

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** CMR35558  
**Country:** Cameroon  
**Date:** 9 October 2009

Keywords: Cameroon – Penal Code – Articles 158, 231, 232 and 234

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**Questions**

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**RESPONSE**

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An English copy of the Cameroon Penal Code could not be obtained from the sources consulted. However, French language versions of the relevant articles were located, and have been included as follows: [Article 158](#); [Article 231](#); [Article 232](#); [Article 234](#).

A chapter on Cameroon in the 1967 Annual Survey of African Law explains that sections 158, 231, 232 and 234 are all found in Book 2 of the Cameroon Penal Code. Part 1 of Book 2 covers sections 102 to 226, which address felonies and misdemeanours against the State; while Part 2 of Book 2 covers sections 227 to 274, which address felonies and misdemeanours against the general interest:

Book I of the Penal Code, comprising sections 1 to 101, introduced the general principles of criminal law, punishment and accessory and ancillary matters, but Book II, comprising section 102 to 363, brought the Code proper into being.

Sections 102 to 226 make up Part I of Book II and deal with felonies and misdemeanours against the State. Part I, itself, is divided into five chapters, namely 'The security of the State', 'The Constitution', 'Offences by Public Servants as such', 'Public Authority' and 'Against State Guarantees'. Part II, which comprises sections 227 to 274, deals with felonies and misdemeanours against the general interest and is divided into six chapters, namely, 'Public Safety', 'Public Peace', 'Public Economy', 'Public Health', 'Public Decency' and 'Public Worship' (O'Brien Quinn, J. A. 1967, 'Cameroun', Chapter 13 in Rubin, N., *Annual Survey of African Law*, Volume 1, p. 336

[http://books.google.com.au/books?id=ZIRWhFENifYC&pg=PA336&lpg=PA336&dq=cameroon+%22penal+code%22+sections+book+II&source=bl&ots=5cv904DyPm&sig=yExVz4oQxzxwGuLdKnaXk9MJBa8&hl=en&ei=yCDMSr2xIYbk6gP7kdmNAw&sa=X&oi=book\\_result&ct=result&resnum=7#v=onepage&q=cameroon%20%22penal%20code%22%20sections%20book%20II&f=false](http://books.google.com.au/books?id=ZIRWhFENifYC&pg=PA336&lpg=PA336&dq=cameroon+%22penal+code%22+sections+book+II&source=bl&ots=5cv904DyPm&sig=yExVz4oQxzxwGuLdKnaXk9MJBa8&hl=en&ei=yCDMSr2xIYbk6gP7kdmNAw&sa=X&oi=book_result&ct=result&resnum=7#v=onepage&q=cameroon%20%22penal%20code%22%20sections%20book%20II&f=false) – Accessed 8 October 2009 – Attachment 1).

A journal article published in 1968 also briefly outlines the chapters of Book 2 of the Cameroon Penal Code, which cover the articles in question:

Of the five Chapters of Part I, the two first deal with offences against the security of the State and against the Constitution; the third with offences by public servants as such; and the fourth and fifth with offences against public authority (fifty sections, as long as the whole of Part II) and public guarantees (counterfeit coin, forgery of public documents, usurpation of office). Part II covers the creation of a public risk or public nuisance, and the disturbance to the public economy, public health, public decency (including cruelty to animals) or public worship (including violation of graves and corpses) (Smith, J. A. C. 1968, 'The Cameroon Penal Code: Practical Comparative Law', *The International and Comparative Law Quarterly*, Vol. 17, No. 3, July, pp. 669-670

<http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/757015.pdf> - Accessed 8 October 2009 – Attachment 2).

## Article 158

### Art. 158 — En groupe.

(1) Au cas où l'infraction prévue à l'article précédent est commise par au moins cinq personnes la peine est de un à trois ans d'emprisonnement et de cinq à quinze ans d'emprisonnement si deux d'entre elles portent des armes ostensibles.

(2) Contre tout coauteur qui porte des armes même cachées la peine est de cinq à quinze ans d'emprisonnement ('Code Penal: Article 158'(undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website

<http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0.3.2.0/11003> - Accessed 8 October 2009 – Attachment 3).

## Article 231

### Art. 231 — Réunion et manifestation.

Est puni d'un emprisonnement de quinze jours à six mois et d'une amende de 5.000 à 100.000 francs celui qui :

- a) Participe à l'organisation de toute réunion ou manifestation dans un lieu ouvert au public sans avoir fait la déclaration éventuellement requise ou avant l'expiration du préavis requis, ou après notification de l'interdiction légale ;

b) Avant ladite déclaration ou après ladite interdiction adresse par quelque moyen que ce soit une convocation pour y prendre part ;

c) Fait une déclaration de nature à tromper les autorités sur les conditions ou l'objet de la réunion ou de la manifestation projetée ('Code Penal: Article 231' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website <http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0.3.2.0/11076> - Accessed 8 October 2009 – Attachment 4).

An article from *AllAfrica Global Media* dated 13 October 2008 describes the arrest and subsequent release on bail of a group of detainees, who “committed an offense contrary to Section 231 (1) of the Penal Code”, because “they took part in the arrangement of a meeting, in a place opened to the public, without having given such notice as required by law” (Tah, E. 2008, ‘Cameroon: SCNC Detainees Granted Bail’, *AllAfrica Global Media*, source: The PostNewsLine.com, 13 October <http://allafrica.com/stories/200810140066.html> – Accessed 6 October 2009 – Attachment 5).

In addition, it appears that this is further explained in a UK Home Office country assessment on Cameroon from October 2001, although the specific article is not mentioned:

The Penal Code requires organisers of public meetings, demonstrations or processions to notify government officials in advance but does not require prior government approval of public assemblies. Government officials have asserted that this provision of the Penal Code allows them to grant or deny permission to public assemblies. Public assemblies have been broken up by security forces whose organisers have submitted advance notice as required by law but for which government authorities did not issue permits (UK Home Office 2001, *Cameroon Assessment*, October, Section 6.1 – Attachment 6).

## Article 232

### Art. 232 — Attroupelement.

(1) L'attroupelement s'entend de toute réunion sur la voie publique d'au moins cinq personnes, de nature à troubler la paix publique.

(2) Est puni d'un emprisonnement de quinze jours à six mois celui qui faisant partie d'un attroupelement ne s'en retire pas à la première sommation de l'autorité compétente.

(3) Si l'attroupelement n'a pu être dispersé que par la force la peine est doublée contre ceux qui s'y sont maintenus ('Code Penal: Article 232' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website <http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0.3.2.0/11077> - Accessed 8 October 2009 – Attachment 7).

## Article 234

### Art. 234 — Caractère politique.

Dans les cas visés aux articles 231, 232 et 233 la détention est substituée à l'emprisonnement si l'infraction revêt un caractère politique ('Code Penal: Article 234' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website <http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0.3.2.0/11079> - Accessed 8 October 2009 – Attachment 8).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

US Department of State <http://www.state.gov/>

UK Home Office <http://www.homeoffice.gov.uk/>

Immigration and Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

#### **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

#### **United Nations**

UNHCR Refworld <http://www.unhcr.org/refworld/>

#### **International News and Politics**

AllAfrica Global Media <http://allafrica.com/>

PostNewsLine.com <http://www.postnewsline.com/>

#### **Topic Specific Links**

WorldLii <http://www.worldlii.org/>

Asylumlaw.org <http://www.asylumlaw.org/>

Legislation Online <http://www.legislationline.org/>

Cornell University Law School, Legal Information Institute <http://www.law.cornell.edu/>

Law Research <http://www.lawresearch.com/>

Cameroon Online <http://www.cameroononline.org/>

Juriafrica <http://www.juriafrica.com/>

#### **Search Engines**

Google <http://www.google.com.au/>

Copernic <http://www.copernic.com/>

### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

## List of Attachments

1. O'Brien Quinn, J. A. 1967, 'Cameroun', Chapter 13 in Rubin, N., *Annual Survey of African Law*, Volume 1  
[http://books.google.com.au/books?id=ZIRWhFENIfYC&pg=PA336&lpg=PA336&dq=cameroon+%22penal+code%22+sections+book+II&source=bl&ots=5cv904DyPm&sig=yExVz4oQxzwGuLdKnaXk9MJBa8&hl=en&ei=yCDMSr2xIYbk6gP7kdmNAw&sa=X&oi=book\\_result&ct=result&resnum=7#v=onepage&q=cameroon%20%22penal%20code%22%20sections%20book%20II&f=false](http://books.google.com.au/books?id=ZIRWhFENIfYC&pg=PA336&lpg=PA336&dq=cameroon+%22penal+code%22+sections+book+II&source=bl&ots=5cv904DyPm&sig=yExVz4oQxzwGuLdKnaXk9MJBa8&hl=en&ei=yCDMSr2xIYbk6gP7kdmNAw&sa=X&oi=book_result&ct=result&resnum=7#v=onepage&q=cameroon%20%22penal%20code%22%20sections%20book%20II&f=false) – Accessed 8 October 2009.

2. Smith, J. A. C. 1968, 'The Cameroon Penal Code: Practical Comparative Law', *The International and Comparative Law Quarterly*, Vol. 17, No. 3, July  
<http://www.jstor.org.ezproxy.lib.rmit.edu.au/stable/pdfplus/757015.pdf> - Accessed 8 October 2009.
3. 'Code Penal: Article 158' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website  
<http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0,3.2.0/11003> - Accessed 8 October 2009.
4. 'Code Penal: Article 231' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website  
<http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0,3.2.0/11076> - Accessed 8 October 2009.
5. Tah, E. 2008, 'Cameroon: SCNC Detainees Granted Bail', *AllAfrica Global Media*, source: The PostNewsLine.com, 13 October  
<http://allafrica.com/stories/200810140066.html> – Accessed 6 October 2009.
6. UK Home Office 2001, *Cameroon Assessment*, October, Section 6.1.
7. 'Code Penal: Article 232' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website  
<http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0,3.2.0/11077> - Accessed 8 October 2009.
8. 'Code Penal: Article 234' (undated), *Journal Officiel de la République du Cameroun*, JuriAfrica website  
<http://www.juriafrica.com/collection/cm/cpenal/document/code/3.0,3.2.0/11079> - Accessed 8 October 2009.