Police forces
  - Intelligence agencies
  - Armed Forces
  - Security forces
- Arrest and detention
  - Legal rights
  - Conditions of detention
- Capability of security forces
  - Resources
  - Effectiveness
  - Corruption
  - Human rights abuses
  - Avenues of redress
- Rule of law and the judiciary
  - Trial procedures
  - Independence and effectiveness of the judiciary
  - Legal aid and other assistance
  - Lawyers
  - Avenues of redress

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

# Version control

## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **23 December 2020**

## Changes from last version of this note

First version of CPIN

[Back to Contents](#)