



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT**

**Fourth periodic reports of States parties**

**CAMEROON\***

[25 November 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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**Administrative map of Cameroon**

**Scale 1 500 000**

Capital .....

Chief town of region .....

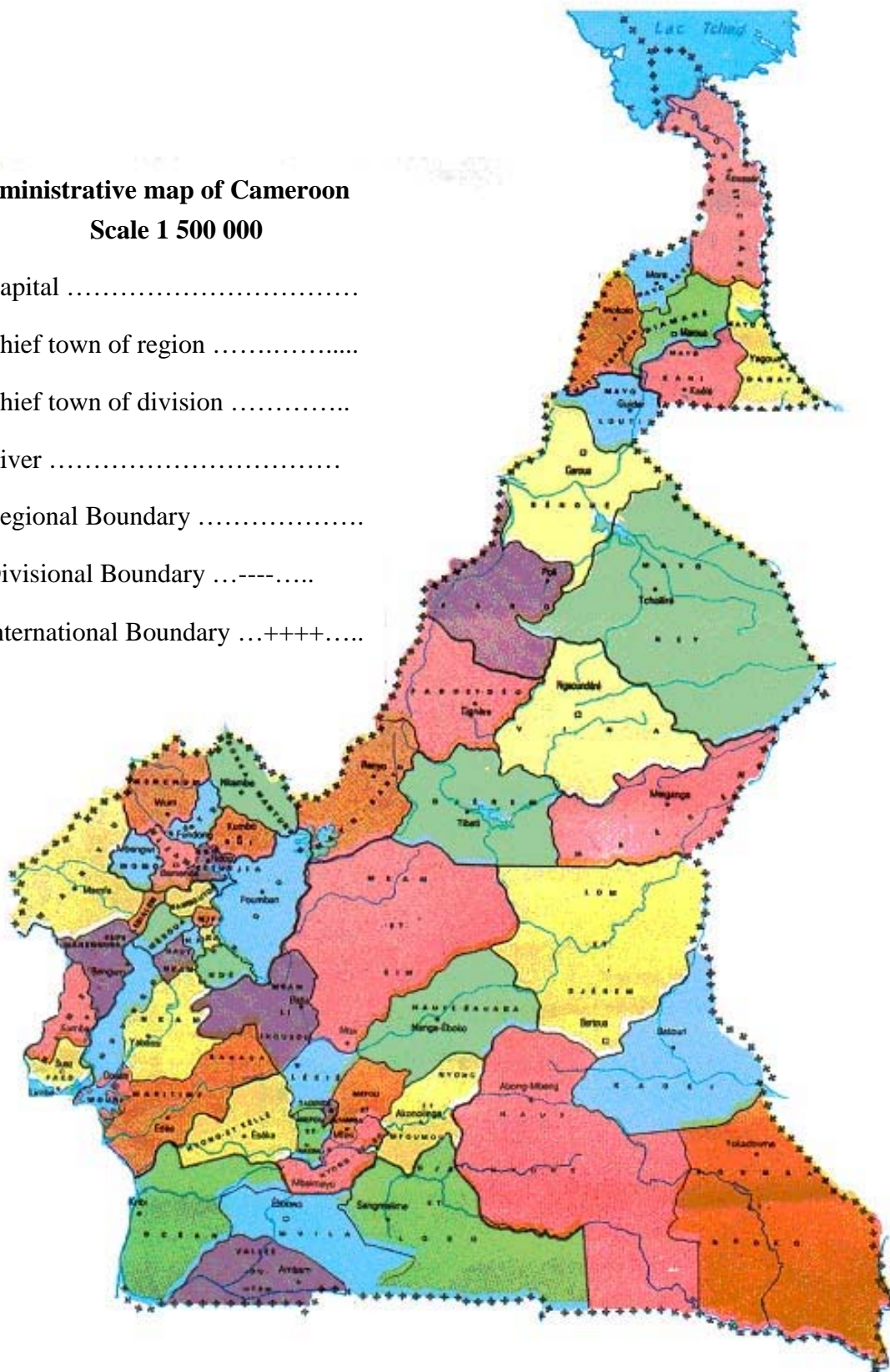
Chief town of division .....

River .....

Regional Boundary .....

Divisional Boundary ...----.....

International Boundary ...++++.....



### Acronyms

ACAFEJ	Cameroon Association of Female Jurists
ACAT	Christian Action for the Abolition of Torture
ACCD	Accommodation Centre for Children in Distress
ARSF	Association of Refugees without Borders
ISAC	Islamic Solidarity Association of Cameroon
ASBAK-Cameroon	Association of the Bakas of Cameroon
AU	African Union
AWARE	Action for West African Region
BSRAC/OIT	Central African Sub-Regional Bureau of the International Labour Organization
CA	Court of Appeal
CC	Civil Code
CCER	Cabinet Central d'Etudes de Recherches et d'Investigation
CDIM	Child Disease Integrated Management
CEEAC	Economic Community of Central African States
CEMAC	Central African Economic and Monetary Community
CEPE	Certificat d'études Primaires Élémentaire School
CFI	Court of First Instance
CNLS	National Committee for the Fight against Aids
CPC	Criminal Procedure Code
CPCC	Code de Procédure Civile et Commerciale
CPDM	Cameroon Peoples' Democratic Movement
CRTV	Cameroon Radio and Television
CTB	Belgian Technical Cooperation in Cameroon
DGSN	General Delegation for National Security
ELECAM	Elections Cameroon
ENAM	National School of Administration and Magistracy
ENSP	National Advanced Police College
ESCR	Economic, Social and Cultural Rights
FAO	Food and Agricultural Organization

FGM	Female Genital Mutilation
FSLC	First School Leaving Certificate
GAVI	Global Alliance for Vaccination and Immunization
GSO	Special Operations Unit
GTZ	Deutsche Gesellschaft fur Technische Zusammenarbeit
HC	High Court
HJC	Higher Judicial Council
HKL	Hellen Keller International
ILO	International Labour Organization
INTERPOL	International Police
JPO	Judicial Police Officer
LC	Labour Code
MBOSCU	A Mbororo Social and Cultural Development Association
MINAS	Ministry of Social Affairs
MINATD	Ministry of Territorial Administration and Decentralization
MINCOM	Ministry of Communication
MINEDUB	Ministry of Basic Education
MINPROFF	Ministry of Women Empowerment and the Family
MINTSS	Ministry of Labour and Social Security
MP	Member of Parliament
NCC	National Communication Council
NEO	National Elections Observatory
NCHRF	National Commission on Human Rights and Freedoms
NGOs	Non-governmental organizations
OHADA	Organization for the Harmonization of Business Law in Africa
ORD	Ordinance
PACDET	Programme for the Amelioration of Detention Conditions and Respect for Human Rights
PC	Penal Code
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Fund for Population Activities

UNICEF	United Nations Children's Fund
USA	United States of America
SC	Supreme Court
SCNC	Southern Cameroons National Council
SDO	Senior Divisional Officer
SPR	Support Programme for Refugees
VAT	Value Added Tax
WFP	World Food Programme
WHO	World Health Organization

## I. INTRODUCTION

1. This is the fourth periodic report of the State of Cameroon, submitted to Human Rights Committee pursuant to article 40 of the International Covenant on Civil and Political Rights, and in accordance with the guidelines on periodic reports adopted by the Human Rights Committee.
2. This fourth periodic report covers the period 1998 to 2008. The subjects which were dealt with in the previous reports and which remained unchanged during the period covered by this report are not commented on.
3. The present report outlines key measures adopted in Cameroon, since the last report, to enhance the implementation of the International Covenant on Civil and Political Rights. However, relevant developments which occurred prior to the period under consideration, and which were not included in the last periodic report, have equally been mentioned.
4. After the presentation of the third report, it has not been possible until now to submit another one. We would like, nonetheless, to emphasize that Cameroon attaches great importance to the work of the United Nations treaty mechanisms on monitoring compliance with human rights and, in particular, to the reporting procedure under the Covenant, which entrusts the Human Rights Committee with the delicate task of considering state party reports.
5. The Human Rights Committee considered the third periodic report of Cameroon (CCPR/C/102/Add.2) at its 1798th to 1800th meetings (CCPR/C/SR.1798-SR.1800), held on 27 and 28 October 1999, and adopted at its 1807th and 1808th meetings held on 3 November 1999. The following observations were made:

The Committee noted that the third periodic report of Cameroon was incomplete and did not address all of the concerns expressed by the Committee in its previous concluding observations (CCPR/C/79/Add.33) on Cameroon's second periodic report:

- It welcomed, however, the updated information, including written information and legislative texts, provided by the delegation
  - It further welcomed the willingness of the State party to make additional submissions in writing with respect to particular concerns articulated by members of the Committee
  - The Human Rights Committee noted that under the revised Constitution of 1996 the Covenant has priority over national law, and welcomed the statement of the delegation that Covenant rights are invoked and applied directly in Cameroonian courts
  - The Committee welcomed the efforts undertaken by the State party to inform the multiethnic population of Cameroon about their human rights, in particular through the establishment of legal clinics, educational campaigns, workshops and seminars held throughout the territory
6. • The Committee also welcomed the commitment to promote gender equality through a Ministry of Women Affairs as well as various measures initiated by the Ministry for that purpose



- The Committee welcomed recent amendments to the Penal Code, including the enactment of a crime of torture under article 132 bis
- The Committee welcomed the establishment of the National Committee on Human Rights and Freedoms which is empowered to oversee all relevant Cameroonian authorities
- The Committee noted with satisfaction that there has been a noticeable increase in the number of judges and other court personnel. The Committee expressed concern about several issues and made some recommendations which have been considered in the present report

7. The present report, which was prepared by the Ministry of Justice with contributions from some other ministries and some actors of the civil society directly concerned with human rights issues,<sup>1</sup> is divided into five parts. Part II presents general information on innovations on the legal and institutional framework for the promotion and protection of human rights in Cameroon. Part III focuses on responses to the recommendations and concluding observations of the Committee following its consideration of Cameroon's third periodic report. Part IV provides specific information on the implementation of the various articles of the International Covenant on Civil and Political Rights.

## **II. GENERAL INFORMATION ON INNOVATIONS ON THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN CAMEROON**

8. Since the last report, significant progress has been made in Cameroon to improve on the normative and institutional framework for the promotion and protection of the human rights contained in the Covenant.

### **A. Legal framework**

9. This section focuses on Constitutional provisions, international and regional instruments ratified by Cameroon as well as national legislation which protect civil and political rights.

#### **Constitutional safeguards**

10. Since independence Cameroon has, in its successive Constitutions, constantly proclaimed its commitment to the respect of human rights.

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<sup>1</sup> The Ministries of Social Affairs, Communication, Basic Education, Women Empowerment and the Family, External Relations, Labour and Social Security, Scientific Research and Innovation; the General Delegation of National Security; Secretariat of State for Defense; National Commission on Human Rights and Freedom, some NGOs etc. submitted written and oral contributions in their respective areas of competence.

11. This commitment is emphasised in the 1996 Constitution<sup>2</sup> as amended by Law No. 2008/1 of 14 April 2008.<sup>3</sup> Its Preamble<sup>4</sup> reaffirms the principles contained in the Universal Declaration of Human Rights of 1948 and all the Conventions relating thereto to which Cameroon is party.<sup>5</sup>

12. Although the 2008 constitutional amendments brought significant changes, Cameroon's attachment to the fundamental rights as enshrined in the Covenant remains unchanged. The Preamble of the Constitution proclaims the attachment of the people of Cameroon to the following universal values and principles among others:

- All persons shall have equal rights and obligations
- Freedom and security shall be guaranteed each individual
- No person may be compelled to do what the law does not prescribe
- The right to move about freely
- Inviolability of the home and of correspondence
- Offences and related punishments shall be pre-determined by law
- The law shall not have retrospective effect
- The right of every person to a fair trial before the courts
- The freedom of opinion, religion and conscience
- The freedom of expression, of the press, of assembly and of association
- The freedom of trade unionism and the right to strike
- The right to a healthy environment

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<sup>2</sup> Law No. 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972.

<sup>3</sup> Law No. 2008/1 of 14 April 2008 to amend and supplement some provisions of Law No. 96/6 of 18 January 1996.

<sup>4</sup> Pursuant to Article 65 of the Constitution of 18 January 1996, as amended "the Preambles shall be part and parcel of the Constitution".

<sup>5</sup> The People of Cameroon affirm their attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the United Nations Charter, the African Charter on Human and Peoples' Rights and all related and duly ratified international conventions.

- The protection of the environment
- The protection of minorities
- The protection of indigenous people

### **International and regional instruments**

13. Furthermore, the State of Cameroon has in more recent times, ratified a series of international conventions and regional instruments related to the promotion and protection of human rights.

14. At the International level, the following instruments can be mentioned:

- ILO Convention No. 182 (1999) on the Worst Forms of Child Labour (subscribed to on 15 June 2002)
- The Convention against Corruption adopted (ratified on 21 April 2004)
- Convention against Transnational Organized Crime (ratified on 18 May 2004) as well as its Additional Protocols namely the Protocol aimed at preventing, remanding and punishing slave trade, especially women and children (ratified on 18 May 2004) and the Protocol against the Illicit Trafficking of Migrants by Land, Air or Sea (ratified on 18 May 2004)
- The Optional Protocol to the Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women, (adhesion instrument signed on 1 November 2004)
- The International Convention for the Protection of all Persons from Enforced Disappearance (signed on 6 February 2007)

15. At the regional level, the following can be mentioned:

- Judicial Co-operation Agreement between Member States of the Central African Economic and Monetary Community (CEMAC), adopted in Brazzaville on 28 January 2004 (ratified by Decree No. 2006/48 of 30 January 2006)
- Extradition Agreement between CEMAC Member States adopted on 28 January 2004 in Brazzaville (ratified by Decree No. 2006/49 of 30 January 2006)
- Non-aggression, Solidarity and Mutual Assistance Pact Between CEMAC Member States adopted on 28 January 2004 in Brazzaville (ratified by Decree No. 2006/50 of 30 January 2006)
- Convention to Govern the CEMAC Parliament adopted on 28 January 2004 in Brazzaville (ratified by Decree No. 2006/51 of 30 January 2006); and

- Convention on Judicial Co-operation Between Member States of the Economic Community of Central African States (CEEAC) adopted on 18 March 2006 (signed on 9 July 2006)

### **National legislation**

16. Furthermore, several national instruments enacted in recent years have progressively strengthened and enhanced the rights and freedoms enshrined in the Constitution and international instruments referred to above. These include the following laws and decrees:

- Law No. 97/009 of 30 January 1997 to insert a section 132 (a) (new) on torture in the Penal Code
- Law No. 97/010 of 10 January 1997 to amend and supplement certain provisions of the Law on extradition
- Law No. 97/012 of 10 January 1997 to lay down the conditions for foreigners to enter, stay and exit Cameroon
- Law No. 1999/14 of 22 December 1999 to govern non-governmental organizations
- Law No. 2000/016 of 19 December 2000 to institute the National Elections Observatory (NEO)
- Law No. 2004/004 of 21 April 2004 to organize the functioning of the Constitutional Council
- Law No. 2004/005 of 21 April 2004 to lay down the status of the members of the Constitutional Council
- Law No. 2004/016 of 22 July 2004 to set up the organization and functioning of the National Commission on Human Rights and Freedoms and its enabling instrument No. 2005/254 of 7 July 2005
- Law No. 2004/17 of 22 July 2004 on the orientation of decentralization
- Law No. 2004/18 of 22 July 2004 to lay down the rules applicable to councils
- Law No. 2004/19 of 22 July 2004 to lay down the rules applicable to regions
- Law No. 2005/006 of 27 July 2005 relating to the Status of Refugees
- Law No. 2005/007 of 27 July 2005 on the Criminal Procedure Code (CPC)<sup>6</sup>

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<sup>6</sup> This code came into force on 01/01/2007 in accordance with Law No. 2006/008 of 14 July 2006 to amend and supplement the provisions of Section 747 of Law No. 2005/007 of 27 July 2005 on the Criminal Procedure Code.

- Law No. 2005/015 of 29 December 2005 relating to the fight against child trafficking and slavery
- Law No. 2006/3 of 25 April 2006 on the Declaration of Assets
- Law No. 2006/5 of 14 July 2006 to lay down conditions governing the election of senators
- Law No. 2006/4 of 14 July 2006 to lay down conditions governing the election of regional councillors
- Law No. 2006/9 of 29 December 2006 to amend and supplement some provisions of law No. 91/20 of 16 December 1991 to lay down conditions governing the election of Members of Parliament
- Law No. 2006/10 of 29 December 2006 to amend and supplement some provisions of Law No. 92/2 of 14 August 1992 to lay down conditions for the election of Municipal Councillors
- Law No. 2006/11 of 29 December 2006 to set up and lay down the Organization and Functioning of Elections Cameroon (ELECAM)
- Law No. 2006/15 of 29 December 2006 on Judicial Organisation of the State
- Law No. 2006/16 of 29 December 2006 to lay down the Organization and Functioning of the Supreme Court
- Law No. 2006/17 of 29 December 2006 to lay down the Organization and Functioning of Regional Audit Courts
- Law No. 2006/22 of 29 December 2006 on the Organization and Functioning of the Administrative Courts
- Decree No. 2006/88 of 11 March 2006 to set up the National Anti Corruption Commission and
- Decree No. 2006/275 of 6 September 2006 bearing on the appointment of Members of the NCHRF
- Law No. 2008/1 of 14 April 2008 to amend and supplement some provisions of Law No. 96/6 of 18 January 1996 (the Constitution)

## **B. Institutional framework**

17. The Constitution and some of the national instruments referred to above lay down the institutional framework for the promotion and protection of civil and political rights in Cameroon.

18. This framework comprises democratic political institutions, an independent judiciary, a budding Constitutional Council and a national Human Rights institution with reinforced prerogatives.

### **Democratic political institutions**

19. National sovereignty belongs to the People of Cameroon who exercise it through the President of the Republic and Members of Parliament or by referendum.

20. The President of the Republic, Head of the Executive, derives his mandate from the people. He is elected for a term of seven years renewable.

21. The President of the Republic incarnates national unity, defines national policy and ensures respect for the Constitution. He is guarantor of the respect for international treaties and agreements. He appoints the Prime Minister and, on the proposal of the latter, the other members of Government.

22. The Prime Minister is Head of Government. The Government is answerable to the National Assembly which is one of the Houses of Parliament.

23. Pursuant to article 14 (1) of the Constitution,

“Legislative power shall be exercised by Parliament which shall comprise two houses:

- The National Assembly
- The Senate”

24. It should be stated that the putting in place of the Senate depends on the completion of the ongoing decentralization process in accordance with articles 55 and 62 of the Constitution.

25. Bills may be tabled by either the President of the Republic or Members of Parliament. To this end, article 26 of the Constitution specifies that the following rights, guarantees and fundamental obligations of the citizen shall be reserved to the Legislative Power:

- Safeguarding individual freedom and security
- The rules governing public freedoms
- Labour legislation, trade union legislation, rules governing social security and insurance; and
- The duties and responsibilities of the citizen in respect of national defence requirements
- An Independent Judiciary

26. The Constitution of 1996, as amended raised the Judiciary, hitherto known as a judicial authority,<sup>7</sup> to a Judicial power (art. 37 (2) of the Constitution) which is exercised by the Supreme Court (SC), Courts of Appeal and the Lower Courts and which is independent of the Executive and Legislative powers.

27. The President of the Republic is guarantor of the independence of the Judiciary. He appoints Judicial and Legal Officers upon consultation with the Higher Judicial Council (HJC), an independent advisory body, comprising judicial and legal officers, Members of Parliament and independent personalities.

28. The independence of the Judiciary is buttressed by the Magistrates of the Bench who, in accordance with article 37 (2) of the Constitution “shall, in the discharge of their duties, be governed only by the law and their conscience”.

29. With respect to judicial decisions, the Supreme Court of Cameroon has continued playing a major role in the implementation of civil and political rights. In this regard, this court has over the years delivered a number of illuminating decisions on human rights.

30. Although the courts still face many challenges, they nonetheless play a great role in the implementation of the International Covenant in Civil and Political Rights.

#### **A budding Constitutional Council**

31. By virtue of article 46 of the Constitution, “the Constitutional Council shall have jurisdiction in matters pertaining to the Constitution. It shall rule on the constitutionality of laws. It shall be the organ regulating the functioning of the institutions”.

32. For the time being, the Supreme Court performs the duties of the Constitutional Council. In this connection, it has adjudicated on several electoral disputes.<sup>8</sup>

33. The Constitutional Council is progressively being set up with the promulgation of Laws Nos. 2004/004 and 2004/005 of 21 April 2004 fixing the organization and functioning of this institution and to lay down the status of its members respectively. Its secretariat was organized by Decree No. 2005/253 of 30 June 2005. The appointment of its members, which is pending, is the last phase for it to go operational.

#### **The National Commission on Human Rights and Freedoms (NCHRF)**

34. To enhance the work of the NCHRF in Cameroon and to align its activities with the provisions of the Paris Principles, the National Committee on Human Rights and Freedoms set up by Decree No. 90/1459 of 8 November 1990 was transformed to the National Commission on Human Rights and Freedoms by Law No. 2004/16 of 22 July 2004.

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<sup>7</sup> See Article 31 of the Constitution of 2 June 1972.

<sup>8</sup> Examples of such judgments are found in the 3rd part of this report, information on the implementation of article 25 of the ICCPR.

35. The Commission is an independent institution for consultation, monitoring, evaluation, dialogue, concerted action, promotion and protection in the domain of human rights and freedoms.

36. To this end, it may, inter alia:

- Examine all issues raised relating to human rights
- Disseminate instruments relating to human rights; and
- Collaborate with the United Nations Organization and other institutions

### **The creation of the Department of Human Rights and International Cooperation in the Ministry of Justice**

37. The setting up in the Ministry of Justice of a Department of Human Rights and International Cooperation, charged, inter alia, with providing information and sensitising judicial and penitentiary personnel on Human Rights protection norms, underscores the determination of Government to consolidate the culture of human rights and freedoms in Cameroon.

38. This Department was created by Decree No 2005/122 of 15 April 2005 on the Organization of the Ministry of Justice. It is responsible for:

- Monitoring of human rights issues in general
- Monitoring the implementation of international conventions on human rights; and
- Informing and sensitizing personnel of judicial and prison services on the standards for the protection of human rights

39. Yearly, the Ministry of Justice seeks to present a balance sheet of Government's measures, court decisions and actions by national associations for the defence of human rights through annual reports drawn up with contributions from ministries and some actors of the civil society directly concerned with human rights issues.

40. These annual reports help greatly in promoting and providing information on the Covenant and other Conventions.

### **The attachment of Penitentiary Administration to the Ministry of Justice**

41. By Decree No. 2004/320 of 8 December 2004 Organizing of the Government of Cameroon, Penitentiary Administration was transferred from the Ministry of Territorial Administration to the Ministry of Justice.

42. This reform resulted from the recommendations of the Committee against Torture approved by the Head of State. It is salutary as it enhances the smooth follow up of the criminal process.



### **The setting up of a Special Division for the Control of Services of the Police**

43. A Special Division for the Control of Services of the Police was set up by Decree No. 2005-065 of 23 February 2005. It ensures “the policing of the Police” (art. 1 (2) of the decree).

44. This unit is in charge, inter alia, of:

- Protecting secrecy, the state of mind, morale, loyalty of national security personnel, employees and civil servants of the State or public authorities
- Actively participating in combating corruption
- Contributing to the enhancement of discipline and respect for professional ethics in the National Security and
- Carrying out administrative and judicial investigations concerning National Security personnel

45. This structure notwithstanding, the duties of officials in charge of discipline, is responsible for preventing and curbing excesses committed by police officers during or out of service.

### **III. RESPONSES BY THE GOVERNMENT OF CAMEROON ON THE CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE**

46. In this section, the State of Cameroon has sought to respond to the Committee’s concerns as fully as possible.

#### **Recommendation 1**

**The Committee expressed concern about the duality of statutory law and customary law, which sometimes results in unequal treatment between men and women, particularly in the area of marriage and inheritance laws. The Committee also expressed concern that where spouses do not agree, customary law incompatible with the Covenant is often applied.**

**The Committee recommended that the State party should adopt legislation that ensures that the laws applied will in all cases be compatible with the Covenant. It emphasized that law that gives effect to Covenant rights may fulfil an educational function. Educational campaigns should also be included in those areas in which customary practices lead to discrimination against women.**

#### *Response of the State of Cameroon*

47. Cameroon is a bijural country with the common law and the civil law systems being applicable. There exists a wide range of customary law given the multiplicity of ethnic groups in the country.

48. In most cases the courts will readily apply statutory law. Customary law is only applicable when it is compatible with statutory law and not repugnant to natural justice, equity, and good conscience.

49. Article 1 (2) of the Constitution provides:

*“The Republic of Cameroon ... shall recognize and protect traditional values that conform to democratic principles, human rights and the law”.*

50. This constitutional provision has been given judicial recognition. The following judgments of the Supreme Court are illustrative:

- In Judgment No. 70 of 8 July 1976, ATEBA Victor and Mrs ATEBA, reaffirmed article 1 (2) in strong and cogent terms that have never been surpassed, saying:

*“The court shall discard custom repugnant to public peace and good morals when the solution provided by custom is less appropriate than that offered by statutory law”.*

- In Judgment No. 363/CC of 29 September 2005 which precedence was upheld in 2007, the Supreme Court confirmed the appointment of a woman as joint and principal successor of an estate.
- In Judgment No. 14/L of 4 February 19993 between ZAMCHO Florence LUM vs CHIBIKOM Peter and Others, ZAMCHO Florence Lum was a girl-child who fought against her brother and against cultural beliefs and verdict over her father’s estate. The fight started in 1986 and took the parties from the Mezam High Court, through the Court of Appeal to the Supreme Court and back to the South West Court of Appeal. At the close of the trial girl-child’s right over inheritance was established.

51. From the foregoing, it is clear that the Cameroonian legislator and courts do not adopt and apply customary laws and practices aimed at fostering gender inequality and promoting male domination.

52. However, there exist discriminatory customary practices in Cameroon which violate the rights of women. Examples of such discriminatory customs include:

- Customs that foster levirate marriage
- Customs that promote the refund of the bride price

53. Levirate usually refers to the custom whereby when a man dies, his widow is expected to marry one of the deceased husband’s relatives.

54. In Cameroon levirate is especially practiced amongst the people of the North-West and Western Provinces under the premise that the bride price is paid by the husband’s family. Once

bride price is paid on the woman, she becomes not only the wife of her husband but family property and so even if her husband dies, she is bound to marry one of her deceased husband's brothers.

55. The State of Cameroon considers that such discriminatory customs are not only repugnant to natural justice, equity and good conscience but are also contrary to human rights.

56. The practice of levirate is contrary to Cameroonian written law. This practice has been outlawed by the Cameroonian legislator. For example, section 77 (2) of the Civil Status Registration Ordinance of 1981 provides:

“In the event of the death of the husband, his heirs shall have no right over the widow, nor over her freedom or the share of property belonging to her. She may, provided that she observes the period of widowhood of 180 days, freely remarry without anyone laying claim whatsoever to any compensation or material benefit for dowry or otherwise, received either at the time of engagement, during marriage or after marriage”.

57. Levirate marriage has also been denounced by the courts. Indeed, Cameroonian Courts hold that any custom which states that a woman or any other human being for that matter is property and can be inherited along with a deceased's estate, is not only repugnant to natural justice, equity and good conscience but is also contrary to human rights.

58. In the Kumba High Court case of David Tchakokam vs. Koeu Magdalene,<sup>9</sup> among other things the plaintiff David Tchakokam sought an order of the Court to force his levirate wife to return to him and a declaration that she had no claims over her late husband's property which he had inherited along with her. The learned trial judge, in dismissing the plaintiff's claim, said:

“This is the most objectionable, repugnant and obnoxious action to have been brought barely three years to the close of the twentieth century”.

59. Where the levirate is practiced against the widow's will, it amounts to the offence of forced marriage<sup>10</sup> under criminal law and attracts a punishment of up to ten years imprisonment plus a fine of up to FCFA 1, 000,000 (one million).<sup>11</sup>

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<sup>9</sup> Suit No. HCK/AE/38/97 (unreported).

<sup>10</sup> Section 356 (1) Cameroon Penal Code.

<sup>11</sup> About 1538,461 euros.

60. As concerns the refund of bride price, it is necessary to point out that, to marry validly under customary law, the man must pay some token (bride price) to the family of the bride. On divorce under some customary laws, the totality of the bride price must be refunded to the husband notwithstanding the number of years the marriage subsisted, the number of children had during the marriage, and the services rendered to the husband by the wife during the duration of the marriage.

61. Because the State of Cameroon considers such customs as discriminatory and a violation of human rights, it has taken the following educational, institutional, and judicial measures aimed at eradicating them.

### **Educational campaigns**

62. In recent years the Government has undertaken several educational campaigns aimed at sensitising traditional authorities on some aspects of human rights. The principal goal of this campaign exercise has been to build a human rights culture among the traditional authorities so as to make them to abandon obnoxious customs that discriminate against women.

### **Institutional measures**

63. The Government has set up the Ministry of Women Empowerment and the Family (MINPROFF) whose duty is to empower women and combat discrimination against them. In this regard, the Ministry informs women of their rights by way of brochures, focal points on women's issues, guidance and training programmes, projects in the area of health and the provision of financial support.

64. The Consultative Committee for the Advancement of Women, which reports to MINPROFF, proposes actions and programmes to ensure the optimum participation of women in development efforts. Also working closely with MINPROFF are some national associations and NGOs involved in the promotion and protection of human rights.

### **Judicial measures**

65. In Cameroon, any woman who alleges that she is a victim of a discriminatory customary practice may apply to the court for redress on the basis that her human rights have been violated.

66. The court is conferred original jurisdiction to hear and determine any such application for breach of constitutional right. It may also make such orders, issue such writs and give such directives, as it may consider appropriate for the purpose of enforcing or securing the enforcement of any rights to which the applicant may be entitled.

67. These measures notwithstanding, it must be acknowledged that Cameroonian women are still the victims of some discriminatory customs. The State of Cameroon will continue to adopt measures to eradicate such customs.

## **Recommendation 2**

**The Committee expressed concern at the continuing existence of polygamy, and the different ages for marriage between girls and boys.**

**It recommended that the State party should ensure that the above (polygamy and ages for marriage) are brought into conformity with the Covenant.**

### *Response of the State of Cameroon*

68. In Cameroon polygamy is a marriage option recognised by the law. However, monogamy is more widespread. The form of polygamy authorized in Cameroon is polygyny as opposed to polyandry.

69. Because the law in Cameroon provides for polygamy or monogamy, the spouses to be have the freedom to choose their preferred type of marriage. In most cases women who choose polygamy do so out of their own volition. Nevertheless, some are forced into such unions.

70. Under Cameroonian law, consent to marriage is necessary as the lack thereof renders a marriage void.<sup>12</sup> Hence, a woman who is forced into a polygamous union has the right to bring an action for nullity.

71. In addition, section 356 (1) of the Cameroon Penal Code (PC) (outlined below) punishes any person who compels anyone to marry.

72. Furthermore, a woman who chooses monogamy has the right to be the only wife of the husband, and if he remarries while the monogamy subsists, he is guilty of bigamy, a crime punishable under section 359 of the PC, which states:

(1) “Whoever -

(a) Being polygamous contracts a monogamous marriage before the dissolution of all previous marriages; or

(b) Being bound by an undertaking of monogamy contracts any marriage before dissolution of any previous marriage; or

(c) Being married under the codified law contracts any marriage before dissolution of that former marriage:

shall be punished with imprisonment for from two months to two years and with fine of from twenty-five thousand to five hundred thousand francs”.

73. The woman may also exercise her freedom to sue for divorce or legal separation.

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<sup>12</sup> Section 52 (4) of the 1981 Ordinance.

74. As concerns marriageable ages, it is worth mentioning that, the minimum age for girls is 15 years and 18 years for boys.<sup>13</sup> This disparity in the minimum marriageable ages could be explained by the fact that girls mature faster and are therefore more likely to handle family life at an earlier age than boys.

75. Persons who have just attained the marriageable ages are not bound to marry at those ages. They must freely consent. Therefore, child marriage and forced marriage are prohibited.

76. In this connection section 356 of the PC provides:

(1) “Whoever compels anyone to marry shall be punished with imprisonment for from five to ten years and with fine of from twenty thousand to one million francs.

(2) Where the victim is under the age of 18, the punishment may not be less than two years imprisonment, whatever the mitigating circumstances.

(3) Whoever gives in marriage a boy under 16 years of age or a girl under 14 shall be punished as under the two last foregoing subsections.

(4) Upon conviction, the court may deprive the offender of parental power and disqualify him from being the guardian or curator of any person ...”.

77. Cameroon attaches great importance to the provisions of the International Covenant on Civil and Political Rights. The Government will not hesitate to adopt further necessary measures to promote and protect the human rights of the Cameroonian women for the social development of the whole nation.

### **Recommendation 3**

**The Committee expressed further concern with the high rate of illiteracy among women, unequal educational and employment opportunities for women and ability of husbands to seek a court order to prevent wives from engaging in certain occupations.**

**The Committee recommended that the State party should ensure the equality of women with men, both in education and employment, particularly in employment of the woman’s choice. It should also ensure that women receive equal pay for work of equal value.**

#### *Response of the State of Cameroon*

78. The Government has adopted considerable measures to improve on the rights of the Cameroonian woman and the girl child. Such measures include improving on:

- The woman’s right to formal and informal education

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<sup>13</sup> Ibid., Section 52 (1).

- The woman's right to work and to aspire to posts of responsibility; and
- The woman's right to equitable salary and fair promotion

### **Education of women**

79. The system of education in Cameroon does not give priority to any sex. Schools and training centres are opened to both the boy and girl child. However, in some regions of the country, school attendance is dominated by the boy child. This is due to strong traditional and cultural influences that have existed over the years.

80. According to some cultures, the place of the girl child is in marriage. To combat some of these negative and discriminatory traditions, the Government has created several modern primary and secondary schools, training centres as well as universities to ensure the wildest access of Cameroonians in general and of the girl child in particular to education.

81. The majority of Cameroonian women in rural areas are ignorant of their rights. Government finds this situation disturbing and has decided to improve on it by empowering the following Ministries to provide informal education to rural women and the girl child:

- The Ministry of Women Empowerment and the Family has opened centres for the promotion of women and the family in urban and rural areas where women, girls and families receive intellectual, civic, moral and professional training. Such fora also give them the opportunity to exchange their experiences
- The Ministry of Social Affairs, which has set up Women Centres for the promotion of women and the girl child

82. Furthermore, some international NGOs have been assisting the Government to identify areas of very low school attendance by the girl child. After one of such exercises, UNICEF offered vehicles and computers to some provincial delegations of basic education. With these vehicles, educational authorities are now able to access the most enclaved parts of their regions to sensitise parents on the advantages of educating the girl child and even the adult woman.

83. The effect of such sensitization campaigns has been exceptional to the extent that, traditional rulers have decided to join the moving train by sensitizing and encouraging girls in their localities to attend school. This has gone a long way in reducing the disparity between the number of boys and girls attending primary schools.<sup>14</sup>

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<sup>14</sup> The disparity between the number of boys and girls attending primary schools dropped from 0.96% in the 2003/2004 academic year to 0.93% in the 2005/2006 school year.

### **Right to work**

84. The Cameroonian woman suffers no discrimination in the domain of work. The Labour Code<sup>15</sup> defines a “worker” in its section 1 (2) as:

“... any person, irrespective of sex or nationality, who has undertaken to place his services in return for remuneration ...”.

Furthermore, recruitment into the public service is by way of competitive examination opened to both sexes.

### **Choice of employment**

85. According to sections 74 (1) and 75 of the Civil Status Registration Ordinance, a woman may engage in a trade different from that of her husband. In so doing, she may, per section 75, open a separate account in her own name and make deposits and withdrawals as she deems fit. Her husband, however, has a limited right to go to court and obtain an order stopping her from exercising a trade if it interferes with the stability of the home. The intention of the Cameroonian legislator is to protect the family in accordance with article 23 (1) of the International Covenant on Civil and Political Rights.<sup>16</sup> Moreover, because more and more women are becoming the co-breadwinners or the sole breadwinners of their families, such court actions are becoming very rare.

#### *Protection from night work*

86. In general a worker in Cameroon is not expected to work more than 40 hours per week. To this effect Section 80 (1) of the Labour Code provides that statutory hours of work in all public and private non-agricultural establishments may not exceed forty hours per week.<sup>17</sup>

87. The above provision applies to all workers, irrespective of age and sex, and irrespective of mode of payment.<sup>18</sup>

88. According to section 82 (2) of the Labour Code, female workers are exempted from night work in industries (that is from 10.00 p.m. to 6.00 a.m.).

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<sup>15</sup> Cameroon Labour Code- Law No. 92/007 of 14 August 1992.

<sup>16</sup> Which states that, “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State”.

<sup>17</sup> See however, Section 80 (2) which provides that: “in all agricultural and allied undertakings, the hours of work shall be based on a total of two thousand four hundred hours per year, within the maximum limits of forty-eight hours per week”.

<sup>18</sup> See section 80 (3) of the Labour Code.



*The right to maternity leave*

89. Government's recognition of the right to maternity leave is reflected in various pieces of legislation.

90. Article 84 (2) of the Labour Code's provides:

“Every pregnant woman shall be entitled to fourteen (14) weeks of maternity leave which may start four (4) weeks before the due date of confinement. Such leave may be extended by six (6) weeks in case of a duly certified illness resulting either from the pregnancy or confinement. During such leave, the employer shall not terminate the employment contract of the woman in question”.<sup>19</sup>

91. As concerns eligibility for an allowance while on maternity leave, article 84 (5) of the Labour Code states that, “the woman shall be entitled, during the maternity leave, to a daily allowance, payable by the National Social Insurance Fund and equal to the amount of the wages actually received ...”. So women actually earn their full salary during maternity leave.

92. Again, it is considered unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave. Thus, a female employee cannot be dismissed from employment on account of her pregnancy.

*Paid leave*

93. All employees including female employees are entitled to one month of paid leave each year. In addition, a maximum of 10 (ten) days per year of paid special leave of absence, not deductible from annual leave is granted to workers on the occasion of family events directly concerning their own home,<sup>20</sup> such as marriage and family deaths. Employees are also allowed to rest during public holidays and take sick leave when ill.

*Equal remuneration*

94. In Cameroon, there exist the principle of equitable salary<sup>21</sup> and fair promotion. The principle of equitable salary provides that, “for the same type of work and level of proficiency, workers shall be entitled to the same remuneration, irrespective of their origin, sex, age, status and religion.” Remuneration is therefore equitable in Cameroon.

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<sup>19</sup> This provision has been reiterated by article 66(1) of the Civil Service Regulations.

<sup>20</sup> Section 89 (4) of the Labour Code.

<sup>21</sup> Section 61 (2) of the Labour Code guarantees equal salaries for the same type of work, qualification and output.

95. The Labour Code, the General Rules and Regulations of the Public Service and Collective Conventions lay down conditions for promotions, which are essentially based on qualification, professional competence and seniority in the enterprise. Any female worker who fulfils the required conditions for promotion is promoted accordingly.

96. In line with the UDHR and all other international conventions on human rights ratified by Cameroon, the Constitution as well as laws governing education and employment in Cameroon guarantee the equality of sexes and non-discrimination against women, whether in the private sector or in the public service.

#### **Recommendation 4**

**The Committee expressed concern at the fact that there is no specific law to prohibit female genital mutilation and that this practice continues in certain areas of Cameroonian territory in violation of article 7 of the Covenant.**

**The Committee recommended that the State party should take all measures, including legislation, to combat and eradicate the practice of female genital mutilation.**

#### *Response of the State of Cameroon*

97. In Cameroon female genital mutilation (FGM) is practised in the following forms:

- Clitoridectomy, which is the removal of the prepuce or hood of the clitoris
- Excision, which is the partial or total cutting of the clitoris and all or part of the labia minora
- Infibulation, which means the cutting of the clitoris, the labia minora and a part or whole of the medial part of the labia majora

98. The State of Cameroon considers this practice, as being cruel, inhuman and degrading, given that, it entails the cutting off of a healthy organ of a human being, generally under crude conditions, without anaesthesia and with the intention of conferring an inferior status on the victim.

99. Hence, although for the time being there is no law in Cameroon which directly prohibits FGM or criminalizes it, the courts employ several provisions of the Penal Code to punish perpetrators.

100. In this connection, section 277 of the PC provides: “whoever permanently deprives another of the use of the whole or of any part of any member, organ or sense shall be punished with imprisonment for from ten to twenty years”. FGM involves the permanent deprivation of the use of part of the sex organ of the woman and therefore falls within the ambit of this provision.

101. Even where the injuries described above are unintentional, the accused is punished with imprisonment for from five to ten years and with a fine of from five thousands to five hundred thousand francs provided “force or interference is used”.<sup>22</sup>

102. A greater punishment is obtained where use is made of a weapon.<sup>23</sup> Except in some few cases of clitoridectomy where fingernails are used to cut the clitoris of a newborn baby, weapons such as knives, razor blades and even sharpened sticks are used. An even greater punishment is levied if the act results in the death of the victim.<sup>24</sup>

103. Also, “whoever by force or interference causes intentionally or unintentionally to another any sickness or inability to work lasting for more than eight days and up to thirty days shall be punished with imprisonment for from six days to two years ...”.<sup>25</sup>

104. A more severe punishment is meted out where the “sickness or inability to work” lasts for more than thirty days.<sup>26</sup> With the health risk described above, it is clear that FGM falls within the ambit of the offences mentioned above.

105. The punishment described in sections 277 and 278 above shall become imprisonment for life where the offences are committed against a person under the age of fifteen.<sup>27</sup>

106. In addition, several national fora have been organized to sensitize the masses on the dangers of FGM. NGOs involved in the fight against this evil, victims, perpetrators and the civil society are usually invited to discuss the ills of the practice. During such fora, FGM is strongly condemned and the participants are also educated on the legal consequences of such a practice.

107. From the foregoing it is evident that the State of Cameroon stands against FGM in all its forms.

### **Recommendation 5**

**The Committee expressed concern that the criminalization of abortion leads to unsafe abortions which account for a high rate of maternal mortality.**

**It recommended that the State party must take measures to protect the life of all persons, including pregnant women.**

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<sup>22</sup> Section 279 (1) of the PC.

<sup>23</sup> Ibid., section 279 (2); the punishment is from 6-15 years imprisonment.

<sup>24</sup> The punishment is from 6-20 years imprisonment (ibid., section 278 (1)).

<sup>25</sup> Ibid., section 281.

<sup>26</sup> Ibid., section 280.

<sup>27</sup> Ibid., section 350.

*Response of the State of Cameroon*

108. The right to life is provided for in the Constitution, the preamble of which states that: “Every person has a right to life, to physical and moral integrity ...”. This provision is given effect to in numerous provisions of the Penal Code. These include:

- Section 228 (dangerous activities)
- Section 275 (murder)
- Section 276 (capital murder)
- Section 278 (assault occasioning death)
- Section 289 (unintentional killing)
- Section 340 (infanticide)
- Section 351 (assault on ascendant); and
- Section 337 (abortion)

109. The effective prosecution of these offences, which is the daily lot of the courts throughout the country, needs no comment. It would therefore be fastidious to extensively cite numerous the judgments delivered accordingly.

110. The right to life is sacred in Cameroon and extra judicial executions are not tolerated. Each time government officials are informed of such summary executions, they institute judicial proceedings against the suspects. Such proceedings usually result in convictions and corresponding sentences. The state of Cameroon does not leave persons found guilty of violating the right to life unpunished. No one, irrespective of position or social status, may toy with the life of any person living in Cameroon with impunity.<sup>28</sup>

111. The defence of obedience to lawful authority provided by section 83 of the Penal Code may not be raised to justify an act of killing. This section provides:

“(1) No criminal responsibility shall arise from an act performed on the orders of a competent authority to whom obedience is due.

(2) This section shall not apply where the order is manifestly unlawful.”

112. In Judgment No. 297-97 of 26 August 1997 delivered by the Yaounde Military Tribunal, one HOUSSSEINI, the Gendarmerie Company Commander of Poli was sentenced to 15 years imprisonment for ordering the summary execution of seven individuals presumed to be highway robbers. Five elements of his unit involved in this matter were convicted for capital murder and

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<sup>28</sup> See response to recommendation 7 below.

sentenced to terms of imprisonment ranging from 10 to 12 years. The contention that the executions were carried out on the orders of their superiors was rejected by the judges who held that such orders were manifestly unlawful.

113. To guarantee the right to life of persons under custody and detention major steps are taken to strengthen the intellectual and operational ability of police and prison authorities. Seminars organized with or without the support of foreign partners, particularly, the United Nations Sub-Regional Centre for Human Rights and Democracy in Central Africa and the International Committee of the Red Cross and Red Crescents, could be mentioned:

- Sub-regional workshop on the development of national action plans for the promotion and protection of Human Rights in Central Africa (Yaounde, 18 to 19 December 2001)
- Sub-regional Conference of Ministers of Justice or of Human Rights and Presidents of Supreme Courts (Yaounde, 13 to 14 June 2002) and
- National seminar for officials of penitentiary administration (Yaounde, 20 to 22 October 2003). This seminar brought together different Government services and NGOs to share ideas on the following topics:
  - The Evaluation of the Effectiveness of Human Rights and Security in Prison
  - The Respect of Detainees' Rights and the Responsibility of Penitentiary Administration Staff
  - Prisons and the concerns of Human Rights Organizations
  - The Influence of Administrative Authority on the Efficient Management of Prisons
  - The Prison-Council collaboration within the Framework of the Improvement of the standard of Living of Inmates
  - The Preventive Management of Risks in a Prison
  - The Rational Management of the votes of Penitentiary Establishments
  - The Profile of a Good Prison Superintendent within the Framework of the Respect of Human Rights and Security requirements
- Sub-regional workshop on the civil society, Human Rights and the rule of law (Kribi, 2 to 4 February 2004)
- Sub-regional workshop on the role of the civil society in the implementation of the Durban plan of action against racism, racial discrimination, xenophobia and related forms of intolerance (Yaounde, 12 to 14 July 2004)
- Seminar on Human Rights and the Administration of Justice, 14 to 18 March 2005 in Yaounde

- Sub-Regional training seminar on Human Rights in the Penitentiary Administration in Central Africa, 14 to 16 November 2005 in Douala. Discussions touched on the following sub themes:
  - International norms on the rights of detainees
  - Detention conditions and obstacles to the implementation of international rules
  - Mechanisms of individual complaints and visits to penitentiary establishments
  - Vulnerable groups in prison (women, minors, the sick); and
  - The law and detention (awaiting trial, procedure for the execution of sentences, alternative penalties, overcrowding, reforms) and
- Seminar on the Training of 26 senior officers of the Cameroon armed forces on the Implementation of International Humanitarian Law in Peace Keeping Operations, 21 to 25 November 2005 in Yaounde

114. The Cameroonian legislator considers the protection of the right to life to include also the protection of the unborn child. This is one of the reasons for criminalizing<sup>29</sup> abortion in Cameroon since the foetus is considered as having life which should also be protected. It is equally in this light that as per section 22 (3) of the Penal Code, “no woman with child may be executed until after her delivery”. Moreover, it is also considered that by criminalizing abortion the life of the pregnant woman is better protected, given that abortion exposes her to even worse health hazards than childbirth.

115. Nevertheless, the Cameroonian legislator has recognised that there are situations where abortion is no longer an offence but a necessity. Under Cameroonian law, there are two instances under which abortion can be legally effected. These two instances are contained in section 339 of the PC which is captioned “saving mother”. Hence, abortion shall constitute no offence where it is “performed by a qualified person”<sup>30</sup> and where it is “necessary for the saving of the mother from grave danger to her health”.<sup>31</sup>

116. Furthermore, abortion is authorised where the pregnancy resulted from rape. However, this can only be carried by a “qualified medical practitioner after certification by the prosecution ...”.<sup>32</sup>

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<sup>29</sup> See section 337 of the PC.

<sup>30</sup> A certified medical doctor for instance.

<sup>31</sup> See section 339 (1) PC.

<sup>32</sup> See section 339 (2) PC.

117. From what precedes, it is evident that the State of Cameroon is fully engaged in the protection of the right to life.

### **Recommendation 6**

**The Committee recognized that no death sentences had been carried out during the period under review, but it expressed concern that the death penalty is still being imposed, and that some of the crimes still punishable by the death penalty, such as secession, espionage or incitement to war are loosely defined.**

**The Committee then urged the State party to ensure that the death penalty may be imposed only for the most serious crimes and to consider abolishing capital punishment altogether.**

#### *Response of the State of Cameroon*

118. The Cameroonian legislator imposes the death penalty only for very serious felonies.

119. Even in cases where the death penalty is pronounced, certain “conditions precedent to execution” must be fulfilled. According to section 22 (1) of the Penal Code, every sentence of death shall be submitted to the President of the Republic for his decision on commutation. No death sentence may be carried out until the President shall have signified his decision not to commute (section 22 (2), PC). No woman with child may be executed until after her delivery (section 22 (3), PC).

120. By establishing these conditions precedent to execution, the legislator seeks to reduce the cases of execution of the death penalty and to provide a possibility of the condemned person filing a petition for pardon or clemency.

121. The death penalty is pronounced only by a competent court.

122. It should however be noted that the last execution was carried out in 1997 and it may not be an over statement to say executions have been suspended de facto in Cameroon. For instance, in April 2005, the President of the Republic chaired the Higher Judicial Council meeting at the end of which he signed Decree N° 2005/182 and N° 2005/183 of 31 May 2005 to commute death sentences pronounced against certain persons to life imprisonment.

### **Recommendation 7**

**The Committee expressed serious concern about allegations of widespread extrajudicial executions, particularly in connection with the operation by security forces to combat armed robbery. The Committee is also concerned about the death of detainees, including through torture and ill-treatment of prisoners.**

**The Committee urged the State party to overcome impunity and ensure that all allegations of killings by security forces are promptly investigated, the responsible persons brought to justice and the victims compensated.**

*Response of the State of Cameroon*

123. The fight against impunity is a major concern of the Cameroonian Government. This fight focuses on almost all cases of human rights violations including extrajudicial killings, torture and other inhuman and degrading treatment especially where such violations were perpetrated by agents of the State or State authorities. Judicial and administrative sanctions are meted out on prison administration personnel,<sup>33</sup> policemen,<sup>34</sup> gendarme officers, other civil servants and traditional rulers when they are found guilty of such violations.

124. The judicial and administrative sanctions spelt out herein below are illustrative of Government's desire to fight impunity.

**Judicial sanctions**

**Courts of Appeal**

*Court of Appeal, Littoral Province*

*High Court (HC), Wouri*

- In *The People v. Police Constable Mpacko Dikoume*, the above High Court, by judgment of 12 December 2006, found the accused guilty of assault occasioning death and sentenced him to three years imprisonment, suspended for three years. He was ordered to pay damages of FCFA 12,000,000.<sup>35</sup>
- In *The People v. Police Constable Ndiwa Joseph*, the above High Court, by judgment of 12 December 2006, found the accused guilty of assault occasioning death and sentenced him to three years imprisonment suspended for three years. He was ordered to pay a fine of FCFA 400,000<sup>36</sup> and damages of CFA 8,000,000.<sup>37</sup>

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<sup>33</sup> See the provisions of order N° 080 of 16 May 1983 to lay down the disciplinary system for penitentiary staff.

<sup>34</sup> Under law N° 97/009 of 10 January 1997 to amend and supplement certain provisions of the Penal Code, several civil servants of the police corps are prosecuted, convicted and sentenced for torture and arbitrary killing.

<sup>35</sup> About 184,615,385 euros.

<sup>36</sup> About 615,384,615 euros.

<sup>37</sup> About 1,230,769,203 euros.



*Court of First Instance (CFI), Douala-Bonanjo*

- In *The People v. Police Officer Ndzomo Mouna Claude*, the accused was found guilty of unintentional killing and ordered to pay a fine of FCFA 10,000<sup>38</sup> and damages of CFA 8,542,976.<sup>39</sup> The accused filed an appeal against this judgment.

*CFI, Mbanga*

- In *The People v. Police Constable Mandjek*, the accused was prosecuted for torture, breach of trust, grievous and simple harm. By a judgment of 30 November 2005, this matter was considered discontinued as a result of the death of the accused in the course of the proceedings.
- In *The People v. Senior Police Inspector Ambata Hermès René and Police Constable Ngoumba Jean Dejoli Major*, the accused persons were prosecuted for oppression, invasion of residence, torture, false arrest, assault and other offences. By a judgment in default of 14 December 2005, the accused persons were found guilty, convicted and ordered to pay a fine of FCFA 50,000<sup>40</sup> each. The Legal Department filed an appeal against this judgment.

*CFI, Edea*

- In *The People v. Bidjeke Mathias*, the latter, a Third Class Quarter Head, accused of oppression, was by judgment of 17 October 2006, acquitted.

*Court of Appeal, North Province*

*CFI, Garoua*

- In *The People v. Ava Gabriel* (Inspector of Police), the accused was prosecuted for torture. At the hearing of 18 April 2006, he was found guilty of the offence and sentenced to 6 months imprisonment, suspended for three years and ordered to pay damages of FCFA 150,000.<sup>41</sup> This judgement is final.

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<sup>38</sup> About 153,846,154 euros.

<sup>39</sup> About 1,314,304 euros.

<sup>40</sup> About 769,230,769 euros.

<sup>41</sup> About 230,769,230 euros.

- In *The People v. Enguene Malgloire* (Superintendent of Police attached to the Garoua Emi-Immigration Police Station), the accused was charged with assault and false arrest. He was acquitted.
- In *The People v. Moussa Aboubakar* (Lamido of Tcheboa), the suspect was charged with false arrest and assault. The matter is under judicial inquiry.
- In *The People v. Tiwa Pierre* (Senior Superintendent of Police, Head of the Department of Judicial Police of the North Province), the accused was prosecuted for torture. The matter was discontinued.
- In *The People v. Memena Goua Markus* (Police Constable attached to the Garoua GMI No. 4), the accused is prosecuted for oppression. The matter is pending before the Court of Appeal.

*HC, Benoue*

- In *The People v. Baina Dedaidandi* (village Head of Dore-Tongo), the accused was prosecuted for false arrest. He was found guilty by judgement No. 13/crim of 16 August 2006. He was convicted and sentenced to ten years imprisonment and ordered to pay damages of FCFA 1,000,000.<sup>42</sup> A warrant of arrest was issued against him. His counsel filed an appeal on 2 February 2007.

*CFI, Guider*

- In *The People v. Ouseini Hamadou* (the Lawan of Badadji), the accused was prosecuted for false arrest. By judgement No. 101/cor of 29 November 2006, he was found guilty of abetting arrest, credit by fraud and fraudulent retention and sentenced to 12 months imprisonment suspended for three years and ordered to pay damages of FCFA 360,000.<sup>43</sup>
- In *The People v. Seke Colomban* (Senior Superintendent of Police), the suspect was charged with abuse of office, false arrest, assault and torture. Judicial inquiry is ongoing.
- In *The People v. Boubakari Hamadou*, the Lamido of Dazal was prosecuted for theft and false arrest. By a judgment of 5 April 2006, the above Court acquitted him for the benefit of doubt.

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<sup>42</sup> About 153,846 euros.

<sup>43</sup> About 553,846 euros.

*CFI, Poli*

- In *The People v. Mbock Mbock Jean* (Civil Engineering Technician), the accused was prosecuted for oppression. By judgement No. 63/cor of 17 February 2006, he was found guilty of oppression and interest in concern and sentenced to one-year imprisonment and a fine of FCFA 30,000.<sup>44</sup> The Legal Department and counsel for the accused lodged an appeal against this judgment.

*CFI, Tchollire*

- In *The People v. Edjidi Ela Remy Charles*, the accused was charged with oppression. The matter was closed on 15 June 2006.
- In *The People v. Abdou Hamayadji Mayo*, the accused, representative of the Lamido of Rey Bouba in Touboro was charged with false arrest, false pretences and conditional threats. The case was discontinued following the death of the accused.

*Court of Appeal, North West Province*

*CFI, Bamenda*

- In *The People v. Police Constable Belomo Joseph and Police Officer Epanda Richard*, the accused are prosecuted for assault. By a judgement of 19/10/2007, the first accused was acquitted. The second accused was ordered to pay a fine of 100,000<sup>45</sup> FCFA and damages of 343.643<sup>46</sup> FCFA.
- In *The People v. Police Constable Minkolou Essomba*, the accused was prosecuted for assault. The accused was acquitted on 22 December 2007.
- In the case of *Fon Doh Gah Gwanyin III*<sup>47</sup> and 11 others, the accused persons were charged for murder and tried before the HC of Ndop. By judgment of 12 April 2006, the Court sentenced him to 15 years imprisonment. He appealed against the judgement and applied for bail before the CA, North West Province. On 18 August 2006, the said Court

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<sup>44</sup> About 461,358 euros.

<sup>45</sup> About 153,84 euros.

<sup>46</sup> About 528,68 euros.

<sup>47</sup> The immunity of Fon Doh Gah Gwanyin III, who was a parliamentarian at that time, was waived in accordance with Constitutional provisions and those of Law No. 721/1 of 8 June 1973 to lay down the standing orders of the National Assembly and its subsequent amendments as well as Ordinance No. 72/12 of 26 August 1972 to fix the immunities of members of the National Assembly.

granted bail to the Fon and four others to the sum of CFA 4,000,000<sup>48</sup> and two sureties. Five other accused persons who were not granted bail appealed before the Supreme Court.

*Court of Appeal, South Province*

*HC, Ocean Division*

- In *The People v. Mani Essama Bienvenue Joseph, Kemnang Nana Jules Hubert and Aoudou Ibrahim Kossingo* (Chief Warder and Warders respectively), the accused were remanded in custody on 25 January 2006 and are prosecuted for torture and abetting torture before the High Court, Ocean Division. By judgment No 28/CRIM of 28 September 2007, the first accused was sentenced to ten years imprisonment, while the second and third accused persons were sentenced to five years imprisonment each and ordered to pay damages of 2.500.000<sup>49</sup> FCFA.

*CFI, Sangmelima*

- In *The People v. Safinda Joachim* (Senior Prison Superintendent and Superintendent in charge of the Sangmelima prison), the accused was prosecuted for oppression and torture. He was found not guilty by judgement No. 81/cor of 5 December 2006. Disciplinary proceedings have been instituted against him. The Legal Department and the Counsel for the accused lodged an appeal against this judgement.
- In the case of Maigougoudoum Bello Japhet, Boubakari Modibo was found guilty of murder and Maigougoudoum guilty of oppression and abetting murder. By judgment No. 1/crim of 27 October 2006, they were both sentenced to 10 and 15 years imprisonment respectively with hard labour, as well as damages of FCFA 20,000,000. Seven other accused persons were acquitted.

Following an appeal by the convicts, the Court of Appeal, South Province by judgment No. 23/crim of 8 March 2007, quashed in part the judgement of the lower court. It re-classified the charge of murder to assault occasioning death, found the accused, Boubakari Modibo, guilty of the new charge and sentenced him to two years imprisonment suspended for five years. He was ordered to pay damages of FCFA 10,500,000. Maigougoudoum Bello Japhet on the other hand, was not found guilty of abetting assault-occasioning death. The General Delegation of National Security (DGSN) was found vicariously liable for the pecuniary sentences. This decision is final.

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<sup>48</sup> About 615,384 euros.

<sup>49</sup> About 3,846.15 euros.

- In *The People v. MBOKE NANE* (Superintendent of the Kribi Prison), the accused was prosecuted for assault occasioning death, failure to provide assistance and torture. He was convicted for torture on a detainee by the High Court of Ocean and sentenced to 5 years imprisonment on 25 June 2004. Following an appeal by all the parties, the South Court of Appeal, in a judgment of 12 May 2005, reduced Mr MBOKE NANE's prison term to two years.
- Senior Prison Administrator BIKORO AIMÉ Parfait was sentenced to three years imprisonment suspended for four years by the High Court of Mvila. In the same matter, the court sentenced Chief Warders AWAH Luc, MBAZOUA and TSIMI BILOA to three years imprisonment suspended for three years each for assault occasioning the death of a detainee in the Ebolowa Central Prison.

*Court of Appeal, Adamawa Province*

*CFI, Ngaoundere*

- In *The People v. Young Pome Yves* (Police Officer), the accused who was prosecuted for oppression was released for want of evidence. The Legal Department and the victim lodged an appeal on 4 April 2006.
- In *The People v. Young Pome Yves* (Police Officer), the accused who was prosecuted for false arrest, was released for want of evidence. The Legal Department and the victim lodged an appeal on 4 April 2006.
- In *The People v. NJINZEU André* (sergeant in the Ngaoundere motorised squad), the accused who was prosecuted for oppression was acquitted for want of diligent prosecution.
- In *The People v. Djaoro Hamadou* (the village Head of Nyassar), the accused, who was prosecuted for false arrest, was sentenced to 6 months imprisonment suspended for three years.
- In *The People v. Alim Garga* (Principal of Bilingual High School Ngaoundere), the accused who was prosecuted for oppression, was acquitted for want of evidence. The victim filed an appeal against this decision.

*CFI, Banyo*

- In *The People v. Nganni* (District Head for Nyamboya-Banyo), the accused who was prosecuted for murder, was found guilty of manslaughter

*HC, Tibati*

- By judgment No. 21/CRIM of 21 March 2007, *The People vs Abbo Bakar* (traditional ruler), the accused who was prosecuted for false arrest, was acquitted

*Court of Appeal, Centre Province*

*HC, Nyong and So'o*

- In *The People v. Otabela Otabela Laurent* (warder), the accused who is prosecuted for murder was remanded in custody on 22 December 2005. By judgment No. 63/CRIM of 2 July 2007, the court amended the charge to unintentional killing, convicted the accused and sentenced him to three years' imprisonment with a fine of CFA 200,000. Otabela filed an appeal against this decision on 2 July 2007. The appeal is pending. A disciplinary file concerning the above-accused person is under examination.

*Court of Appeal, Far North Province*

*HC, Maroua*

- In *The People v. Mezedjo Eric, Ngamessi, Tsapi, Njoya Zenz Emile Ndoumbe* (all gendarme officers attached to the 30th squadron of the Gendarmerie Headquarters, Maroua), the accused persons were charged for false arrest, theft, assault and failure to assist. Preliminary inquiry is ongoing.

*CFI, Kaele*

- In *The People v. Kaele Malloum* (the Mayor of the Moutourwa Rural Council), the accused is prosecuted for oppression and disturbance of quiet enjoyment. The CFI was declared incompetent, as the matter was purely administrative.
- In *The People v. Wangso Mathieu* (Stores Accountant at the Touloum Rural Council), the accused was prosecuted for refusal to render service. By judgment of 18 September 2007, the CFI Kaele acquitted the accused for want of evidence.

*CFI, Mokolo*

- In *The People v. Viche Taga* (Mayor of Mozogo Rural Council), the accused who was prosecuted for oppression, usurpation of qualification, destruction of public highway, dangerous activities and defamation. By judgement No. 295/cor of 6 February 2006 he was acquitted.
- In *The People v. Wakou Bassai* (Commander of the Roua-Souleyde Gendarmerie Brigade), the accused was prosecuted for oppression, false arrest, invasion of residence and conditional threats. By judgment No. 115/cor of 13 November 2006, he was sentenced to 10 months imprisonment and ordered to pay a fine of FCFA 15,000.<sup>50</sup>

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<sup>50</sup> About 230,769 euros.

- In *The People v. Metomo Minfomo Telesphore* (Commander of the Bourrha Gendarmerie Brigade), Alwa Etienne, Pakagne Andre (Assistants to the said Brigade commander), the accused were prosecuted for oppression. This matter is pending.<sup>51</sup>
- In *The People v. Lawan Youssoufa* (the traditional ruler of Liri-Mogode), the accused was prosecuted for false arrest. The matter is pending.

## **Military tribunals**

### *Military Tribunal, Douala*

- *The People v. Sergeants FOUDA Alain and NDJOCK Michel*, prosecuted for torture and transport fraud. By judgment No. 8/6 of 9 February 2006, the Tribunal found FOUDA Alain guilty of torture, granted him mitigating circumstances and sentenced him to six months imprisonment suspended for three years and to pay a fine of FCFA 50,000.<sup>52</sup>
- *The People v. BANNEM Anatole and Others*, prosecuted for torture, violation of orders, tolerance of violation of individual and other rights. By judgment No. 20/6 of 21 March 2006, the Tribunal found Warrant Officer (class 1) DOMO Athanase, Sergeant MINKENG and MBIAKOP Jean guilty of acts of torture, granted them mitigating circumstances and sentenced them to 9 and 8 years imprisonment respectively.
- *The People v. Sergeant NKAM ONANA*, prosecuted for abuse of office and false imprisonment. By judgment No. 23/6 of 22 March 2006, the Tribunal found him guilty of the charges against him, sentenced him and ordered his immediate arrest in court.
- *The People v. Warrant Officer NJIKI Adolphe*, prosecuted for arbitrary arrest and sequestration. By judgment No. 32/6 of 11 May 2006, the Tribunal found him not guilty of abuse of office and acquitted him for want of evidence. However, the Tribunal found him guilty of false arrest, false imprisonment, assault, sentenced him to two years imprisonment suspended for three years and ordered him to pay a fine of FCFA 500,000.<sup>53</sup> The sum of FCFA 900,000<sup>54</sup> was awarded as damages.

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<sup>51</sup> The last dated of adjournment is 18 August 2006.

<sup>52</sup> About 769,320 euros.

<sup>53</sup> About 769,230,769 euros.

<sup>54</sup> About 1,384,615 euros.

- The *People v. Warrant Officer* (Class 1), TECHOUA TOKO Jules, prosecuted for violation of orders, false arrest and false imprisonment. By judgment No. 67/6 of 6 October 2006, the Tribunal found him not guilty and acquitted him for want of evidence.
- The *People v. Warrant Officer, ETEME Hubert*, prosecuted for abuse of office and false imprisonment. By judgment No. 81/6 of 4 October 2006, the Tribunal found him not guilty and acquitted him for want of evidence.
- The *People v. Sergeants ZO'OBO ABOSOLO Joseph and BEBEN Justin*, prosecuted for violation of orders and torture. On 22 July 2006, NZEUJOUO Alain, a taxi driver who had been missing for one week was discovered by his boss at the Gendarmerie research Brigade, Douala II where he was detained following a complaint filed against him. He was found hanging in the cell on his belt in the presence of two other detainees who had tried in vain to stop him. Investigations revealed acts of violation of orders and torture inflicted on NZEUJOUO by Sergeants ZO'OBO ABOSOLO Joseph and BEBEN Justin.

By Order No. 296 of 7 September 2006 by the Minister Delegate at the Presidency in charge of Defence, they were charged to court. The matter was called for the first time on 21 November 2006 before the Military Tribunal, Douala and adjourned several times at the request of their Counsel.

- In *The People and Kouigwa Jacques v. Epote Christo* (warrant officer) and *Kaigama* (sergeant), the accused were sentenced by the Military Tribunal Douala by judgment No. 31/00 of 27 April 2000 to three years imprisonment suspended for five years on charges of torture. These soldiers serving in the Military Security remanded an individual in custody in relation to a land dispute when they lacked jurisdiction.
- In the matter referred to as “the nine missing persons of Bepanda”, which the culprits were charged before the Military Tribunal for violating instructions, accessory in torture, accessory in capital murder and corruption. They were tried on 6 July 2002 in compliance with Decision No. 139-02. Two of the eight accused were convicted on some counts of the charge and sentenced to 15 months military detention suspended for three years, and 16 months imprisonment under military detention<sup>55</sup> respectively. It should be noted that in this matter, gendarmes from the grade of non-commissioned officers to senior officer were remanded in custody, charged and prosecuted for torture, poor treatment or other forms of Human Rights violation.

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<sup>55</sup> These facts and the procedure relating thereto contradict the allegations contained in Amnesty International's 2005 Report on Cameroon on this matter which states that “no enquiry has been opened, once more this year, on the presumed “disappearance” of nine adolescents in Bepanda Omnisport a neighbourhood in Douala. These young boys who were suspected of stealing a gas cooker and a gas bottle were arrested and tortured at the Gendarmerie Operational Command Centre, dubbed “Kossovo”, before their disappearance.



*Military Tribunal, Buea*

- *The People v. DIKALA Richard*, prosecuted for violence on a junior staff. By judgment No. 21/6 of 7 March 2006, the Tribunal found him guilty, sentenced him to one year imprisonment and ordered his immediate arrest in court. This decision was appealed upon.
- *The People v. Sergeant YAYA*, prosecuted for violence on a junior staff. By judgment No. 57/6 of 4 July 2006, the court found him guilty, sentenced him to two years imprisonment and ordered his immediate arrest in court.
- *The People v. WANAMOU Victor*, prosecuted for violence on a junior staff. By judgment No. 60/6 of 4 July 2006 the court found him guilty and ordered him to pay a fine of FCFA 100,000.<sup>56</sup>
- *The People v. Sergeant MBENG Jean* prosecuted for violence. By judgment No. 62/6 of 4 July 2006, the court found him guilty and sentenced him to one year imprisonment suspended for three years.
- *The People v. Seaman AMADOU BOUARI*, prosecuted for violence on a junior staff. By judgment No. 78/3 of 3 October 2006, the Court found him guilty, granted him mitigation circumstances and ordered him to pay a fine of CFFA 20,000.<sup>57</sup>

*Military Tribunal, Garoua*

- In *The People v. Gendarme Officer Abdoulaye Moussa*, the accused was prosecuted for oppression. The matter is pending.
- *The People v. Gendarme Officer ABDOULAYE MOUSSA*, prosecuted for abuse of office. The matter is pending.
- *The People v. TAIWE Augustin*, prosecuted for violence on a senior staff. By judgment No. 1/6 of 5 January 2006, the court found him guilty, sentenced him to 18 months imprisonment and ordered his immediate arrest.
- *The People v. NDOUNGANE Robert*, prosecuted for acts of indecency on a 16 years old minor and abandonment of post of service. By judgment No. 2/6 of 5 January 2006, the court discontinued the matter due to the death of the accused.
- *The People v. DJOGODO*, prosecuted for abuse of office and extortion. By judgment No. 17/6 of 2 February 2006, the court acquitted him for benefit of doubt.

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<sup>56</sup> About 153,846 euros.

<sup>57</sup> About 307,692 euros.

- *The People v. MEONTA ALHADJI and MOUSSA SAMBO*, prosecuted as co-offenders in aggravated theft, threats and illegal possession of firearms. By judgement No. 30/6 of February 2006, the Court found them guilty, sentenced them to 15 years imprisonment each and ordered them to pay a fine of FCFA 500,000<sup>58</sup> each.
- *The People v. NOUMIN MAMDOU*, prosecuted as co-offender in attempted aggravated theft, assault and illegal possession of fire arms and munitions. By judgement No. 43/6 of 1 June 2006, the tribunal found him guilty, sentenced him to 10 years imprisonment and ordered him to pay a fine of FCFA 200,000.<sup>59</sup>
- *The People v. GRACIA BALANBA and NGADAM KAMPETE*, prosecuted as co-offenders in aggravated theft, murder and illegal possession of firearm. By judgment No. 48/6 of 1 June 2006, the Court found them guilty, sentenced them to 10 years imprisonment each and ordered them to pay a fine of FCFA 200,000.<sup>60</sup>
- *The People v. MASSA GARBA*, prosecuted for abuse of office and corruption. By judgment No. 56/6 of 12 June 2006, the court found him not guilty and acquitted him for the benefit of doubt.
- *The People v. MAMAI VICHE*, prosecuted for abuse of office, indulgence and false imprisonment. By judgment No. 67/6 of 3 August 2006, the Court found him not guilty and acquitted him for benefit of doubt.
- *The People v. NDOBO François*, prosecuted for indecency to a child of 15 and violation of orders. By judgment No. 76/6 of 16 October 2006, the Court dismissed the matter on the basis of *res judicata*.
- *The People v. MULEN Jacques*, prosecuted as co-offender in attempted aggravated theft, unintentional harm and illegal possession of firearm and munitions. By judgment No. 90/6 of 31 October 2006, the court found him guilty, accorded him mitigating circumstances and sentenced him to 6 months military imprisonment suspended for three years.
- *The People v. ZERAF and NEBA Charles*, prosecuted for murder and co-offenders of murder. By judgment No. 104/6 of 7 December 2006, the Court found him guilty and sentenced him to six months imprisonment and ordered him to pay a fine of FCFA 200,000.<sup>61</sup>

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<sup>58</sup> About 769,230,769 euros.

<sup>59</sup> About 307,692 euros.

<sup>60</sup> About 307,692 euros.

<sup>61</sup> About 307,692 euros.

- *The People v. IBRAHIM YAYA*, prosecuted as co-offender in aggravated theft, assault and grievous harm. By judgment No. 105/6 of 7 December 2006, the Tribunal found him guilty and sentenced him to 6 years imprisonment and ordered him to pay a fine of FCFA 200,000.<sup>62</sup>

### Disciplinary sanctions

125. The case of the illegal detention of a detainee by the Superintendent of the Prison of Mbanga can be mentioned. On the strength of information received at the Ministry of Justice, Prison Administrator FONGOH Divine was relieved of his duties after an administrative inquiry for abuse of office concerning the illegal detention of a detainee in June 2006.

#### *Police personnel*

126. The table below shows administrative sanctions effectively taken against some civil servants of the Police Corps.

No	Names	Grade	Service unit	Service number	Offence and date of commission	Protective measures taken	Final sanction
01	Eta Etoundi Jacques	PI 1 <sup>st</sup> Grade	DST	375 928 - T	Fighting in a state of drunkenness	/	Demolition of incremental position
02	Tsala Louis	PI (1 <sup>st</sup> )	Bafia Public PS	358 115 - U	Serious misconduct	/	Demolition of increment position
03	Zogo Junior Christophe	Police Superintendent		600 011 - X	Misconduct compromise	3 months suspension	Dismissal
04	Kergbine Kerbai Didier	Police Superintendent	DSES	600 132 - M	Misconduct compromise	3 months suspension	Dismissal
05	Ebene Albert Leopold	Police Superintendent		600 019 - H	Misconduct compromise	/	Delayed advancement for one year
06	Fotso Jean Pierre	ASP (1 <sup>st</sup> )	Mfou Public PS	080 170 - Z	Misuse of firearms on 14/12/2000	/	Delayed advancement for one year
07	Eyete Z'obo Eduard	PI (1 <sup>st</sup> )	7 <sup>th</sup> District Police Station Yaounde		Use of firearm contrary to the law on 14/07/2000	/	Delayed advancement for one year
08	Mfoumou Richard Collins	S I P	Mvila Public PS		Assault and battery on a suspect brought to the station	/	Reprimand
09	Yiwe Musa	Senior PI	CPS/Douala	/	Illegal withdrawal of identification documents of an individual on 12/07/2001		Reprimand
10	Siwo Japhet	Senior PI	Kumbo PS	123 442 - T	Assaulting a suspect brought to the station		Reprimand

<sup>62</sup> About 307,692 euros.

No	Names	Grade	Service unit	Service number	Offence and date of commission	Protective measures taken	Final sanction
11	Essomba Boma Joël	Senior PI	Kumba PS	/	Assaulting a suspect brought to the station		Reprimand
12	Moukouri Bilong Marcel	Senior PI	CPS/Douala		Assaulting a suspect brought to the station		Reprimand
13	Alim	PC (1 <sup>st</sup> )	General Delegation National Security	582 037	Illegal withdrawal of identification documents on 01/07/2002		Reprimand
14	Yakana Désiré	PC (1 <sup>st</sup> )	GSO	571 347 - N	Seizing another person's property and belonging on 26/10/2001		Reprimand
15	Yamb born Ekedî Julienne	PC (1 <sup>st</sup> )	Edea PS	526 284 - S	Assault and battery on a suspect brought to the station		Reprimand
16	Saboa Jules François	PC2	Abong Mbang PS		Violence and assault on a suspect brought to the station on 30/10/02		Advancement delayed for one year
17	Ebozoa Benoit	PC2	CAMRAIL		Violence and assault on a suspect brought to the station on 20/07/02		Advancement delayed for one year
18	Djibring Garba	Senior superintendent of police	GM/2 Douala		Violence on an individual on 29/12/01		Reprimand
19	Mboula David	PC2	Garoua Boulai PS	503 794 - P	Illegal use of firearm		Advancement delayed for one year
20	Lafon Emmanuel	PI (1 <sup>st</sup> )	DSP	147 133 - L	Violence and assault on a public officer on 16/12/01		Reprimand
21	Eloundou Mvondo	Asst Superintendent of Police (1 <sup>st</sup> )	8 <sup>th</sup> District Police Station Yaounde		Illegal withdrawal of identification documents of an individual on 05/08/02		Reprimand
22	Mbozo'o Armand Thierry	PC (1 <sup>st</sup> )	GMI No. 4		Violence and seizure of another person's property on 30/09/04		10 days suspension
23	Bassauguen Hervé	PI (1 <sup>st</sup> )	GSO	571 230 - Z	Seizure of another person's property on 26/10/01		10 days suspension
24	Ntone Kwedi	PC (1 <sup>st</sup> ) PI (1 <sup>st</sup> )	GSO	571 741 - Y	Seizure of another person's property		10 days suspension
25	Ngong Paul	PI (1 <sup>st</sup> )	CPSNI/DG	356 788 - D	Illegal withdrawal and retention of identification documents from an individual on 16/07/03		Reprimand
26	Bassahag Paul	PI (1 <sup>st</sup> )	Tiko P S	/	Assault on a public officer on 31/05/04		Reprimand
27	Ntamack Daniel	PC (1 <sup>st</sup> )	GMI No 2	570 733 -M	Misuse of firearm on 18/10/03		Reprimand
28	kamang Marcel B	PC (1 <sup>st</sup> )	GMI No. 10	/	Misuse of firearm on 08/10/04		Reprimand

No	Names	Grade	Service unit	Service number	Offence and date of commission	Protective measures taken	Final sanction
29	Mvondo Betty	PC (1 <sup>st</sup> )	GMI No. 3	596 883 - M	Assault on a public officer		Reprimand
30	Alah Stanley Ewane	PC (1 <sup>st</sup> )	DPPJ/N	582 492 - K	Illegal withdrawal of identification document of an individual		Reprimand
31	Atangana André Roger	PI (1 <sup>st</sup> )	8 <sup>th</sup> District Police Station Yaounde	570 539 - V	Illegal withdrawal of identification documents of an individual		8 days suspension
32	Betty Betty Leopold	PC	8 <sup>th</sup> District Police Station		Fighting with an individual on 22/02/05		Reprimand
33	Tsala Awono Ndongo	ASP (1 <sup>st</sup> )	BCN/ Yaounde	570 375 - X	Theft and retention of another's property		Advancement delayed for one year
34	Ngomou Theophile	PC (1 <sup>st</sup> )	GMI No. 4		Illegal use of a firearm		20 days suspension
35	Eloundou Vincent B	PC (1 <sup>st</sup> )	CPS/NW		Illegal use of a firearm		20 days suspension
36	Belle Eyoubwe Moïse	PC (1 <sup>st</sup> )	Mbengwi Public PS		Illegal withdrawal and retention of identification documents of an individual		20 days suspension
37	Bessome Assiga R	S I P	E/I Douala		Illegal withdrawal and retention of an identification documents of an individual		20 days suspension
38	Elakou Guy Roger	PI (1 <sup>st</sup> )	3 <sup>rd</sup> District Police station Yaounde	606 483 - E	Assault and battery on an individual on 27-28/11/05		Reprimand
39	Bissene Amougou	PI (1 <sup>st</sup> )	Dschang public PS	369 901 - S	Assault and battery of a member of the public		Reprimand
40	Manguelle Jean	PC2	Wum PS Police station	582 992 - P	Assault and battery on a member of the public		10 days suspension
41	Minleus Jean Claude	PC2	Kumbo PS police station	584 409 - M	Assault and battery on a member of the public		20 days suspension
42	Tambe Bisong Samuel	PI (1 <sup>st</sup> )	CPS/Buea	360 150 - J	Assault on his colleagues		Reprimand
43	Bobga John	PI (1 <sup>st</sup> )	14 <sup>th</sup> District police station Yaounde	606 843 - E	Assault on an individual		20 days suspension
44	Tchokwi Jean	PI (1 <sup>st</sup> )	PFSN Mouanko	158 628 - E	Infringement of prescription and assault on an individual on 05/07/05		Reprimand
45	Mengolo Cyrille	PI (1 <sup>st</sup> )	9 <sup>th</sup> District police station Douala		Illegal use of a firearm on 09-10-/03/02		Reprimand
46	Ekouma Fils François	ASP (1 <sup>st</sup> )	2 <sup>nd</sup> District police station Dschang	356 218 - T	Violence on a person brought to the station on 9-10		Reprimand
47	Embolo Fidèle	PC (1 <sup>st</sup> )	GMI No. 6	598 374 - N			15 days suspension

127. Other cases are outlined in the following table.<sup>63</sup>

No.	Name and first name, Grade and service	Acts committed and date	Decision No.	Duration of suspension
1	Motaze Jean Paul CPP-DPSN Littoral	Gross negligence; 13/04/05 gave out a service weapon used to kill a police constable	No. 00033 of 18/04/05	3 months
2	Tang Enow Lawrence CP-SP Limbe	Serious unscrupulous act; killed an individual during a police operation on 07/04/05	No. 00028 of 11/04/05	3 months
3	Akomezoa Afanda CP-DGNS	Unscrupulous act; shot a citizen on 09/2004	No. 00118 of 03/05/05	3 months
4	Amoulou Mvondo R OP2-SP Airport/Yaounde	Gross negligence, erroneous withdrawal of documents 27/06/05	No. 005-02 of 12/08/05	3 months
5	Mve Obama Timothée OP1-DPJ	Unscrupulous act and appropriation of seized object 24-25/05/05	No. 00324 of 07/07/05	3 months
6	Engolo Alfred OP1-SP Airport, Yaounde	Gross negligence, erroneous withdrawal 27/06/05	No. 00503 of 12/05/05	3 months
7	Abessolo Roger OP1-Sp, Airport/ Yaounde	Gross negligence, erroneous withdrawal 27/06/05	No. 00505 of 12/08/05	3 months
8	Robertson Serge SP-DFGIL	Unscrupulous act and appropriation of object 24-25/05/05	No. 00329 of 07/07/05	3 months
9	Onguene Lazare Alain 1P1-DST	Unscrupulous act and appropriation of object 24-25/05/05	No. 00325 of 07/07/05	3 months
10	Nsi Nadège Carole IPI-DST	Unscrupulous act and appropriation of object 24-25/05/05	No. 00322 of 07/07/05	3 months
11	Atangana Jean L. Police constable GMI No. 1, Yaounde	Serious unscrupulous act; shot and killed a citizen on the night of 08 to 09/04/05	No. 0032 of 11/04/05	3 months
12	Nsili Serges Hermery, Police constable, GMI No. 1 Yaounde	Serious unscrupulous act of 08 to 09/04/05 shot and killed a citizen	No. 0031 of 11/04/05	3 months
13	Ossobo Benoît, Police Constable GMI, No. 1, Yaounde	Serious unscrupulous act; shot and killed a citizen on the night of 08 to 09/04/05	No. 00030 of 11/04/05	3 months
14	Ondongo Denis Serge, Police Constable, GMI, No. 1 Yaounde	Serious unscrupulous act; shot and killed a citizen on the night of 08 to 09/04/05	No. 00029 of 11/04/05	3 months
15	Toudo Djomo Hervé Police Constable, GMI, No. 2 Yaounde	Serious unscrupulous act; shot and killed colleague on 16-17/04/05	No. 00034 of 08/04/05	3 months

128. The following are more court decisions sanctioning police officers who violate human rights:

- Superintendent of Police MENZOUO Simon and Senior Police Constable Saboa Jules Oscar were convicted on charges of torture and sentenced to five years imprisonment each by the High Court of Upper-Nkam on 27 February 2002

<sup>63</sup> Source: Delegation of National Security.

- Police Constable AVOM Jean Christophe was convicted on a charge of torture and sentenced to ten years imprisonment by the High Court of Nyong and So'o on 6 March 2003
- Police constables KAM John Brice, MIMOGA Louis LEGRAND AND GREBOUBAÏ Michel were convicted for torture on a detainee and sentenced to five years imprisonment each by the High Court of Mfoundi in Judgment No. 318 /Crim of 26 August 2003<sup>64</sup>
- Senior Police Inspector ETOUNDI Marc was convicted for failing to provide assistance and sentenced to three months imprisonment
- Police constable EFFA NGONO AKAME Geoffrey was convicted for unintentional killing by the Military Tribunal of Yaounde and sentenced to two years imprisonment suspended for three years and three million francs damages
- The Court of First Instance, Mokolo sentenced Inspector of Police ATEP, to a fine of ten thousand francs, for assault
- The Adamawa Court of Appeal sentenced Inspector of Police MEIGARI BEDA, of Meiganga, to two years imprisonment suspended for three years and a fine of ninety-nine thousand francs for torture, threats, blackmail and false arrest<sup>65</sup>
- The North Court of Appeal, in a judgment of 4 February 2005, sentenced Inspector of Police AMADOU ABBA to six months imprisonment suspended for three years, on a charge of assault
- The High Court of Meme, convicted Inspector of Police Stephen Ngu for torture and grievous harm, and sentenced him to five years imprisonment on 24 October 2005.<sup>66</sup> There was no claim for damages<sup>67</sup>

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<sup>64</sup> This case is pending before the Centre Court of Appeal.

<sup>65</sup> This judgment is final.

<sup>66</sup> Amnesty International's 2005 Report on this matter states that: "On 12 May, at Ikiliwindi, Police Officers are said to have handcuffed AFUH Bernard WERIWO before hitting and burning him in the presence of gendarmes. The victim aged 27, was arrested on the allegation of stealing a bicycle. He died on 10 July as a result of his wounds. Calls by witnesses and local human rights advocates for enquiries to be carried out and the presumed culprits charged to court remained a dead letter. On 12 May 2004, AFUH Bernard WERIWO, the bicycle thief, died of burns caused by fire set on him by Police Inspector Stephen NGU".

<sup>67</sup> This judgment is final.

- The Court of First Instance, Yaounde, Administrative Centre on 8 December 2005, convicted Police Inspector Roger ZAMEYO and Police Constable Thomas NYAMEKONG in default on charges of abuse of office, refusal of service and torture, to two years imprisonment and damages in the sum of 2,090,000<sup>68</sup> francs. Bench warrants were equally issued against them.

### *Gendarmerie personnel*

129. The following figures are illustrative that sanctions are effectively meted on gendarmes who are perpetrators of excesses, who kill or inflict bodily or moral harm on citizens.

- In 1997, five non-commissioned officers and thirty two gendarmes were punished with 125 days of suspension and 621 days of imprisonment<sup>69</sup> for physical violence.
- In 1998, three non-commissioned officers and two gendarmes were punished with sixty days of suspension and twenty days of imprisonment. A non-commissioned officer and a gendarme were punished with sixty days of suspension and sixty days of imprisonment for capital murder.
- In 1999, thirteen non-commissioned officers and four gendarmes were punished with three hundred and fifteen days of suspension and one hundred and ten days of imprisonment for physical violence.<sup>70</sup>

130. The table below illustrates cases of excesses noted and sanctioned within the National Gendarmerie for the period 2004-2005.

Nature of offences	Measures and remedies
Torture and death of MOUTOMBI at the Head Quarters of the Territorial Gendarmerie Group of Douala, in February 2005 (involving a Senior Officer, two non-commissioned officers and a junior non-commissioned officer)	<ul style="list-style-type: none"> <li>• Administrative, disciplinary and pecuniary sanctions<sup>71</sup></li> <li>• Prosecution commenced and the persons concerned remanded in custody</li> <li>• The Senior Officer appeared before the disciplinary board</li> <li>• Rehabilitation of cells in Douala and improvement of the detention conditions in general</li> </ul>

<sup>68</sup> About 321 538 461 euros.

<sup>69</sup> Suspension and imprisonment are cumulative disciplinary sanctions.

<sup>70</sup> *Source*: Cameroon third periodic report to the United Nations Committee against Torture.

<sup>71</sup> *Source*: Ministry of Defence. In February 2005, after the death of Motoumbi Emmanuel in custody as a result of physical cruelty and while waiting for the findings of the judicial inquiry, the Secretary of State for Defence specially in charge of the Gendarmerie took conservatory



Nature of offences	Measures and remedies
Illegal detention of users' official documents by the Brigade Commanders of Yaounde Airport and Mbalmayo noted by an inspection mission led by SED/SCGN	<ul style="list-style-type: none"> <li>• Officials relieved of their duties and punished</li> <li>• Company and Legion Commanders reprimanded</li> </ul>
Murder by firearm, in 2004 at Carrefour Mvog-Mbi, in Yaounde by a gendarme	<ul style="list-style-type: none"> <li>• Disciplinary and pecuniary sanctions</li> <li>• Prosecution commenced and persons concerned remanded in custody</li> </ul>
Several cases of illegal detention of documents at road blocks reported	<ul style="list-style-type: none"> <li>• Roadblocks removed, Unit Commanders reprimanded</li> </ul>
Death of DJACBA BELLO on 27/02/2005 in the cell of the New-Bell Brigade in Douala	<ul style="list-style-type: none"> <li>• Investigations conducted by the Legion Commander for Littoral on the instruction of the commander No. 2 of the Gendarmerie Region</li> <li>• Results of autopsy: overdose of indian hemp</li> <li>• Case pending before the Military Tribunal of Douala</li> <li>• No sanction taken because remand in custody was legal</li> </ul>

measures against the staff of Territorial Gendarmerie Group of Douala who treated this file whose duties were suspended and who were recalled to the central services of the Secretary of State for Defence in Yaounde, namely:

- Major Bannem Anatole, commander of the Territorial Gendarmerie Group of Douala was subsequently sentenced to 6 months imprisonment for violating instructions
- Chief Warrant Officer Domo Athanase was subsequently sentenced to 10 years imprisonment for torture
- Chief warrant Officer Tchapi Leon was subsequently sentenced to 8 years imprisonment for torture
- Chief warrant officer MBIAKOP Jean was subsequently sentenced to 8 years imprisonment for torture
- Chief warrant officer MENANGA AHANDA Jean Claude was subsequently sentenced to 06 months imprisonment for torture
- Staff Sergeant Minkeng Djemba Bathélemy was subsequently sentenced to 9 years imprisonment for torture. The appeal lodged against the judgment of 21/03/06 by the Military Tribunal of Douala sentencing the above-named persons is pending before the Littoral Court of Appeal

131. The tables below show other sanctions effectively taken against some Gendarme Officers.

### Non-commissioned officers

No.	Name	Grade	Service unit	Service number	Offence and date of commission	Final sanction
1	ESSOLA Etienne	Staff sergeant	LL	12 700	Threats with arms	20 days of imprisonment (JAR) <sup>72</sup> Decision No. 94/LL of 16 May 2005
2	Bell II Eugène	Staff sergeant	ACB Kolmaya	15 452	Violence on a superior	20 days of imprisonment (JAR) Decision No. 836/DC/LC of 13 April 2004
3	TCHENGANG Pierre	Chief Warrant Officer	Djeleng Territorial Brigade	10 824	Abuse of office Report No. 5/6 of 16 February 2006	Pending
4	Nkoa Emile	Warrant Officer	LO	12 213	Abuse of office Report No. 5/6 of 16 February 2006	Pending
5	MBOH ENONE	Chief Warrant Officer	LL Command	13 770	Assault on a sentinel	Ter. No. 1292 of 9 November 2006
6	SAMBA SAMBA Paul	Chief Warrant Officer	Ebolowa Brigade	9 259	Lack of self-control and violence on a user	15 JAR Decision No. 80/LS of 3 April 2005
7	ASHU TATA WEBOT Francis	Sergeant	LL	6 199	Violence on his element	15 JAR Decision No. 980/LL/BPC of 28 October 2005
8	ESSOMBE ETTA Auguste	AT	Akwa North Brigade	9 153	Assault	30 JAR Decision No. 60621 of 28 April 2006
9	DAYBAYANSOU Gaston	Chief Warrant Officer	Yagoua Territorial Brigade	13 471	Violence occasioning the death of a detainee	30 JAR Decision No. 1387/4-DC/GN of 28 September 2005
10	NGATCHOU Jean	Warrant Officer	Yagoua Territorial Brigade	12 193	Violence occasioning the death of a detainee	30 JAR Decision No. 1387/4-DC/GN of 28 September 2005
11	GANNA ADOUM	Chief Warrant Officer	Yagoua Territorial Brigade	LEN	Violence occasioning the death of a detainee	30 JAR Decision No. 1387/4-DC/GN of 28 September 2005
12	VONDOU Joël	Staff sergeant	Yagoua Territorial Brigade	10 390	Violence occasioning the death of a detainee	30 JAR Decision No. 1387/4-DC/GN of 28 September 2005
13	EKORO OLO Euggène	Staff sergeant	LL	10 928	Abuse of office, assault and battery. Report No. 33 of 8 December 2005	Pending
14	NDOU'OU NGANA Robert	Chief Warrant Officer	Mobile Squad, Garoua	12 185	Indecency to child 16	20 JAR Decision No. 27/LN/GN of 19 January 2006
15	ZEMBIA Elie	Staff sergeant	Gendarmerie Brigade, Tiko	9 245	Assault on a secretary of a high school of this locality	20 JAR Decision No. 13/LSO of 9 March 2006

<sup>72</sup> JAR: Imprisonment.

No.	Name	Grade	Service unit	Service number	Offence and date of commission	Final sanction
16	NDONGO ESSOLA	Chief Warrant Officer	Territorial Brigade, Limbe	15 251	Lack of self-control engaging in a scene leading to a fight against an inspector of the locality	15 JAR Decision No. 26/LSO of 1 March 2006
17	YAP KOUNBOU ABDOU	Staff sergeant	LNW	8 623	Assault and Battery	20 JAR Decision No. 328 of 23 May 2006
18	BEBEN JUSSIN	Chief Warrant Officer	LO	13 402	Assault and Battery	Pending

### Rank and file

No.	Name	Grade	Service unit	Service number	Offence and date of commission	Final sanction
1	DOCKO Léopold	Gendarme Major	Territorial Brigade, Fundong	15 482	Violence and contempt of civil servant	Pending
2	OUMAR MAHAMAT	Gendarme	Brigade, Bokito	16 966	Contempt of superior and threats with use of arms	20 days imprisonment (JP) Decision No.1071/4-DC/LC of 18 August 2005
3	NSOBO ATEME Henri	Gendarme	DRG	16 274	Armed robbery TO No. 917 of 3 August 2006	Territorial Disciplinary Board No. 1170 of 16 October 2006
4	ZANG Luc René	Gendarme Major	701 Mobile Squad, Ebolowa	15 408	Contempt of superior	20 21
5	CHEWANDIFOR Louis	Gendarme	Squad No. 142, Nkoteng	15 889	Violence on a superior	20 JP Decision No.1180/4-DC/LC of 28 September 2005

*Source:* Secretariat of State for Defence.

### *Penitentiary personnel*

132. The Penitentiary Administration was attached<sup>73</sup> to the Ministry of Justice by Decree No. 2004-320 of 8 December 2004 to organize the Government. A Secretary of State assists the Minister in charge of Justice in managing this Administration.

<sup>73</sup> Formerly, this administration was managed by the Ministry in charge of Territorial Administration. The determination of the Head of State and recommendations by certain UN committees for the supervision of Human Rights provoked this change (See 9/c of the recommendations by the Committee Against Torture after reviewing Cameroon's third Periodic Report relating to the Convention Against Torture and Other Cruel Inhuman or Degrading Punishments (doc. CAT/C/CR/316 of 20 November 2003).

133. In his speech on 8 December 2005 during the graduation ceremony of students at the National School of Penitentiary Administration, Buea, the Secretary of State at the Ministry of Justice in charge of Penitentiary Administration reminded them that “it should be noted that nowadays the protection of the rights of detainees is a major priority because the international community has given the respect of human rights a universal dimension”.

134. Any penitentiary staff found guilty of torturing or maltreating detainees is punished under the provisions of Order No. 080 of 16 May 1983 to lay down the disciplinary system in force. Sanctions range from detention to delay in promotion, without prejudice to criminal proceedings. The following cases may be mentioned:

- By service note No. 27-NS-REG-PC-BFM of 5 September 1999, the Superintendent of the Bafoussam Central Prison sanctioned a senior prison warder with 72 hours detention for “ill-treating a detainee”
- By Service Note No. 46-NS-REG-DBC of 7 June 1999, the same Superintendent sanctioned a prison warder with 03 days detention for “cruelty to a detainee”
- By Service Note No. 38-S-PCY-SAF-BP of 22 April 1997, the superintendent of the Yaounde Central Prison sanctioned a senior prison warder with 03 days detention in a cell, for “senseless brutality on a detainee”
- By Service Note No. 17-PCY-SAF-BP of February 1998, the same Superintendent sanctioned a prison warder with 12 hours in detention for “abuse of authority and violence on a detainee”

135. During the judicial year 2004-2005, various disciplinary sanctions were meted by Prison Superintendents on some of their collaborators for infringing on life, physical and moral integrity or deeds which violate these values as indicated in the table below.

136. Suspects of cruelty that resulted in more tragic consequences are charged before competent courts.<sup>74</sup> The most recent cases concern:

- Mr MBOKE NANE, Superintendent of the Kribi Prison arraigned before the High Court of the Ocean Division on an indictment for assault occasioning death, failure to provide assistance and torture. He was convicted for torture on a detainee and sentenced to five years imprisonment on 25 June 2004.<sup>75</sup>

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<sup>74</sup> *Source:* Department of Penitentiary Administration. Appeals were taken against some of the decisions mentioned in this report.

<sup>75</sup> Following an appeal by all the parties, the South Court of Appeal, in a judgment of 12 May 2005, reduced Mr MBOKE NANE’s prison term to 2 years.

- Senior Prison Administrator BIKORO AIMÉ Parfait was sentenced to four years imprisonment suspended for 04 years by the High Court of Mvila. In the same matter, the court sentenced Chief Warders AWAH Luc, MBAZOUA and TSIMI BILOA to three years imprisonment suspended for three years each for assault occasioning the death of a detainee in the Ebolowa Central Prison.

N°	Grade, name and first name	Prison	Reason	Sanction
	SW Noma Claudine	Yaounde Central Prison	Drug trafficking	48 hours under detention
	PW Ndjigui Nguimbou Theodore	“	“	72 hours under detention
	SW Tenga Belinga Robert	“	Taking photographs in women’s section	48 hours under detention
	PW Eba Pierreine Pauline	“	Drug trafficking	72 hours under detention
	SPW Biolo née Ngo Moiu Yvette	“	“	24 additional hours of keeping guard
	CPW Che Joseph Alang	“	“	24 hours under detention
	PW Ndjigui Nguimbous	“	“	4 hours under detention
	PW Eba Pierrine Pauline	“	Repeated trafficking in drugs	72 hours under detention
	PW Tamba Jean	“	“	72 hours under detention
	PWs Nkemateh Williams, Missouba Guillaume	“	Fraudulent introduction of an individual in a prison	24 additional hours of keeping guard
	Odi née Menama Atangana	“	Drug trafficking	24 hours under detention
	Youssouffa	“	“	72 hours under detention
	Ebode Tsele Amélie	“	Providing a telephone for a prisoner	48 additional hours of keeping guard
	PW Njeda Jean	Douala Central Prison	Illicit trafficking	5 days under detention
	PW Ngongo Johnson	Yaounde Central Prison	Bringing in adulterated alcohol	24 additional hours of keeping guard
	PW Ngono Joachim	Nanga-Eboko Central Prison	Facilitating sexual intercourse among detainees during extraction	File under study in the Ministry of Justice
	Aps Fongoh Divine Titakuna	Garoua Central Prison	Minor harm; violation of arrest and search instructions	“
	PW Enganikou Casmir Blaise	Bafia main Prison	Sexual intercourse with inmates	“
	APs Mboke Nane Joël	Kribi main Prison	Assault occasioning the death of a detainee	“
	PCWs Awah Luc, Mbazoa and Nsimi Biloa	Ebolowa Central Prison	“	“

*Source:* Department of Penitentiary Administration.

#### *Traditional rulers*

137. Traditional rulers are axillaries of the Administration. They are classified as follows:

- First class chiefs
- Second class chiefs and
- Third class chiefs

138. In Cameroon the legal status of traditional rulers is governed by Decree No. 77/245 of 15 July 1977 to organize chiefdoms. This legal instrument among others focuses on chieftaincy and the role of the chief.

139. The chief is chosen from among families called upon to exercise traditional customary authority. Candidates must meet the physical and moral conditions required and as far as possible, know how to read and write (art. 8). The choice is made after consultation with local notables and becomes final upon the approval by the administrative authorities by way of an order. Consulted meetings with elders are presided over by administrative authorities to wit, the Senior Divisional Officer in the case of First and Second Class Chiefdoms and the Divisional Officers in the case of Third Class chiefdoms.

140. Some of these traditional rulers have frequently been at the centre of controversy relating to the issue of their submission to the law and respect for human rights.

141. The subordination of traditional chiefs to administrative authority is consolidated by the Decree of 1977 which stipulates that:

- “Under the authority of the Minister of Territorial Administration, the role of chiefs shall be to assist administrative authorities in guarding the people”<sup>76</sup>
- “They shall be responsible for transmitting the directives of the administrative authorities to their people and ensuring that such directives are implemented”<sup>77</sup>
- Helping, as directed by the competent administrative authorities, in the maintenance of law and order<sup>78</sup>
- In addition to the aforementioned duties, the chiefs must carry out any mission that may be assigned to them by the local administrative authority”<sup>79</sup>

142. Sanctions meted out on traditional rulers depend on the gravity of the offence committed. They include:

- Call to order
- Warning

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<sup>76</sup> Article 19 of Decree No. 77/245.

<sup>77</sup> Ibid., article 20 (1).

<sup>78</sup> Ibid., article 20 (2).

<sup>79</sup> Ibid., article 20 (4).

- Simple reprimand
- Warning with suspension of all allowances for a period not exceeding three months
- Dismissal

143. Article 29 of the Decree of 1977 implicitly prohibits traditional rulers from punishing or extorting from their “subjects”. Any violation of this provision moreover is a cause for dismissal. The most recent example is the case of the Group Head of Foreke-Dschang, (second class chieftom based on the nomenclature evoked herein above) who was dismissed for “inertia, inefficiency and extortion on the masses” by Order No. 111-CAB-PM of 22 August 2005 by the Prime Minister, Head of Government.

144. In other cases, they may be prosecuted and punished in accordance with the law as illustrated by the following cases:

- The paramount Chief of Bafoussam was sentenced by the High Court of Mifi to five (5) years imprisonment suspended for five years and a fine of one million francs for depredation by band, arson, disturbance of quiet enjoyment and trespass on 6 May 2005.
- The Lamido<sup>80</sup> of Tcheboa, was charged with false imprisonment and forced labour, convicted and sentenced to one year imprisonment on 24 August 1993 by the High Court of Benoue. A bench warrant was issued against him.
- The Lamido of Douroum, was charged with extortion on his people, convicted and sentenced in two separate cases:
  - Defamation and abuse in which sentenced he was sentenced to one month imprisonment and a fine of one million one hundred thousand francs on 7 May 2003
  - Disturbance of quiet enjoyment, destruction of property in which he was sentenced to two years imprisonment by the High Court of Mayo Louti on 13 August 2003
- The traditional ruler of Bantoum III (Bangante in the West Province) was sentenced to one (1) year imprisonment and a fine of ten thousand francs, for false arrest, by the Court of First Instance, Bangangte. A bench warrant was issued against him.
- The Paramount Chief of Balatchi Mbouda in the West Province) was charged for oppression, but discharged and acquitted by the Court of First Instance, Mbouda.
- The Chief of Bamengam (Mbouda in the West Province) was charged with false arrest but acquitted by the Court of First Instance, Mbouda.

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<sup>80</sup> Appellation of the traditional ruler in the Northern Provinces.

- The Second Class Chief of Foulou (Lamidat of Mindjivin, Far-North Province) was sentenced to six months imprisonment, suspended for three years and 50,000 francs damages by the Court of First Instance for theft, false arrest as a co-offender and accessory in the theft.
- The Lamido of Bagana (Far-North Province) was sentenced to two years imprisonment, suspended for three years and two hundred and fifty thousand francs damages by the Court of First Instance Yagoua for false arrest and accessory after the fact.
- The Chief of Mbouasoum village (Melong) was given a suspended sentence of three years and ordered to pay a fine of fifty thousand francs for oppression and ninety thousand francs as damages on 4 January 2005 by the Court of First Instance, Nkongsamba.
- Bidjeke Mathias, third class quarter head, was charged with oppression by the Court of First Instance, Edea.
- The Fon<sup>81</sup> of Awing in the North-West is being prosecuted for whipping and undressing of a church minister and
- Docto Aboh, Quarter Head and Gaga Ndozeng Michel Second Class Chief are being prosecuted for false arrest and accessory before the Court of First Instance, Bertoua.

145. From what precedes, it is evident that impunity is no longer tolerated in Cameroon. Government is determined to institute proceedings against persons who violate human rights. Although some persons were acquitted, as indicated in some of the above cases, the fight against impunity was effective even in such cases, given that criminal proceedings were instituted against all the suspects.

### **Recommendation 8**

**The Committee expressed concern about the existence of private militia, in particular those that act as “coupeurs de routes”.**

**It recommended that the State party should combat the phenomenon in order to eradicate it.**

#### *Response of the State of Cameroon*

146. Cameroonian law unequivocally prohibits unauthorized armed bands and theft. In recent years armed robbers, known as *coupeurs de route*, have killed several hundreds of people and caused considerable injuries especially in the North Province and Far-North Province. These armed robbers operate on roads between the major towns of the region, attacking vehicles, killing the occupants and stealing money and other valuables.

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<sup>81</sup> Appellation of traditional head in the North-West Province.



147. The State of Cameroon considers this form of armed robbery as a serious threat to human rights. In order to deter these armed robbers, the Cameroon Government has established a special unit of the army and gendarmerie (L'unité Spéciale des antigangs) based in Maroua, Diamaré Division, and deployed in the north of Cameroon in order to tackle the insecurity in the region. Although this unit is special, it operates in conformity with the law. Therefore, it is not authorised to carry out acts of torture or arbitrary killings. On the contrary whenever the armed robbers are apprehended, they are tried and sentenced in accordance with the law.

### **Recommendation 9**

**The Committee expressed serious concern at reports about abuse of the use of weapons by the police, leading to loss of life.**

**The Committee recommended that to secure compliance with articles 6 and 7 of the Covenant, the State party must take firm measures to limit the use of force by the police, to investigate all complaints regarding the use of force by the police and take appropriate action when the use is in violation of the relevant regulations.**

#### *Response of the State of Cameroon*

148. Government efforts to respect or cause human rights to be respected have led to the adoption and implementation of measures to limit the use of force by the police. These measures include: measures to inculcate the respect of human rights within the police corps, the setting up of a special division for the control of services, prohibition of inhuman treatments on detainees, and judicial sanctions.

149. As regards measures to inculcate the respect of human rights within the police corps the General Delegation for National Security (DGSN) has issued a number of circulars over the years. For instance, circular N° 007808 SES 1-9 of 21 June 1993 on remand in police station sensitizes the police corps on issues related to torture.

150. Furthermore, the DGSN has entered into agreements with international and regional partners aimed at building the capacity of police instructors. The agreement between the DGSN and the Regional Delegation of the International Committee of the Red Cross in Central Africa in August 2001, to provide training to police instructors on international humanitarian law and human rights is a typical example.

151. Frequently, police officers are reminded of their duty to respect and protect human rights. In this regard, the Delegate General for National Security, in a speech made during the graduation ceremony of the National Advanced Police College (ENSP) on 4 August 2005, reminded students that, the respect for republican legality, individual freedoms and human rights should be their major concern.

152. To ensure a more efficient police force that respects human rights and is citizen- friendly, a special division or unit for the control of services was set up by Decree N° 2005-065 of 23 February 2005. This unit ensures “the policing of the police.” This unit is in charge of:

- Protecting secrecy, the state of mind, moral, loyalty of national security personnel, employees and civil servants of the state or public authorities

- Actively participating in combating corruption
- Contributing to the enhancement of discipline and respect for professional ethics in the national security
- Carrying out administrative and judicial investigations concerning national security personnel

153. Apart from this new structure, there exist other officials specifically in charge of discipline within the police corps. They are responsible for preventing and curbing excesses committed by the police during or out of service.

154. To guarantee human rights, the following measures are prescribed in police stations:

- Daily checks by officials in charge of detainees for early identification of the sick who shall immediately receive appropriate treatment
- Prohibition of inhuman or degrading treatment on detainees particularly:
  - Whipping to obtain confessions; and
  - Abusive use of teargas and other service weapons

155. The Government is determined to eradicate the use of force during investigations. Presently emphasis is laid on new investigation techniques for data collection and analysis. These methods render extorting confession through torture unnecessary. Rather, information is obtained from data analyses. This was introduced after a seminar on criminal methodology with expertise from the “service française de la coopération technique internationale de la police” (French service for police international technical co-operation) to enhance capacity building in scientific investigation in Yaounde on 28 September 2005, by the “Cabinet Central d’Études de Recherches et d’Investigation “(CCER) for Cameroon’s police executives.

156. In addition to administrative measures to limit the use of force by the police, judicial sanctions are meted on civil servants of the police corps (see response to recommendation 7 above).

157. The Government has also meted out sanctions on gendarmes who are perpetrators of excesses, who use their weapons to kill or inflict bodily or moral harm on citizens (see response to recommendation 7 above).

## **Recommendation 10**

**The Committee further expressed serious concern at reports on disappearances of persons.**

**It recommended that the State party must carry out investigations of disappearances and provide compensation to victims, or families.**

*Response of the State of Cameroon*

158. There have been few or no cases of disappearance in Cameroon in recent years. This is due to government's efforts to prevent the disappearance of persons. Whenever there are allegations of disappearance, measures are taken to investigate such allegations. If the allegations are founded, culprits are punished and the victims or their families are compensated accordingly.

159. For instance, in a disappearance case referred to as "the nine missing persons of Bepanda",<sup>82</sup> the culprits were charged before the Douala Military Tribunal for violating instructions, accessory in torture, accessory in capital murder and corruption. They were tried on 6 July 2002 in compliance with decision No. 139-02. Two of the eight accused were convicted on some counts of the charge and sentenced to 15 months military detention suspended for three years and 16 months imprisonment under military detention respectively. It should be noted that in this matter, gendarmes from the grade of non-commissioned officers to senior officers were remanded in custody, charged and prosecuted for torture, poor treatment or other forms of human rights violations.

160. To demonstrate its determination to prevent the disappearance of persons, the State of Cameroon signed the International Convention for the Protection of all Persons from Enforced Disappearance of 20 December 2006 on 6 February 2007.

**Recommendation 11**

**The Committee expressed deep concern that a person held in administrative detention, under article 2 of Law No. 90/024 (19 December 1990), may have his detention extended indefinitely with the authorisation of the Provincial Governor or the Minister for Territorial Administration, and that such person has no remedy by way of appeal or application of habeas corpus.**

**The Committee recommended that the State party should take immediate steps to bring the law into compliance with article 9 paragraphs 3 and 4 of the Covenant and ensure that the condition in which any such person is held comply with the Covenant.**

*Response of the State of Cameroon*

161. Perhaps, the committee's concern is over law N° 90/054 of 19 December 1990 relating to the maintenance of law and order. This law permits competent administrative authorities to restrict individual freedoms by remanding suspects in custody.

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<sup>82</sup> Nine adolescents in Bepanda Omnisport, a neighbourhood in Douala, were presumed "disappeared." These young boys who were suspected of stealing a gas cooker and a gas bottle were arrested and tortured at the gendarmerie Operational Command centre, dubbed "Kosovo", before their disappearance.

162. Section 2 of the said law provides that administrative authorities may, at all times (depending on the circumstances) in the maintenance of law and order, “take measures to remand a person in custody for a period of 15 (fifteen) days renewable in order to fight banditry.”

163. A detention order may be issued by the Governor or the Senior Divisional Officer (SDO). A detention order by the SDO is renewable only once. Any extension of the detention period beyond thirty days shall require an authorization from the Governor or the Minister in charge of Territorial Administration and Decentralization (MINATD). This is the essence of circular N° 02306/CAB/VPM/AT of 13 November 1997 to lay down the conditions for the application of administrative detention.

164. The Government seeks to guarantee freedom and security to all persons, subject to the respect of the rights of others and the higher interests of the state. It is in a bid to protect the higher interest of the state and for purposes of maintaining law and order that the legislator has set limits to such freedoms by granting special powers to administrative authorities.

165. However, there exist a number of instruments to provide remedy to persons held in administrative detention by way of appeal or application of habeas corpus.

166. Section 23 (1) (new) of ordinance N° 72-4 of 26 August 1972, on judicial organization as amended, provides “the public prosecution or legal department shall ensure the implementation of laws, regulations and court decisions and may in the interest of the law, and before any court to which he shall be represented, make submissions he considers necessary.”

167. Generally, the State Counsel has no power to control administrative detention by virtue of the principle of separation of powers. However, pursuant to the provision of section 23 above, he may verify whether the person is remanded in police custody on the strength of a valid warrant, particularly, a remand warrant issued by the competent administrative authority. If this is not the case, he may petition for habeas corpus under section 16 (d) of the above-mentioned ordinance.

168. Habeas corpus has been codified under the Criminal Procedure Code (CPC) section 584-588. It provides safeguards aimed at redressing cases of illegal arrest or detention.

169. Habeas corpus is a special and speedy procedure before the competent High Court to hear applications for the immediate release of persons illegally arrested or detained.

170. Section 584 of the CPC states:

“(1) The President of the High Court of the Place of arrest or detention of a person or any other judge of the said court shall have jurisdiction to hear applications for immediate release based on grounds of illegality of arrest or detention or failure to observe the formalities provided by law”.

(2) He shall also have jurisdiction to deal with applications filed against administrative remand measures.

(3) The application shall be filed either by the person arrested or detained or on his behalf by anyone else.”

171. In addition, any administrator who illegally deprives another of his liberty may be punished under section 291 of the PC.

172. Section 291 of the PC provides:

- (1) Whoever in any manner deprives another of his liberty shall be punished with imprisonment for from five to ten years and with fine of from twenty thousand to one million francs.
- (2) The punishment shall be imprisonment for from ten to twenty years in any of the following cases;
  - (a) Where the deprivation of liberty lasts for more than a month; or
  - (b) Where it is accompanied with physical or mental torture; or
  - (c) Where the arrest is effected with the aid of a forged order from a public authority or of a uniform unlawfully worn or pretending an appointment not held.

### **Recommendation 12**

**The Committee expressed concern about the continued practice of torture by police officials and about the absence of an independent organ for investigation. The Committee acknowledged the information provided by the Delegation about the prosecution of certain cases of torture. However, it regretted that the Delegation did not provide any information concerning the number of complaints of torture, the methods of investigating such reports, or of the remedies offered to the victims.**

**The Committee recommended that the State party should establish an independent mechanism to investigate reports of torture in order to comply with article 7 of the Covenant.**

#### *Response of the State of Cameroon*

173. The State of Cameroon is determined to eradicate torture. The Government recognizes the need for an independent mechanism to investigate reports of cases of torture.

174. In Cameroon, preliminary inquiries in cases of torture are carried out by the Examining Magistrate who is a Magistrate of the bench.<sup>83</sup> This is an innovation brought by the CPC. The Examining Magistrate is independent and impartial just like all other members of the Judiciary in Cameroon. The independence of courts vis-à-vis the executive and legislative is guaranteed by article 37 (2) of the Constitution which has raised the judiciary to a power.

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<sup>83</sup> See Section 142 CPC.

175. Article 37 (2) states:

“Judicial power shall be exercised by the Supreme Court, Courts of Appeal and Tribunals. The Judicial Power shall be independent of the executive and legislative powers. Magistrates of the bench shall, in the discharge of their duties, be governed only by the law and their conscience”.

176. It is worth mentioning that due to the appointment of Magistrates by the President of the Republic, Cameroon’s judicial system is often criticized for subservience to the Executive.

177. However, it must be pointed out that although the President of the Republic appoints Magistrates, this by no means makes them subservient because they discharge their duties with full authority. In effect, by virtue of article 37 (3) of the Constitution, the High Judicial Council (HJC) is consulted on all appointments to the bench and disciplinary action against Magistrates. The HJC comprises eminent personalities drawn from different institutions that ensure broad representation and balance.

178. At the close of the inquiry, where the Examining Magistrate finds that the facts constitutes an act of torture, he makes a committal order forwarding the case before the competent court for trial. Whenever the court finds that torture has been perpetrated, it punishes the offender accordingly. See response to recommendation 7 for statistics and further information on this issue.

### **Recommendation 13**

**The Committee is concerned about the jurisdiction of military courts over civilians and about the extension of that jurisdiction to offences which are not per se of a military nature, for example all offences involving fire-arms. The Committee is further concerned about reports whereby a person who was discharged by civilian judicial authorities may be brought before a different tribunal for trial, in contravention of article 14, paragraph 7.**

**The Committee recommends that the State party should ensure that the jurisdiction of military tribunals be limited to military offences committed by military personnel. It must also avoid that any person be liable to be tried or punished again for an offence for which he/she has already been finally convicted or acquitted of.**

*Response of the State of Cameroon*

### **The jurisdiction of the Military Court**

179. Section 1 of Ordinance No.72/4 of 26 August 1972 on Judicial Organisation of the State, as amended provides “justice shall be administered in the name of the people of Cameroon by: Customary Court; Courts of First Instance; High Courts; Military Tribunal; Courts of Appeal; the State Security Court; the Supreme Court.”

Section 5 of Law No.97/008 of 10 January 1997 to amend certain provisions of Ordinance No. 72/5 of 26 August 1972 governing military judicial organizations provides that, The military tribunal shall have exclusive jurisdiction to try the following types of cases involving persons of at least eighteen years of age:

- Purely military offences provided for by the Code of Military Justice
- Offences of all kinds committed by servicemen with or without civilian co-offenders or accessories, whether within a military establishment or in service
- Any offence against the law relating to offensive and defensive weapons, and to theft committed with the aid of a firearm
- Any offences of all kinds involving a serviceman or any person ranking as such committed in time of war or in an area subjected to a state of emergency or siege
- Any offence which may be committed jointly with the above

180. Article 41 of Decree No. 75/7000 of 6 November 1975 to establish the Regulation of General Discipline in the Armed Forces provides “military judges shall in the exercise of their duties be independent of Command and shall be subject only to hierarchy”.

181. It is important to note that military judges undergo the same training as their civilian counterparts at the National School of Administration and Magistracy (ENAM). They foster the protection of Human Rights.

182. The set-up of the Military Tribunal makes provision for this protection, as the Examining Magistrate who is in charge of preliminary inquiry, discarded in 1972 from civil courts, and reintroduced by Law No. 2005/07 of 07 July 2005 to lay down the CPC, has always been present in military courts.

183. Appeals against judgments from Military Tribunals are referred to the military bench of the Court of Appeal presided upon by a civil judicial officer. The procedure applied is that of the Court of Appeal entertaining a misdemeanour or felony.

184. Persons appearing before the Military Tribunals, like in the civil courts, have the right to brief counsel who assists them at all phases of the trial.

### **Res judicata**

185. As regards the second part of this recommendation, it should be pointed out that in Cameroon it is a well-established principle of criminal law that persons cannot be tried or punished for an offence for which they have already been finally convicted or acquitted of. In this connection, section 395 (3) of the CPC provides “anyone finally acquitted or convicted of an offence shall not be retried on the same facts even under a different statement of offence”. This principle has been given judicial recognition and approval by the Cameroonian courts.

#### **Recommendation 14**

**The Committee is concerned that citizens' passports can be removed by the police on the order of the public prosecutor, but that no information has been provided as to the criteria adopted by the prosecutor in giving such an order in that procedure.**

**The Committee recommends that such criteria should be examined so as to ensure that they are compatible with the freedom of everyone to leave his own country under article 12, paragraphs 2 and 3, of the Covenant.**

#### *Response of the State of Cameroon*

186. The Government protects and promotes the right to move about freely and to elect one's residence, to leave one's country and to be granted asylum. This right is enshrined in many legal instruments that also restrict them. The Preamble of the Constitution provides, "every person shall have the right to settle in any place and to move about freely, subject to the statutory provisions concerning public law and order, security and tranquillity".

187. Cameroonian nationals or foreigners living in the country may move about freely and freely use their property. However, such freedoms may be restricted if general interest or public order so dictates.<sup>84</sup>

188. Restrictions on the right to move about freely may permit the public prosecutor to order the removal of a citizen's passport. For instance, in a case where a civil servant has been charged with the misappropriation of public funds, depending on the amount misappropriated and the circumstances of the offence, his passport may be removed so as to prevent him from leaving the country to another where extradition may be difficult.<sup>85</sup>

189. In such most cases, the removal of a citizen's passport is not a violation of his right to move about freely, but a measure to enhance good governance and fight corruption.

#### **Recommendation 15**

**The Committee deplores the fact that prison conditions in Cameroon are characterized by severe overcrowding, inadequate food and medical care.**

**The Committee urges the State party to address the issue of prison overcrowding as a matter of priority and to ensure that prisoners are treated with humanity, in keeping with article 10 of the Covenant.**

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<sup>84</sup> See Law No. 90/054 of 19 December 1990 relating to the maintenance of Law and order.

<sup>85</sup> See cases of removal of passports of some civil servants within the framework of the operation dubbed "operation épervier".



*Response of the State of Cameroon*

**The problem of overcrowding**

190. In fact, Cameroon prisons are overpopulated. Overpopulation is acute in prisons in provincial headquarters and particularly in Yaounde, Douala, Bafoussam and Garoua.<sup>86</sup>

191. There is equally a problem of population distribution in the different prisons. Thus, some prisons are overpopulated while others are not. The following factors explain the problem of overpopulation:

- Cramped prisons, most of which date back to the colonial era
- High crime wave
- Lack of financial means to build new prisons
- Judicial delays in disposing of cases
- Lumping of detainees in preventive detention and
- Slow judicial inquiry

*Solutions to the problem of overcrowding*

192. This situation is gradually being redressed especially with the adoption of Law No. 2005/007 of 25 July 2005 on the CPC that came into force on 1 January 2007.

193. The CPC re-establishes the position of Examining Magistrate who henceforth is a Magistrate of the Bench contrary to the system instituted by Ordinance No. 72/4 of 2 August 1972 on Judicial Organisation of the State which conferred judicial inquiry on the Legal Department.

194. Remand in custody, a major cause for concern, has been strictly regulated. The Code restricts cases where the Examining Magistrate may order remand in custody. Section 218 of the CPC provides that a person with a known place of abode shall not be remanded in custody except in the case of a felony. The remand warrant shall be by a reasoned ruling (Section 218 (2)).<sup>87</sup>

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<sup>86</sup> Prison population is estimated at 22,907 as of December 2005.

<sup>87</sup> The remand warrant ordered by a reasoned judicial act protects litigants from an arbitrary decision. The Examining Magistrate is obliged to justify the detention measure.

195. Moreover, remand in custody shall not exceed six months. It may be extended for at most six months in the case of a misdemeanour and twelve months in the case of a felony. Concretely, the duration of remand in custody for the same judicial inquiry shall not exceed eighteen months.

196. Like the initial detention warrant, the extension of remand in custody shall be by a reasoned ruling. The ruling is liable to appeal before the Inquiry Control Chamber.

197. The judicial inquiry file is prepared in duplicate such that neither transmissions to the Legal Department nor transmission from the Examining Magistrate to the Control Chamber, in case of an appeal, may delay inquiry.

198. The recruitment of more personnel See DAG (Judicial and Legal Officers, and court registrars) has allowed for the redeployment of judicial staff resulting in the prompt treatment of procedures in general and preventive detention matters in particular.

199. Furthermore, to curb the problem of overcrowding in the prisons and poor detention conditions, Government has taken or envisaged the following actions:

- Regular transfer of convicts from overpopulated to less populated prisons
- Annual allocation of investment funds to rehabilitate prisons
- Allocation of fund for survey of new sites for some prisons, for instance, the Douala Central Prison
- Increase in controls of remands in custody by Magistrates of the Legal Department with a view to setting free some vulnerable categories of persons remanded in custody for extremely long periods
- Setting up new courts<sup>88</sup>
- Increasing the number of courtrooms all over the country and in Douala and Yaounde in particular

200. "PACDET I" known as Programme for the Amelioration of Detention Conditions and Respect for Human Rights, was signed in June 2002 between the European Union and Cameroon. It aimed at improving on the functioning of prisons and the judiciary and specifically the reduction of dysfunctions and abuse relating to awaiting trial in the Central Prisons of Douala and Yaounde. PACDET I came to an end in 2005.

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<sup>88</sup> These include the following courts: Yaounde/Ekounou, Yaounde Administrative Centre, Douala/Ndokotti, Douala/Bonanjo, Ambam, Bangem, Fundong, Ngoumou, Poli, Tchollire, Tignere, Bengbis, Menji and Ntui.

201. Positive results obtained led to the extension of the project to the country's ten Central Prisons. A second agreement, PACDET II, worth 8 million euros was signed on 19 December 2006, between the same partners. It aimed essentially at improving on detention conditions for the respect of Human Rights in the ten Central Prisons concerned. The programme that will last for four years started during the first semester of 2007 and must be over before 31 December 2010. The expected results include improving upon judicial and prison institutions within the project zone and improving upon detention conditions in all the Central Prisons. These results will be obtained through two phases:

(a) Improving upon the functioning of judicial and prison institutions. This phase shall comprise the following activities:

- Support the implementation of the CPC
- Further reflection on alternative punishments and their implementation
- Improve upon the functioning of judicial institutions
- Enhance the preparation and implementation of a continuous and post training programme
- Provide legal aid to detainees and set up provincial legal centres

(b) Improving upon detention conditions. This phase shall comprise:

- Supporting the improvement of detainees' feeding
- Supporting the prevention of diseases and care for the sick
- Supporting the improvement of infrastructure
- Promoting the social rehabilitation of detainees
- Supporting the improvement of the functioning of prison institutions and
- Reinforcing control and follow-up of conditions of persons remanded in custody

202. In addition, Cameroon's criminal law provides for release on licence (Sections 61 to 64 of the PC), suspended sentence (Sections 54 to 60 of the PC) commutation of sentences, amnesty (Section 73 of the PC) and probation (Section 55 to 60 of the PC). The use of these provisions by the courts and competent authorities helps in the reduction of prison population.

203. For example, by Decree No. 2006/483 of 29 December 2006 by the President of the Republic to commute sentences, 1,944 detainees were freed. Similarly, many suspended sentences are being passed by our courts.

*Improvement of detention conditions*

204. To improve detention conditions in prisons, in spite of limited means, the following actions were carried out in 2006 to promote the rights of detainees:

- Search for partnership with organizations specialized in promoting the rights of detainees
- Organization of a seminar by the NCHRF with the financial and technical assistance of the Commonwealth Secretariat for Provincial Delegates of Prison Administration in Yaounde from 8 to 11 May 2006 relating to the rights of the detainees
- Sensitization of prison personnel on the promotion and protection of the rights of detainees by opening up to Associations and non-governmental organizations which ensure human rights protection through talks, communications and presentations
- Directives to personnel by hierarchy through circulars and messages on the humane treatment of detainees
- The doubling of funds to improve on detainees' conditions in all prisons
- Allocation of funds for health care of all detainees
- Planned transfers of some detainees for humanitarian, social and family reasons
- Organization of social rehabilitation, socio-cultural and educative activities

205. As regards the separation of different categories of detainees, it should be noted that in accordance with Decree No. 92/52 of 22 March 1992 governing the penitentiary system, women, minors and persons remanded in custody enjoy special rights. Article 20 of the Decree provides: "women should be carefully separated from men". This applies to central prisons which are divided into Sections for minors, women and men.

206. It is obvious that the full implementation of this provision requires considerable funds which the Government is striving to find.

207. Furthermore, Prison Administration ensures that detainees are supervised through rationalised working method by the:

- Exploitation of statistics on detainees
- Exploitation of reports and petitions by detainees
- Exploitation of periodic reports by Prison Superintendents on supervision of detainees and their activities

- Exploitation of the monthly reports of prison infirmaries
- Exploitation of income generating activities carried out with the consent of detainees
- Exploitation of statistics on persons sentenced to death
- Exploitation of statistics on remand in custody of minors, women, deaths, escapes and ill-health
- Follow-up of the processing of criminal files by speeding up the process and curbing judicial delays
- Drawing up of an educational and training scheme likely to help the detainees prepare for social rehabilitation
- Installation of water points in some prisons
- Drawing up of a periodic disinfection, pest and rat control programme for prisons
- Instructing all Prison Superintendents to draw up and affix the rules and regulations of their respective prisons

*Medical treatment of detainees*

208. Decree No. 95/ 232 of 6 November 1995 sets up a Sub-Department for Penitentiary Health at the Department of Prison Administration. Besides, there are 124 health personnel as shown in the table below:

Grade Number Ratio

Medical Doctors 8 1/2863

State Registered Nurses 4 1/5728

Nurses 25 1/916

Assistant Laboratory Technicians 9 1/2545

Nursing Auxiliaries 74 1/309

Laboratory Nursing Auxiliaries 4 1/5726

Total 124

209. The Douala and Yaounde prisons have laboratories and qualified technicians who can run basic tests.

210. In fact, these personnel and infrastructure are inadequate. But they indicate efforts made by Government given the country's level of development and means.

211. The health budget for detainees was raised from FCFA 5,000,000<sup>89</sup> in 2005 to FCFA 48,000,000<sup>90</sup> in 2006, then to FCFA 60,000,000<sup>91</sup> for 2007. This considerable increase stems from the awareness of recurrent health problems in prisons and portrays Government's determination to improve on it.

212. Medical care and vaccination have been intensified and the following actions have been taken:

- Implementation of the National Programme for the Fight against Tuberculosis
- Implementation of the HIV/AIDS control programme in prisons since 2002
- Permanent screening for HIV, treatment of opportunistic infections and antiviral treatment at the Douala Central Prison (funding GTZ , CNLS)
- Screening and treatment of opportunistic infections in the other nine central prisons by the competent local health services
- Organization of sensitization campaigns relating to hygiene, fecal borne diseases and HIV
- Vaccination of detainees against meningitis and cholera during epidemic outbreaks
- Feeding

213. In recent years, measures have been taken to improve on the feeding of detainees. The funds allocated for their feeding have been increasing considerably. For instance, the budget for the feeding of detainees was raised from FCFA 931,378,000<sup>92</sup> in 2005 to FCFA 1,862,756,000<sup>93</sup> in 2006 thereby improving on the quality and quantity of detainees' food. More so, parents, friends and acquaintances are allowed to bring them food.

214. To ensure food sufficiency, the following activities were funded during the period 2004/2005 by the United Nations Development Programme (UNDP) within the framework of the project "Supporting Good Governance in Cameroon":

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<sup>89</sup> About 769 230 euros.

<sup>90</sup> About 738 461 euros.

<sup>91</sup> About 923 076 euros.

<sup>92</sup> About 143 2889 euros.

<sup>93</sup> About 286 5778 euros.

- Setting up of a poultry farm at Mfou Prison
- Setting up of a maize and tomato farm, enhancing the production capacity of basket-making workshop as well as the supply of production input to the main prison, Akonolinga
- Setting up of a maize and mushroom farm and boosting the production capacity of the main prison, Mbalmayo

215. Furthermore, UNDP supported the realisation of the following projects in 2006:

- Sewing workshops at the Central Prisons of Douala and Bafoussam
- A sculpture workshop at the Central Prison, Douala
- Shoe manufacturing workshops at the Central Prisons of Bamenda and Douala and
- A poultry farm at the Central Prison, Bamenda

216. The Association “Prisoner without Frontiers” constructed a poultry farm and fish pond at the Monatélé Main Prison.

217. Most prisons carry out agro-pastoral activities to ensure auto-production, auto-consumption and auto-financing. The results are generally encouraging.

*Measures to improve infrastructure*

218. Apart from the classical administrative and judicial control, two General Inspectorates were set up in 2005 at the Ministry of Justice. One is in charge of controlling the activities of Prison Administration and the other, judicial services.

219. Provincial Delegations of Prison Administration were set up and delegates in charge of supervising and co-ordinating prisons installed in their respective jurisdictions. These measures reinforce controls and contribute in improving upon the performances of the said prisons.

220. Besides, 13 water wells including 9 existing since 2005, have been rehabilitated in Bertoua, Nanga Eboko, Akonolinga, Makary, Kaele, Taelé, Tchollire I, Mora, Maroua, Bafia, Yabassi, Ebolowa, Garoua and Moulvoudaye.

221. The investment budget which increased from CFA 79, 875, 000<sup>94</sup> in 2005 to CFA 267 200, 000<sup>95</sup> in 2006 allowed for the realization of the following projects:

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<sup>94</sup> About 122,884 euros.

<sup>95</sup> About 411,076 euros.

Financial year	Province	Structure	Nature of works	Cost of works in CFA
2006	Adamawa	CP <sup>1</sup> Ngaoundere	Rehabilitation	14 000 000
		PDPA <sup>2</sup> Adamawa	Equipment (purchase of office equipment)	10 000 000
	Centre	CP Yaounde	Renovation of water supply	4 000 000
		MP <sup>3</sup> Akonolinga PDPA Centre	Completion of water wells (purchase of office equipment)	10 000 000
2006	East	CP Bertoua	Water wells	8 500 000
		PDPA East	Equipment purchase of office equipment	10 000 000
	Far-North	MP. Mora	Rehabilitation	22 000 000
		MP Mokolo	Completion of water wells	3 000 000
		SP4 , Makary	Construction of water wells	8 500 000
	PDPA Far-North	Equipment (purchase of office supplies)	10 000 000	
2006	Littoral	CP Douala	- Survey works of new site - One lorry	12 000 000 57.000.000
		PDPA Littoral	Equipment (purchase of office supplies)	10 000 000
	North	PDPA North	Equipment (purchase of office supplies)	10 000 000
	North West	MP Mbengwi	Rehabilitation	13 000 000
		PDPA North West	Equipment (purchase of office supplies)	10 000 000
	West	SP Bazou	Rehabilitation	14 000 000
		PDPA West	Equipment (purchase of office supplies)	10 000 000
	South West	PDPA South West	Equipment (purchase of office supplies)	10 000 000
	South	SP Ambam	Rehabilitation	8 500 000
		PDPA South	Equipment (purchase of office supplies)	10 000 000
			Total	267 200 000 <sup>96</sup>

222. The improvement of detention conditions is in line with Government's plan to modernize prison administration.

<sup>96</sup> About 411 076 923 euros.



## **Recommendation 16**

**The Committee is deeply concerned at the prosecution and punishment of journalists for the crime of publication of false news merely on the ground, without more, that the news was false, in clear violation of article 19 of the Covenant.**

**The Committee recommends that the State party must ensure that any law restricting freedom of expression meets all the requirements set out in article 19, paragraph 3 of the Covenant.**

### *Response of the State of Cameroon*

223. The State of Cameroon considers the freedom of expression as a foundation on which the very existence of a society is based. It is indispensable for the formation of public opinion. It is also a condition sine qua non for the growth of political parties, trade unions, cultural associations and in general, those who wish to influence public opinion.

224. The Preamble of the Cameroon Constitution states, “freedom of communication, of expression, of the press... shall be guaranteed under the conditions fixed by law”.

225. However, because of the need to protect the reputation of others, national security, public order, public health and morals, false news is punishable under the Cameroonian PC. In this connection, section 240 of the PC states, “whoever publishes or propagates by any means whatever any news without being able to prove either its truth or that he had good reason to believe it to be true, shall be punished with imprisonment for from one to five years and with a fine of from twenty thousands to one million francs”.

226. Generally in Cameroon, the publication of false news is aimed at injuring the reputation of others and disturbing public order and peace. Hence, the courts have the tendency to employ section 240 to punish false news only when it is established that the reputation of another has been injured or when public peace and order has been disturbed. This falls in line with the provisions of sections 305 and 113 of the PC. However, it is worth noting that, at the moment, there is a national debate on the decriminalisation of press offences.<sup>97</sup>

## **Recommendation 17**

**The Committee recommends early action to review and reform laws relating to criminal defamation, to bring them into conformity with article 19 of the Covenant.**

### *Response of the State of Cameroon*

227. The criminalization of defamation in Cameroon is a matter of policy. Cameroonian law on criminal defamation is geared toward the protection of the right of privacy of individuals.

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<sup>97</sup> Information obtained from authorities from MINCOM during the validation of this report.

Persons and Press organs are not permitted to make untrue statements which affect the reputation of others. In order to better promote and protect human rights, persons guilty of defamation must be convicted and sentenced accordingly.

228. The law on Criminal defamation is not meant only for private press organs. The public press organs are not exempt from prosecution. In the case of Rhym à Seyi Lin Jean against the “Cameroon Radio and Television” (CRTV) and others, by a writ of summons dated 31 May 2001, the heirs of late Seyi à Koul Julien sued CRTV and others at the Akonolinga Court of First Instance for defamation and abuse contrary to sections 74, 305 and 307 of the Penal Code and sections 74 to 78 of Law No. 90/052 of 19 December 1990. They alleged that some time in February 2001 in a local language programme a journalist of the Provincial CRTV radio station for the Centre invited a soothsayer, one Kigum Manifi, who asserted that late Seyi à Koul was specialized in the physical elimination of persons through occultic practices and was responsible for the death of two persons whose names were given. This programme was broadcast four times that same month, to the hearing of Rhym à Seyi the administrator of the estate, while he was in Akonolinga. The heirs of Seyi à Koul claimed they suffered a major prejudice as they were stigmatised everywhere they went, especially at Bafia, their place of origin. They also claimed damages.

### **Recommendation 18**

**The Committee is concerned with the information provided by the State party, in respect of the follow-up on the Committee's decisions on an individual case, Mukong v. Cameroon (Case No. 458/1991), where the Committee has established a violation of the Covenant. In particular, the Committee does not consider it appropriate to expect a person found to be a victim of a human right violation to have to submit still more information to the Cameroonian courts in order to obtain compensation.**

**The State party is urged to provide a remedy in accordance with the views adopted by the Committee on the individual case considered under the Optional Protocol.**

#### *Response of the State of Cameroon*

229. The Government of Cameroon compensated Albert Mukong adequately. He was given the sum of 100,000,000F<sup>98</sup> CFA.

### **Recommendation 19**

**The Committee regrets that the independence of the National Committee on Human Rights and Freedoms is not ensured, that its reports to the Head of State are not made public and that there is no evidence that any remedies have been provided or prosecutions initiated as a result of its work.**

**The State party is urged to ensure the independence of the National Committee and that publicity is given to its work and recommendations.**

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<sup>98</sup> About 153 846 153 euros.

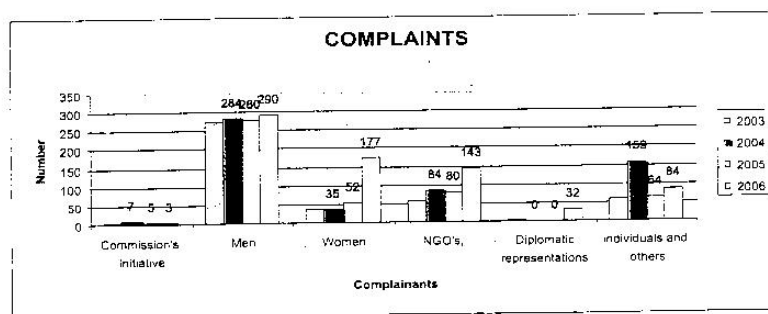
*Response of the State of Cameroon*

230. The State of Cameroon recognizes its duty to guarantee the independence of national institutions entrusted with the promotion and protection of human rights. This explains why the National Committee on Human Rights and Freedoms set up by Decree No. 90/1459 of 8 November 1990 was transformed to the National Commission on Human Rights and Freedoms (NCHRF) by Law No. 2004/016 of 22 July 2004.

**III - Complainants**

**TABLE III**

Category	Year			
	2003	2004	2005	2006
Commission's Initiative	4	7	5	3
Men	273	284	280	290
Women	34	35	52	177
NGO's,	59	84	80	143
Diplomatic representations	4	0	0	32
Individuals and others	60	159	64	84
<b>Total</b>	<b>434</b>	<b>569</b>	<b>481</b>	<b>729</b>



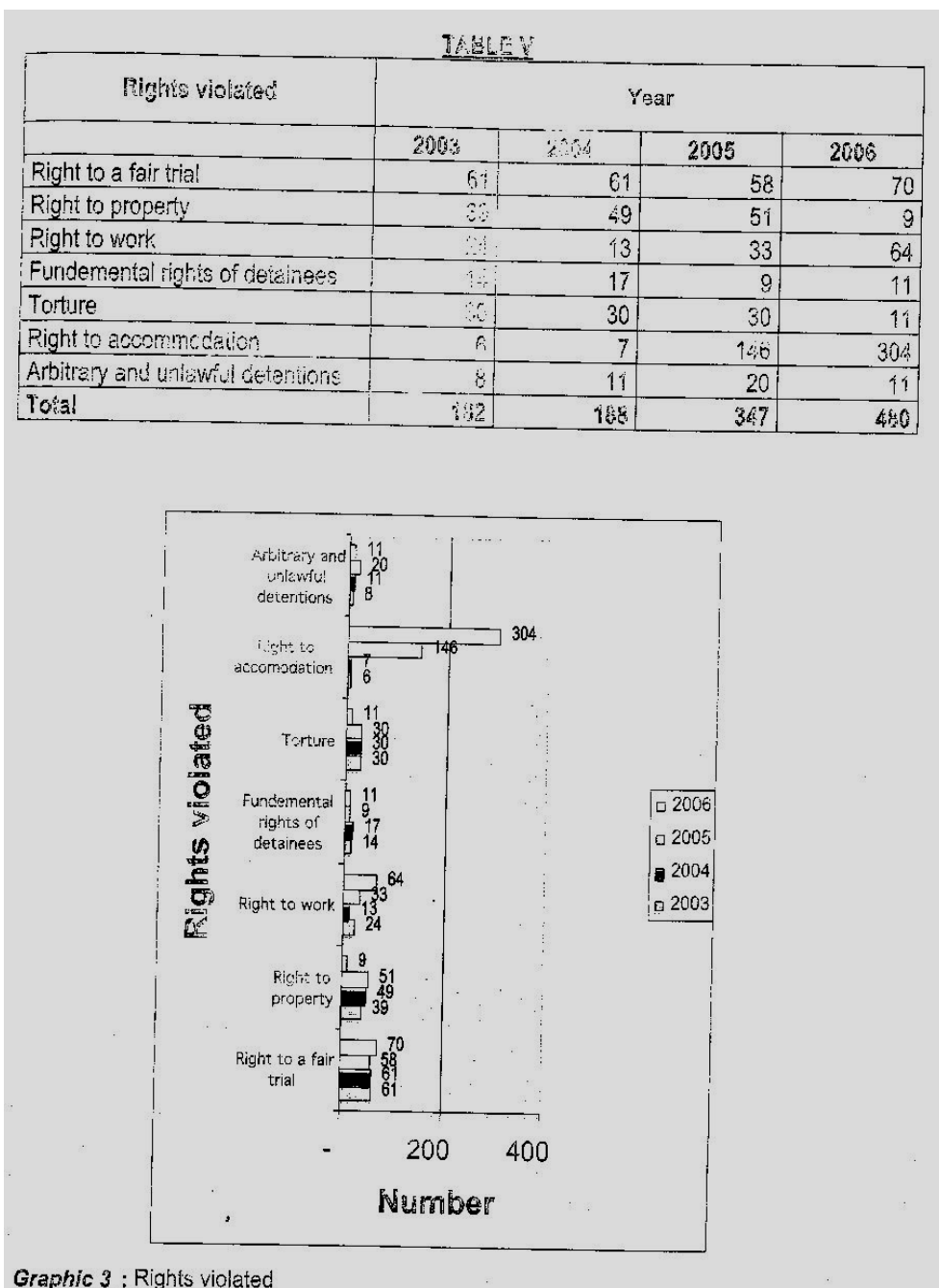
**Graphic 1: Complainants**

231. This transformation seeks to reinforce the capacities of this institution for the promotion and protection of human rights. Since the transformation, significant progress has been made to increase the working ability of the NCHRF especially by the appointment and swearing in of its members, the inclusion of its budget in the finance law and the inauguration of its provincial agencies.

232. The Commission is an independent institution, governed by the Paris Principles, charged with promoting and protecting human rights and freedoms. To this end, it:

- Examines all issues relating to human rights
- Disseminates the instruments relating to human rights; and collaborates with the United Nations and other institutions in the promotion and protection of human rights

233. The management of complaints by the NCHRF between 2003-2006 can be perceived from the following tables and graphs:



Source: NCHRF.

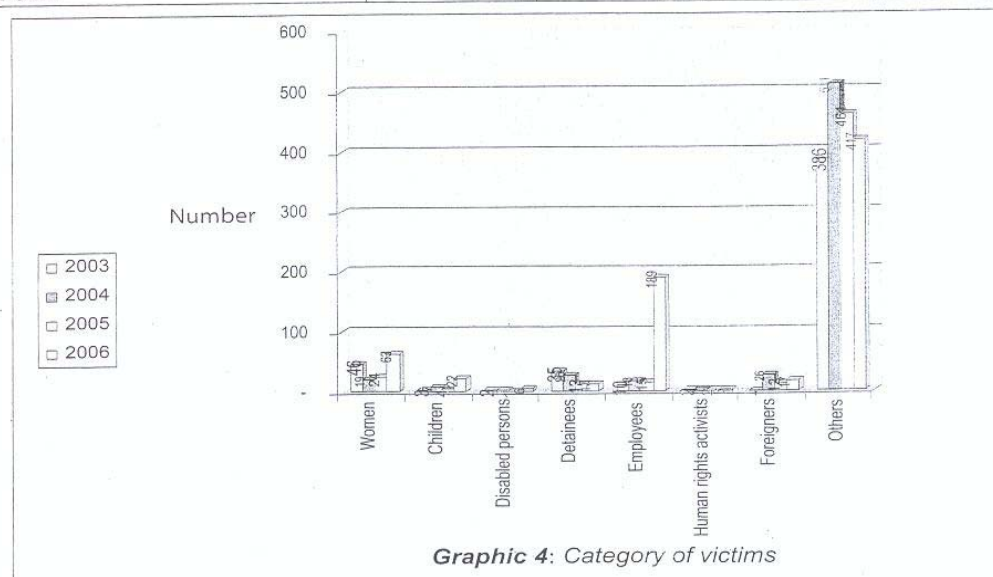
234. Where after examining such complaints, the Commission is satisfied that there has been a violation of human rights; it seizes the competent authority for redress. In this context for example, the Ministry of Justice receives correspondence in which the Commission recommends the institution of criminal proceedings against the offenders. In reaction, the competent Procureur General is seized and instructed to initiate investigations.

235. Publicity is given to the works and recommendations of the NCHRF. Since 2002, the NCHRF has been broadcasting a programme, “*Tribune des Droits et Libertes*” on the air waves of the Cameroon Radio Television (CRTV) on Saturdays from 8:30 p.m. to 8:45 p.m. This programme, which is broadcast alternately in French and English, aims at making known the missions and activities of the NCHRF.

236. In addition, the NCHRF has also set up a project for the publication of a bilingual quarterly news bulletin known as “Born Free”. It is important to note that each time an edition of the publication comes out, at least one thousand (1000) copies are distributed free of charge.

237. Furthermore, the works of the NCHRF are published in its periodic reports available to all interested persons. These reports are launched publicly. For instance, the 2003-2006 report was publicly launched at the Hilton Hotel in Yaounde in 2007. Information related to the works of the NCHRF can also be found in its libraries and the website.

Catégorie of victims	Années			
	2003	2004	2005	2006
Women	46	19	24	63
Children	3	7	4	22
Disabled persons	2	3	1	6
Detainees	35	26	12	13
Employees	10	18	15	189
Human rights activists	2	4	2	3
Foreigners	-	26	12	17
Other	386	511	461	417
<b>Total</b>	<b>484</b>	<b>614</b>	<b>531</b>	<b>730</b>



238. The NCHRF is making great efforts to institute and promote human rights education in Cameroon. In this regards, it has also drawn up a national programme for the teaching of human rights in schools. The draft document prepared by the task force was reviewed within the framework of a pre-validation workshop organized in Yaounde from 9-11 June 2004. This was done with the collaboration of the United Nations Sub-regional Centre for Human Rights and Democracy in Central Africa. During another workshop held from 7-9 February 2006, the pedagogic document<sup>99</sup> for the teaching of human rights in Cameroon was validated and the training of trainers on the use of the document was then prepared. The choice of 50 pilot schools at the level of basic education and 30 at the level secondary education has been made. Furthermore, teachers' guides have been elaborated for basic and secondary education. The teaching of human rights will commence in some pilot schools by the end November 2008.

#### **IV. INFORMATION ON THE IMPLEMENTATION OF ARTICLES OF THE COVENANT**

##### **Article 1: Self-determination**

239. Cameroon is comprised of many linguistically and culturally diverse ethnic groups. Yet the various ethnic groups constitute one and the same Nation, bound by the same destiny.

240. Government recognises the need to protect and enhance human dignity, the balance and the separation of powers and decentralization within the framework of a strong unitary State whose system of government, and economic, social, and cultural policies are freely determined by the people or their democratically elected representatives.

241. The State of Cameroon has no Non-Self-Governing or colony under its administration. Government respects the principle of sovereignty, and strives to maintain peaceful and brotherly relations with the other nations of the world, in accordance with the principles enshrined in the Charter of the United Nations.

242. However, in recent times the activities of an association (Southern Cameroon National Council (SCNC)) have led to discussions related to the right to self-determination in Cameroon. The contentions of the SCNC are based on the historical evolution of the State of Cameroon.

243. Prior to the colonization of Cameroon by Germany in 1884, Cameroon was comprised of a series of sovereign but interdependent ethnic groups, each under a traditional ruler. Upon colonization, these ethnic groups came together to form one nation. After World War 1, the League of Nations partitioned Cameroon between Britain and France into British and French Cameroons. This partition was maintained by the United Nations after World War II. In 1960 French Cameroon achieved independence. In a United Nations plebiscite held on 11 February 1961, a part of British Cameroon (British Southern Cameroon) gained independence by freely voting to reunite with French Cameroon, while the other part (British Northern Cameroon) voted in favour of a union with Nigeria.

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<sup>99</sup> The programme contained in this document concerns basic education, secondary education, higher education and professional schools.

244. Upon reunification, the former French and British Cameroons were governed as a federation. But profoundly aware of the imperative need to consolidate national unity, the need to build a more efficient state on the basis of the ideals of fraternity, justice and progress, and the need to ensure the best governance of the nation, Cameroon was transformed into a decentralized unitary State.<sup>100</sup>

### **The SCNC contentions**

245. In recent times, members of the SCNC have organized and provoked riots and revolts capable of infringing the territorial integrity of the Republic, public order and peace, and the full enjoyment of human rights.

246. The SCNC contentions are, inter alia, that “the “illegal annexation” of Ambazonia (former British Southern Cameroon) by the Republic of Cameroon denies the will of the Ambazonians to preserve their nationhood and sovereign powers, thereby violating the right of self determination under article 1, paragraph 1, of the Covenant;<sup>101</sup> that “*La République du Cameroun* violates Article 19, 20 paragraph 1, 20 paragraph 2, 20 paragraphs 3, 21, 22 paragraph 1, 22 paragraph 2, 23 paragraph 1 and 24 of the African Charter on Human and Peoples Rights.<sup>102</sup>

247. As a matter of fact, they advocate secession as the only alternative to allegations and violations of the Charter and other universal instruments for human rights protection.

### **Position of the State of Cameroon**

248. Government considers these riots and revolts as exceedingly disturbing. The State of Cameroon considers these contentions as neither compatible with the United Nations Charter, the International Covenant on Civil and Political Right, African Charter nor with international law.

249. The State of Cameroon observes that at the international level self-determination is recognized as “an inalienable right”. But it should not, according to the United Nations be interpreted as authorizing or encouraging any measure that would partly or wholly compromise the entire territory or the political unity of sovereign and independent States.<sup>103</sup>

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<sup>100</sup> See art. 1 (2) Cameroon Constitution.

<sup>101</sup> See UN Human Rights Commission Communication No. 1134/2002: Cameroon.10/05/2005. Fongum Gorji-Dinka vs The State of Cameroon.

<sup>102</sup> “See African Commission on Human and Peoples Rights Communication No 266/2003, *Dr KEVIN NGWANG GUMNE and Ors v. The State of Cameroon*.

<sup>103</sup> See General Assembly resolution 50/6 of 9 November 1995 entitled “Declaration on the occasion of the Fiftieth Anniversary of the United Nations”.

250. Moreover, it is established that the only human entities likely as a people to call for this external right to self-determination from pre-existing States are the “Peoples under foreign subjugation, domination and exploitation”.<sup>104</sup>

251. In the case of Cameroon, the plebiscite organized by the United Nations on 11 February 1961 according to resolution 1350 on two questions whether the peoples of Southern Cameroons wished to achieve independence by joining the independent Federation of Nigeria or the independent Republic of Cameroon, was incontestably the best way for this part of the territory to exercise its rights to self-determination.

252. The allusion to an “illegal union” is a legal curiosity because since 1 October 1961 (date of the reunification), Cameroon is a bilingual Republic made up of about 250 ethnic groups living in harmony in the ten provinces of the country.

253. The SCNC members are manipulating history for strategic reasons because we cannot talk of the annexation of southern Cameroons by *La République du Cameroun* considering this referendum of February 1961 organized under the aegis of the United Nations and which saw a massive participation of the populations concerned.

254. The SCNC is clamouring for secession and not for self-determination. The State of Cameroon considers that Self-determination as contained in article 1, paragraph 1 of the Covenant on Civil and Political Rights is not synonymous with “secession”.

255. Despite this situation, the Government is resolved to continue its efforts aimed at constructing an efficient decentralized<sup>105</sup> State in which the well-being of every person without discrimination is ensured.

256. This resolution is contained in article 1 (2) (3) of the Constitution which states:

“(2) The Republic of Cameroon shall be a decentralized unitary State.

It shall be one and indivisible, secular, and democratic and dedicated to social service.

It shall recognize and protect traditional values that conform to democratic principles, human rights and the law.

It shall ensure the equality of all citizens before the law.

(3) The official languages of the Republic of Cameroon shall be English and French, both having the same status. The state shall guarantee the promotion of bilingualism throughout the country. It shall endeavour to protect and promote national languages.”

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<sup>104</sup> Resolution 1514 (XV) of the General Assembly; see also articles 19 and 20 of the Charter.

<sup>105</sup> Thus, in application of the provisions of part X of 18 January 1996 on Regional and Local Authorities, Decree No. 2008/376 of 12 November 2008 on the Administrative Organization of the Republic of Cameroon, apart from dealing with councils, determines and delimits the ten regions of Cameroon.



## **Article 2: Non-discrimination**

257. The State of Cameroon guarantees the equality of the human persons. Hence, all individuals within Cameroon enjoy the rights contained in the Covenant, without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In this connection, the Preamble of the Constitution provides, “the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights”. This principle governs every domain of national life.

## **Article 3: Gender equality**

258. The principle of gender equality is guaranteed in the Cameroonian legislation and promoted through Government policy.

### **Legislative measures**

#### **Constitutional provisions**

259. This principle is enshrined in the Constitution. In this respect, the Preamble of the Constitution states, “the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights”. Furthermore it stipulates that, “all persons shall have equal rights and obligations” and that “the State shall guarantee all citizens of either sex the rights and freedoms set forth in the Preamble to the Constitution”.

#### *Penal Code*

260. In the same vein, the PC stipulates under section 1 that “the criminal law shall apply to all”.

#### *Labour Code*

261. According to section 2 (1) of the Labour Code (LC) “the right to work shall be recognized as a basic right of each citizen. The State shall therefore make every effort to help citizens to find and secure their employment”. Several other provisions of the LC on the well-being and protection of women<sup>106</sup> have been examined supra. (See response to recommendation 3).

#### *Electoral law*

262. The principle of equality of sexes applies also in electoral matters. These deal with the capacity to vote and the conditions of eligibility for election. Thus, any Cameroonian national or naturalized Cameroonian, without distinction as to sex, may vote in elections, provided he or she has completed his or her twentieth (20th) year and is not disqualified by law.

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<sup>106</sup> These are positive discriminatory measures.

263. Moreover, any Cameroonian citizen, without distinction as to sex, may be enrolled on a list of candidates for election to the National Assembly, provided he or she has the right to vote, is duly enrolled on an electoral list, has completed his or her twenty-third (23rd) year on polling day and can read and write French or English.

*Civil Service Regulations*<sup>107</sup>

264. According to articles 12 and 13 of the Civil Service Regulation, access to the civil service is indiscriminately open to Cameroonians of 17 to 30 years old. Cameroonians of 35 years old may be recruited as public servants of categories A and B on condition that they are healthy and morally upright.

**Institutional measures**

265. The improvement of the situation of the Cameroonian woman as a condition for sustainable development positively influences all measures taken in her favour. Unfortunately, residual practices thwart the effects of these efforts.

266. The Poverty Reduction Strategy Paper is a commitment to provide better living conditions for the woman, respect her rights, recognize her contribution to development and involve her in lucrative economic activities. Government policies are therefore gender sensitive as manifested by the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in April 1994 and progress made since the various summits on ESCR in general and for the promotion of the ESCR of the woman in particular.

267. Since the Copenhagen Summit,<sup>108</sup> equity and equality between men and women at the national level has considerably improved in the political, economic, social and cultural spheres where gender disparity is rife.

268. The Ministry of Women Empowerment and the Family, with the support of national and international partners, has elaborated and adopted the National Plan of Action for the Integration of Women in Development, with focus on seven out of the twelve priority areas retained by the Beijing Conference and which aim at:

- Improving the living standards and legal status of women
- Including women in decision-making
- Fighting against violence on women
- Educating young girls

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<sup>107</sup> Decree No. 94/199 of 7 October 1994, as amended.

<sup>108</sup> The Heads of State Summit held in March 1995 on social development.

- Improving the living conditions of women and
- Improving the institutional framework
- Protection of women by the courts

269. The Supreme Court and other courts protect the rights of women in conformity with constitutional principles. This has been the case since Supreme Court Judgment No. 45 of 22 February 1973, which held that a woman in an inter-tribal marriage is entitled to inherit the land of her father.<sup>109</sup>

270. In the matter of *Ebanda Njoh v. Eyoum Biwa Njoh Isaac*, the Supreme Court affirmed the right of the woman to inherit her parents property, contrary to the discriminatory Douala custom which gave only male children the right to inherit thereby, violating the provisions of the Constitution on gender equality (official listing of Supreme Court Judgments No. 28, 1973).

271. Judgment No. 929 of 6 August 2004<sup>110</sup> *NOMO BELA v. BELA née MENYOMO*. NOMO BELA lodged an appeal before the Centre Court of Appeal against the judgment of a lower court that sentenced him to 6 months imprisonment suspended for three years after amending the charge from sodomy, sexual abuse and ill-treatment, to private indecency under Section 295 of the Penal Code.

#### *Protection by NGOs*

272. Many associations protect and promote the rights of women including ACAFEJ, ACAFEM, ACAFIA, FAWECAM, SWAA, FIDA, GEMANO etc.

#### *Progress indicators*

273. Studies have shown that the main problems of women stem from lack of training and information. To inform and provide continuing education to women, 210 radio programmes have been conceived on their problems with about 50 centres for the empowerment of women and the family.

274. Pertaining to access to social services and basic resources, the school attendance rate of women in 1998 stood at 27.02 per cent for the 16-20 age bracket and 11 per cent for the 21-24 year old with 25.5 per cent of women in professional schools and 43.7 per cent in various faculties. These rates have greatly improved.

275. These trends are remarkable at the level of the access of women to health care. 60 per cent of women received qualified assistance during delivery in 2004/2005; 25 per cent used one

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<sup>109</sup> See the case of *ZAMCHO Florence LUM v. CHIBIKOM Peter FRU and Others*, Judgment No 14/L of 4 February 1993 of the Supreme Court mentioned supra.

<sup>110</sup> *Source*: MINPROFF. In this Judgment, the Centre Court of Appeal dismissed the Appeal of the defendant for want of evidence.

contraceptive method and two out of three benefited from prenatal visits. Despite equal right to work and access to the public service, women represented only 28.7 per cent in 1997, with most in the social sectors (education, health, social affairs and women empowerment).

276. These inexhaustive figures show that at the dawn of the new millennium, the integration of women in development is no longer a major problem in Cameroon. Their progress during the 2002-2007 legislature though insufficient, is illustrative (see tables below).

*Growth of female MPs by legislature*

Legislature	No. of women percentage
1992-1997	23/180 12.8%
1997-2002	10/180 5.5 %
2002-2007	20/180 10.6%

277. The following data from the December 2004 annual statistics on the situation of women in Cameroon largely attest to the significant improvement in public life and decision-making spheres.

*Mayoresses*

Mandate	No. of women
1996-2001	2
2002-2007	10

*Number of female municipal councillors*

Mandate	No. of women
1996-2001	1 061
2002-2007	1 302

*Percentage of women in the public service*

Posts	1997	2002/2004
Inspector General	5.56	2.8
Inspector	12.50	18.8
Technical Adviser	7.85	15.6
Director	8.70	11.8
Sub-Director	13.19	14.9
Service Head	16.81	21.9

278. At the international level, three Cameroonian women have been promoted to the posts of Auditor of Commerce and Industry of the African Union, Ad litem Judge at the International Criminal Tribunal for Rwanda and Cameroon's Ambassador to the Netherlands.

279. Cameroon has six (6) female Members of Government. These female members of Government are:

- The Minister of Basic Education
- The Minister of Scientific Research and Innovation
- The Minister of Culture
- The Minister of Social Affairs
- The Minister of Women's Empowerment and the Family
- The Secretary of State for Basic Education

*Prospects*

280. Government's orientations on gender equality and the independence of the woman are on the right path. The draft code of the person and the family, which contains favourable provisions on the rights and aspirations of women, provides a major opportunity for gender equality and equity. The following provisions of this draft bill express this wish:

- Section 215 stipulates that dowry and gifts cannot be returned
- Section 234 (3) stipulates that "spouses owe each other mutual love, respect, fidelity, help and assistance. In case of polygamy, each wife has the right to equal treatment in relation to the other wives"
- Section 240 grants each of these spouses the freedom to work without the consent of the other
- Section 242 (1) stipulates that in a polygamous marriage, the husband forms with each of his wives a distinct family and that each wife is not obliged to provide for the needs of the other wives or those of their children
- Section 449 stipulates that the head of the family manages in agreement with his wife the common property of the family
- Section 459 (2) states that in case of liquidation of the community, the wife shall receive her share before the husband
- On succession, section 545 (2) stipulates that in case of polygamy, all the widows have the right to inheritance shared between them in proportion to the number of years in marriage with the deceased

281. Also, the draft bill on "The Prevention and Punishment of Violence on Women and Gender based Discriminations" protects women and establishes legal equality between men and women.

282. As concerns the promotion of equality in other domains see the responses to recommendations 1, 2, 3, 4 and 5 above.

#### **Article 4: Derogation**

283. Since the last report there has been no declaration of a state of emergency and no cases of derogation. Therefore, there exist no developments to report under this article.

#### **Article 5: Recognition and interpretation**

284. The recognition and inviolability of the rights contained in the Convention has been recognized and upheld by the State of Cameroon. This is evident from the Preamble of the Constitution which states, “We, the people of Cameroon ... affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and The African Charter on Human and Peoples’ Rights, and all duly ratified international conventions relating thereto ...”

285. The Covenant is considered to be part and parcel of the Cameroonian internal norms and as such, the rights contained therein are invoked directly in the courts. In this connection Article 45 of the Constitution states, “duly approved or ratified treaties and international agreements shall, following their publication, override national law ...”

#### **Article 6: The right to life**

286. See responses to recommendations 5, 6 and 7 above.

#### **Article 7: Prohibition of torture, cruel, inhuman or degrading treatment**

287. The Cameroonian legislator seeks to effectively protect the human person through the prohibition of torture, cruel, inhuman or degrading treatment. Also, administrative measures and court decisions are taken against perpetrators.

#### **Legal framework to prohibit torture, cruel, inhuman or degrading treatment**

288. The Preamble of the Constitution stipulates, “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”.

289. Torture is a crime under the Cameroon PC. Law No. 97/009 of 10 January 1997 to amend and supplement certain provisions of the PC includes the insertion of a section 132 (a) between sections 132 and 133 of the said Code, which reads as follows:

Section 132 (a): Torture:

“(1) Where torture results in the unintentional death of the victim, it shall be punished with life imprisonment.

(2) Where, as a result of torture, the victim is permanently deprived of the use of the whole or any part of a limb, organ or sense, the punishment shall be for from ten to twenty years.

(3) Where torture results in illness or industrial disablement of more than 30 days, the punishment shall be imprisonment for from 5 (five) to 10 (ten) years and a fine of from 100,000 to 1,000,000 francs.

(4) Where torture results in illness or industrial disablement of up to 30 days or in mental or moral pain and suffering, the punishment shall be imprisonment for from 2 (two) to 5 (five) years and a fine of from 50,000 to 200,000 francs.

(5) "Torture" shall, within the context of this Code, mean any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the investigation of a public official or with his express or tacit consent on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or putting pressure on him or a third person, or for any other motive based on any form of discrimination whatsoever.<sup>111</sup>

Torture shall not include pain or suffering arising from, inherent in, or incidental to lawful sanctions.

(6) Exceptional circumstances such as a state of war, internal political instability or any other public emergency may not be invoked as a justification of torture.

(7) The orders of a superior or a public authority may not be invoked as a justification of torture".

290. The provisions mentioned above are effectively applied by the courts and other competent authorities.<sup>112</sup> For instance, section 132 (a) (7) is reflected in the decision of the Supreme Court of Cameroon in judgment No. 4 of 7 October 1969 wherein the court stated that, "state agents or civil servants cannot invoke orders from their superiors as justification or excuse; similarly, an accused may not invoke the orders of his employer to justify an offence, where such facts are established, they do not absolve the accused and personal acts are not expunged unless it was a case of force majeure".

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<sup>111</sup> This definition of torture adopts in its entirety the definition of article 1 of the New York Convention of 1984.

<sup>112</sup> The following circulars by the Keeper of the Seals are worth mentioning:

- Circular No. 0026/03/032/AP/DAPG of 15 April 2002 prescribing the protection of the physical integrity and the image of a suspect
- Circular No. 39/CD of 28 May 2002 requesting Procureurs General to submit to the Keeper of the Seals all decisions relating to torture (section 132 (a) of the Penal Code)

291. Cruel, inhuman or degrading treatment are equally prohibited and punished under various sections of the PC which include the following:

- Assault occasioning grievous harm (section 279)
- Simple harm (section 280)
- Slight harm (section 281)
- Assault on woman with child (section 338)
- Indecency to minor between sixteen and twenty-one (section 347)
- Assault on children (section 350)
- Assault on ascendant (section 351) and
- Act of violence (section 370 (1))

#### **Annulment of proceedings instituted on the basis of forced confessions**

292. Cameroonian judicial officers annul proceedings where it is established that confessions were obtained through torture<sup>113</sup> as was illustrated in the case of *The People v. TONFACK Julienne and KAMDEM Robert* (Judgment No. 69- No.69/00 of 21 September 2000). In the case of a land dispute between Robert KAMDEM and Mrs TONFACK Julienne, the latter lodged a complaint at the Dschang Investigation Brigade, where her brother-in-law, Sergeant DJUTO Richard, served as Assistant Commander. The plaintiff explained that KAMDEM threatened her and her children with a locally made pistol, which he shot in the air to intimidate her. DJUTIO Richard proceeded to arrest Kamdem Robert.

293. Evidence adduced in the course of the trial established that DJUTIO Richard subjected KAMDEM Robert to inhuman treatment because of his relationship with Mrs TONFACK Julienne. He was remanded in custody for twenty (20) days, which exceeds the legal time-limit, and beaten several times to force him to confess. He sustained injuries as a result of this treatment and finally confessed.

294. The conditions under which the confession was made, constitute, a glaring example of a flagrant and manifest violation of human rights. The court ordered that the proceedings initiated by investigation warrant No. 073/MINDEF/062 of July 1999 by the Minister of State, Delegate at the Presidency in charge of Defence be annulled and KAMDEM Robert be immediately released.

295. In *The People v. MENGUE Junette and DJESSA Jean Dennis*, the accused were remanded in custody for 8 days for theft. During the remand, Mrs MENGUE was tortured and she

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<sup>113</sup> See Section 122 (2) (5) CPC.



confessed that she committed the offence. The Abong-Mbang Court of First Instance, on the strength of Cameroon's international commitments and national laws, annulled the proceedings by judgement No. 182/COR of 24 February 2005.

296. The above cases, and many others, illustrate that the State of Cameroon stands against the use of torture in police investigations.

### **Prohibition of corporal punishment**

297. In Cameroon, there are still remnants of backward religious and cultural practices used by some parents and teachers to educate pupils.

298. On 28 January 2003 in Maroua, the Movement for the Defence of Human Rights and Freedoms<sup>114</sup> informed the Minister of Justice of the poor treatment on children in a koranic school. This school had boarding and day students. The boarders were delinquent and recalcitrant children entrusted to the marabout for rehabilitation. Confessions by teachers and statements from pupils indicate that the methods used for the rehabilitation included crushing stones on the mountain and transporting them close to the school, regular beatings, poor feeding and chaining by night and day for months and even years. The parents of these children were aware and appear to have approved of these practices. On the instructions of the Minister of Justice and after a prompt administrative investigation, proceedings were instituted against the marabout on 28 July 2003. He was indicted before the High Court of Diamare for torture and subsequently convicted for false arrest and sentenced to one-year imprisonment suspended for three years, on 14 April 2005.<sup>115</sup>

299. Although the Minister of Education has formally prohibited whipping, vestiges of this practice still exist in schools and colleges. A tragic case occurred at Government High School Mendong, Yaounde on 24 February 2004, when a teacher of Spanish by name, PAMGA EWAE NGUENG Elise, whipped a student with a domestic gas tube who died a few minutes later. The teacher was charged for assault occasioning death, remanded in custody and subsequently convicted and sentenced to two years imprisonment suspended for three years.<sup>116</sup>

### **Administrative and judicial sanctions**

300. On administrative and judicial sanction, see the response to recommendation 7.

#### **Article 8: Right not to be held in slavery or servitude**

301. Forced labour and slavery are criminal offences under Cameroonian Criminal law.

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<sup>114</sup> A Human Rights defence NGO.

<sup>115</sup> This judgment is final.

<sup>116</sup> Judgment No. 403-CRIM of 23 April 2004 by the High Court of Mfoundi.

302. As concerns forced labour, Section 292 PC provides, “whoever for his personal advantage compels another to do any work or to render any service which he has not offered of his own free will shall be punished with imprisonment for from one to five years or with fine of from ten thousand to five hundred thousand francs, or with both such imprisonment and fine.”

303. Section 293 PC, on its part, stipulates,“(1) Whoever -

- (a) Enslaves any person or keeps him in slavery; or
- (b) Engages, whether habitually or otherwise, in any traffic in persons-

Shall be punished with imprisonment for from ten to twenty years.

(2) Whoever gives or receives any person as security shall be punished with imprisonment for from one to five years and with fine of from ten to one million francs; and the Court may in addition impose ... forfeitures ...”

### **Article 9: Right to liberty and security**

#### **Protection of individual freedoms**

304. The right to be free from arrest or illegal detention is protected under Cameroonian legislation. The Preamble of the Constitution of 18 January 1996 stipulates, “freedom and security shall be guaranteed to each individual, subject to respect for the rights of others and the higher interests of the State”. The Constitution further provides, “no person may be prosecuted, arrested or detained except in the cases and according to the manner determined by law”.

305. Any violation of the above freedoms is forbidden under the PC and the CPC.

#### *PC*

306. Any person who violates individual freedoms may be prosecuted for false arrest (291 of the PC)<sup>117</sup> and oppression (section 140 of the PC). Furthermore, the trial court may award damages to victims who file civil actions, as was the case in *The People vs. the Lamido of Tcheboa* referred to below.

#### *CPC*

307. Redress for the aforementioned abuses are provided for under section 236 and 237 of the Criminal Procedure Code. Section 236 provides:

“(1) Any person who has been illegally detained may, when the proceedings end in a no-case ruling or an acquittal which has become final, obtain compensation if he proves that he has actually suffered injury of a particularly serious nature as a result of such detention.

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<sup>117</sup> See the response to recommendation 11.

(2) Illegal detention within the context in subsection (1) above shall mean:

(a) Detention by the Judicial Police Officer in disrespect of the provisions of sections 119 to 126 of this Code;

(b) Detention by the State Counsel or the Examining Magistrate in disrespect of the provisions of sections 218 to 235, 258 and 262 of this Code.

(3) The compensation shall be paid by the State which may recover same from the Judicial Police Officer, the State Counsel or the Examining Magistrate at fault”.

### *Habeas corpus*

308. Habeas corpus is a special and speedy procedure before the competent High Court to hear applications for the immediate release of persons illegally arrested or detained. This remedy is provided for under sections 584 to 588 of the CPC.

309. Decisions on Habeas Corpus abound. The following court decisions are illustrative:

- In the case of *NYO WAKAI and 172 others v. The People*, the administrative authorities responsible for the maintenance of law and order proceeded to arrest persons suspected of being involved in the destruction of property and other criminal acts committed during public manifestations, which led to the state of emergency in the North West Province in October 1992. Their counsel applied to the Mezam High Court for the immediate release of their clients detained without valid warrants and those whose remand warrants had expired.

The representative of the Administration raised a preliminary objection to the effect that the court lacked jurisdiction to control the legality of measures for the maintenance of law and order during the state of emergency. (Law No.90-47 of 19 December 1990 on the state of emergency).

In its ruling, the High Court held that the action of the administration was a gross violation of the fundamental rights of the person, and could be likened to an administrative assault. The court further held that it had jurisdiction to entertain the matter and ordered the immediate release of the detainees.

- By judgment No. 24/CRIM/TGI of 7 July 1998 the Mvila High Court ordered the immediate release of some minors aged below 18 years who were placed under administrative detention by the Governor of the South Province.
- By judgment No. 348-CRIM of 3 November 1993 the Mfoundi High Court ordered the immediate release of Olomo Nzana who had spent over 70 days in custody at the Special Operation Unit (GSO). By Judgment No. 26-CRIM of 3 November 1995, the same court ordered the immediate release of Mrs Yoh who had been in custody at the Judicial Police, Yaounde for more than 60 days.
- By Judgment No. 19/CIV/LI/TGI of 19 July 2002, the Mvila High Court ruled that the detention of Ngoa Jean Bienvenue and Tachoula Jean had been ordered without a valid

warrant and ordered their immediate release. The suspects were detained at the Ebolowa prison on the strength of a remand warrant issued on 30 January 2001 for theft committed in Equatorial Guinea. The court held that prosecution was illegal pursuant to section 10 of the Penal Code, yet the suspects were not released.

- In judgment No.19/CRIM of 17 October 2003 in *The People vs. Aboubakar Bouba* the Mfoundi High Court ordered his immediate release on the grounds that no warrant had been issued for his detention.

310. However, in a bid to protect the higher interest of the State and for purposes of maintaining law and order, the legislator has set certain limits to such freedoms by granting special powers to administrative authorities. Moreso, in the prosecution of offences, the powers conferred on judicial police and judicial authorities further restrict these individual freedoms.

### **Restrictions on individual freedoms**

311. Individual freedoms are indiscriminately guaranteed to persons residing within the national territory. The law may only restrict them. Consequently, the legislator has regulated all measures, which undermine these freedoms. Such restrictions are found in administrative and judicial proceedings.

#### **Administrative procedures to restrict individual freedoms**

312. Individual freedoms may be restricted during normal or exceptional periods.

##### *Normal period*

313. Law No. 90/054 of 19 December 1990 relating to the maintenance of law and order grants exceptional powers to administrative authorities to restrict individual freedoms by remanding suspects in custody, particularly in the fight against banditry. Section 2 of the above law states that administrative authorities may, at all times (depending on the circumstances) in the maintenance of law and order, “take measures to remand a person in custody for a period of 15 (fifteen) days renewable in order to fight banditry”.

314. Administrative detention may also be ordered in case of serious disruption of public peace. On 5 September 2005 the Senior Divisional Officer for Fako ordered the detention of one Pauline Mukete and 21 others following the disruption of public peace caused by a meeting of the “Southern Cameroons National Council” (SCNC), a movement which advocates for the secession of the English speaking provinces of Cameroon.

315. A detention order may be issued by the Governor or the SDO. A detention order by the SDO is renewable only once. Any extension of the detention period beyond thirty days shall require an authorization from the Governor or the Minister in charge of Territorial Administration and Decentralisation (MINATD). This is the essence of Circular No. 02306/CAB/VPM/AT of 13 November 1997 to lay down the conditions for the application of administrative detention.

316. Administrative detention shall take place in the premises of the police, the gendarmerie or the penitentiary administration.

*Exceptional period*

317. Law No. 90/047 of 19 December 1990 relating to the state of emergency also grants special powers to administrative authorities. Section 5 (7) of the said law empowers them for instance to “order the detention of persons considered dangerous to public security... for a duration of 7 days by Senior Divisional Officers and 15 days by Governors”.

318. Furthermore, section 6 empowers the Minister in charge of Territorial Administration to “order the house arrest of any person residing in an area under a state of emergency”. The said Minister may also order the detention of a person for a period of two months renewable once. Such detention shall take place in the premises of the police, the gendarmerie and the penitentiary administration.

**Judicial proceedings that restrict individual freedoms**

319. The CPC empowers judicial and legal officers and the judicial police to restrict the freedoms of offenders. This Code has redefined, restricted and updated the grounds of arrest, remand and detention of offenders.

*Remand in police custody*

320. Generally, remand in custody may be ordered during preliminary investigation. The Judicial Police Officer shall order the remand in custody of a suspect subject to specific time limits and procedure. Therefore, a person who has a known place of abode shall be remanded in police custody only in the case of a felony or misdemeanour committed *flagrante delicto* and when there is strong corroborative evidence against him (section 118 (2) C P C). Remand under police custody shall be expressly authorized by the State Counsel. Such remand shall not be ordered on Saturdays, Sundays and public holidays (section 119 (4) CPC).

321. The person remanded in police custody shall not be subjected to any physical or mental constraints. At the end of custody, it shall be mandatory for the suspect to be examined by a medical practitioner if he so requests (section 123 (3) CPC).

*Custody awaiting trial*

322. Suspects may be placed in custody awaiting trial for the commission of a felony or a misdemeanour within the context of preliminary inquiry. The Examining Magistrate shall withdraw the remand warrant or grant the suspect self bail if, after a period of six months in case of a misdemeanour or twelve months in case of a felony, he has not closed the preliminary inquiry (section 226 to 233 CPC).

323. A person with a known place of abode shall not be remanded in custody except in the case of a felony where there is strong corroborative evidence against him or when the needs of public order so require (section 218 CPC). The Examining Magistrate may replace remand in custody with judicial supervision, which shall be implemented out of prison.

324. Section 53 of the Penal Code provides that the duration of custody awaiting trial shall be fully deducted from the computation of an imprisonment sentence and where the sentence of the trial court is for a fine only, it may relieve him fully or partially of the said fine.

### *Imprisonment*

325. Where imprisonment is not preceded by remand in custody, it shall commence as from the date of execution of the remand warrant issued during the judgment phase. If remand-awaiting trial precedes the judgment, section 53 of the Penal Code cited above shall apply and the trial court shall no longer issue a fresh warrant. When the convict indicates his intention to appeal, if his term of imprisonment does not exceed one year, the court may, at his request grant him bail until the time for appeal has expired if he fulfils the conditions of representation and surety (section 397 CPC).

### **Measures to control and punish violations of individual freedoms**

#### *Detentions ordered by administrative authorities*

326. As regards measures to control detentions by administrative authorities, see response to recommendation 11 above.

#### *Detentions ordered by traditional rulers*

327. Government disapproves of the practice whereby some “Lamibés”<sup>118</sup> detain litigants in their palaces with a view to settling minor disputes. In such cases, Government causes investigations to be conducted and where the allegations have merits and substance, the rulers are prosecuted and sentenced accordingly.

328. Thus:

- The Lamido<sup>119</sup> of Tcheboa, in the North Province was charged with false arrest and forced labour, convicted and sentenced in absentia to one-year imprisonment on 24 August 1993 by the Benoue High Court. A bench warrant was issued against him
- The Traditional Ruler of Bantoum III (West Province), one Mbianda Jean, was charged with false arrest sentenced in absentia to one-year imprisonment and a fine of ten thousand francs. A bench warrant was issued against him
- The Bamengoum Traditional Ruler (in Mbouda, West Province) Moko Moko was charged with false arrest but was acquitted
- The Paramount Chief of Bagam (in Mbouda, West Province) Simo Tenkue Jean Marie, was charged with false arrest but was acquitted
- The Lamido of Matakam-South (in Mokolo Far-North Province) is currently being prosecuted for false arrest, and torture

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<sup>118</sup> Plural form for traditional head (lamido) in the northern provinces of Cameroon.

<sup>119</sup> Singular form for traditional head in the northern provinces of Cameroon.

- One Nassoukou Lame, second Class Chief of Foulou (Lamidat of Mindjivin, Far-North Province) was sentenced to six months imprisonment, suspended for three years and damages of 50000FCFA for false arrest and theft
- One Woulina Kampete, Lamido of Bagana (Far-North Province) was sentenced to two years imprisonment, suspended for three years and damages of 250,000frs for false arrest, and receiving
- One Boukakary Hamadou, Lamido of Dagal (North Province) is being prosecuted before the Guider court of First Instance on a charge of false arrest and
- One Abdou Hamayadji Mayo Dogari (representative of the Lamido of Rey Bouba in Touboro, North Province), was charged with false arrest and a committal order was issued after the preliminary inquiry and
- One Docto Aboh, Quarter Head and one Gaga Ndozeng Michel, Second Class Chief are being jointly charged with false arrest and abating at the Court of First Instance, Bertoua

*Detentions ordered by judicial officers*

329. Circular No.2848/CD/9276/DAJS of 23 May 1990 by the Minister of Justice, Keeper of the Seals reminds and instructs State Counsel to carry out weekly visits to all Police and Gendarmerie cells in their respective jurisdictions and to systematically release illegally detained suspects.

330. Cases of resistance by some Judicial Police Officers to such controls are reported and sanctioned accordingly.

331. Where the remand in custody of the suspect is legal, the courts may grant him bail. When remand in custody is illegal, the court may, through habeas corpus procedure, order immediate release as mentioned above. The court shall punish any illegal remand in custody and award damages to victims of such violations.

*Bail*

332. Remand in custody shall cease when bail is granted. Bail is provided for by sections 221-235 of the CPC.

333. Generally, bail is granted in the case of lawful detention and is left at the discretion of the State Counsel, the Examining Magistrate or the court.

334. Bail may be granted with or without surety at the request of a suspect who is in lawful detention. It is usually granted by the court when detention is no longer necessary for the manifestation of truth. In judgment No.140/P of 10 January 2002 (The People vs. Nana Esaïe and SFIC), the Supreme Court, addressing the issue of bail, ordered that Nana Esaïe be released provided he was not detained for other reasons.

335. The Examining Magistrate may, at any time before the closure of the preliminary inquiry, and of his own motion, withdraw the remand warrant and grant bail.

336. When bail is not granted as of right or by the Examining Magistrate of his own motion, it may be granted on the application of the defendant and after the submission of the State Counsel, provided that the defendant enters into a recognizance to appear before the Examining Magistrate whenever convened to do so (section 222 CPC).

337. Similarly, any person lawfully remanded in custody may be granted bail on condition that he fulfils one of the conditions spelt out in section 246 (g) CPC to guarantee his appearance either before the judicial police or any judicial authority. The legislator excludes all persons prosecuted for felonies punishable with life imprisonment or death.

338. Application for bail shall be filed either to the Judicial Police Officer, State Counsel, Examining Magistrate or the court.

339. The surety shall be responsible for the appearance in court of the person granted bail. But he may, at any time, withdraw his surety. In such a case, he shall be bound to present the person being prosecuted to the competent authority. The latter shall acknowledge the withdrawal of his surety and inform the defendant that he may remain on bail only if he produces another surety or if he pays a surety bond.

340. The Examining Magistrate may replace bail with judicial supervision out of prison.

341. Upon the expiry of the period of validity of the warrant, the Examining Magistrate shall, under pain of disciplinary sanction, order the immediate release on bail of the defendant, unless he is detained for some other reasons (section 221).

342. From what precedes, it is obvious that individual freedoms are fundamental rights jealously guarded in Cameroon. They shall be restricted exclusively by virtue of the law. The legislator has never authorized traditional rulers to take any measures restricting such freedoms.

343. The legislator makes provision for control mechanisms to rapidly sanction any illegal detention or house arrest. Immediate release shall be ordered in cases of administrative, judicial or illegal detention. Bail granted by the courts in cases of detention or remand in custody equally falls under the ambit of these corrective measures.

#### **Article 10: Treatment of detainees**

344. See the response to recommendation 15.

#### **Article 11: Inability to fulfil a contract**

345. Breach of contract falls under the ambit of civil law in Cameroon. Therefore, inability to fulfil a contractual obligation cannot be sanctioned with imprisonment.



**Article 12: Right to move about freely and to elect one's residence**

346. The State of Cameroon protects the right of every person to move about freely and to elect residence anywhere within or outside the national territory.

347. The Preamble of the Constitution provides, "every person shall have the right to settle in any place and to move about freely, subject to the statutory provisions concerning public law and order, security and tranquillity".

348. Law No. 68/LF/3 of 11 June 1968 to institute the Cameroon Nationality Code contains a very favourable provision which allows any person found in Cameroon, without a nationality, to be granted Cameroonian nationality. Section 12 provides that Cameroonian nationality shall be granted, as of right, by virtue of the birth in Cameroon, to any person who has no other nationality of origin.

349. In this vein, Law No. 90/042 of 19 December 1990 institutes the National Identity Card and Decree No. 91/160 of 11 March 1991 fixes the characteristics and lays down the conditions for issuing and delivering same. This shall be the only document required from nationals aged at least 18 to move about freely. Decree No. 90/1245 of 24 August 1990 on the issuing of passports and travel of nationals abroad institutes four categories of passports<sup>120</sup> and subjects the travel of nationals abroad to the presentation of this official document.

350. Law No. 97/09 of 10 January 1997 to lay down the conditions for entry, stay and exit of aliens and its enabling instrument No. 2000/286 of 12 October 2000 subjects the stay of foreigners to the acquisition of a residence permit. These instruments englobe a certain number of liberal guarantees, such as authorizing the seizing of an administrative court in case of objection against an expulsion order, without the necessity to petition hierarchy, as the court is bound to rule within a week. This law considers border drive, escorting back to the border and expulsion as administrative measures. However, in the case of any conviction for infringement of immigration laws, the court may order the above measures without prejudice to other penalties.

351. Cameroonians and any foreigner whose stay is legal move about freely and freely use their property. However, such freedoms may be restricted if general interest or public order so dictates.<sup>121</sup>

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<sup>120</sup> These are ordinary, diplomatic, service and special passports.

<sup>121</sup> Law No. 68-LF of 11 June 1968 to organize the system of requisitioning provides under section 13 for the possibility of requisitioning persons and properties. Decree No. 68-DF-417 of 15 October 1968 fixes modalities for its application. In this regard, persons and properties can be requisitioned under specific legal conditions. Besides, in case of illegal requisitioning, appeals can be taken and the possibility of obtaining compensations.

352. Law No. 90/054 of 19 December 1990 relating to the maintenance of law and order empowers administrative authorities to:

- Check the movement of persons and goods
- Requisition persons and goods in accordance with the law
- Requisition the police and gendarmerie to maintain or restore order and
- Take measures to detain persons for a renewable period of 15 days to fight banditry

353. Public meetings are governed by Law No. 90/055 of 19 December 1990 that mandates prior declaration of processions, demonstrations, parades, marches and rallies and in general, all manifestations on the high way (section 6 (1)).

354. Law No. 99/047 of 19 December 1990 relating to the state of emergency stipulates that the state of emergency may be proclaimed for a given period and geographical area. Under such circumstances, the courts shall still have jurisdiction to determine whether any detention is lawful or not, even if ordered by the administrative authority.

355. The movement of goods and persons by road is governed by Law No. 96/07 of 8 April 1996 on the protection of the road network, which empowers administrative authorities to erect temporary rain gates when circumstances so dictates.<sup>122</sup> Circular Letter No. 3047/DGSN of 7 September 1990 to Inspectors General, Technical Advisers, Directors, Heads of Division and Provincial Service Heads of the National Security on the withdrawal and confiscation of documents belonging to road users is intended to put an end to some excesses and to clearly state the conditions and procedures for withdrawing vehicle and personal official documents.

356. To better protect the right to move about freely, measures have been taken to properly organize police checkpoints. In a communiqué of 25 July 2005, the Delegate General for National Security prescribed certain measures to his collaborators on the organization and functioning of police check points as well as their behaviour along the highway. He ordered that fixed checkpoints during the day be lifted so as to ease movement and the freedom of citizens to move about. Similarly, he empowered only Judicial Police Officers to charge road users for any traffic offences and when necessary to withdraw their documents.

357. At the National Gendarmerie, similar instructions were given. Significant actions have been taken by the Inspectorate General to stamp out any abuses on the highway. Thus, in 2005, an inspection mission conducted by the Secretary of State noted the abusive withdrawal of official documents belonging to road users by the Brigade Commanders of the Yaounde airport

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<sup>122</sup> Order No. 3962-A-MTPT of 23 July 1991 to regulate the stopping and impounding of vehicles which specifies cases where the personnel of the Ministry of Transport can stop vehicles belonging to private individuals.

and Mbalmayo. These officers were relieved of their duties beside other disciplinary sanctions meted against them. The Company and Legion Commanders under whom the said unit heads served were reprimanded.

358. Cases of abusive withdrawal of documents at roadblocks have been reported. Such roadblocks were ordered to be lifted and warnings were issued to the Commanders of the units concerned. The follow-up of the implementation of these measures needs to be reinforced.

### **Article 13: Right of aliens not to be expelled arbitrarily**

359. Government has consistently shown concern for foreigners and refugees, taking into account their ever-increasing numbers.

360. Law No. 97/101 of 10 January 1997 to amend and supplement certain provisions of Law No. 64-LF-13 of 26 June 1964 to fix the system of extradition prohibits the extradition of persons to destinations where they risk being subjected to torture. This law is an adoption of section 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

361. In application of this provision, the Court of Appeal for the Centre Province rejected the application for the extradition of eight Rwandan nationals accused of genocide. It held in application of the above-mentioned law, that “a person cannot be extradited to another country where there are serious reasons to believe that he runs the risk of being tortured”.<sup>123</sup> It must however be noted that both the Convention and the Law are silent on extradition where persons risk being subjected to other cruel, inhuman or degrading treatment or punishment.

362. The CPC also prohibits such cases. Therefore, by virtue of section 645 (d) of the Code, extradition is not applicable “where there are reasons for the country requested to believe that the person concerned shall be subjected to torture and other punishment or treatment which is cruel, inhuman and humiliating, in the requesting country”.

363. Cameroon promulgated Law No. 2005/006 of 27 July 2005 relating to the status of refugees to provide an appropriate legal solution adapted to local realities. Section 2 of the Law adopts the definition of refugee contained in the Geneva Convention of 28 July 1951 on the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa signed in Addis-Ababa on 10 September 1969. Pursuant to this section, the following shall be considered as refugees:

“Any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it;

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<sup>123</sup> Judgement No. 337-Cor of 21 February 1997.

Any person who, owing to an aggression, foreign occupation, foreign domination or events that seriously undermine public order in either part or all of his country of origin or nationality, is obliged to leave his habitual residence to seek refuge in another place outside his country of origin or nationality”.

364. By virtue of sections 7 (1) and 15 of Law No. 2005/006, it is henceforth forbidden to extradite, turn back,<sup>124</sup> or to take any measures whatsoever which force anyone, covered by the above definition, to return or remain in a country where his life, physical integrity or freedom could be threatened. If such a person is an illegal immigrant, no criminal sanction may be taken against him, but he shall present himself, without delay, to competent national authorities for regularization of his situation (section 8). A refugee shall enjoy economic and social rights and especially the right to naturalization.

365. The Law cited above sets up a commission for eligibility for the status of refugee and yet another commission to examine petitions from refugees. The procedure for asylum has been significantly simplified and a mere deposit certificate allows the applicant to enjoy the fundamental rights recognized both by the Geneva Convention of 1951 and the Addis-Ababa Convention on Refugees.

366. In support of Government actions, the activities of some NGOs engaged in defending and protecting human rights, may be acknowledged.

367. Thus, the NGO “New Human Rights” instituted the Support Programme for Refugees (SPR) in 1997 to ensure the scrupulous respect of the rights of refugees to move about and elect residence freely. This NGO receives refugees and gives them advice and assistance in obtaining asylum and information about Cameroon so as to facilitate their choice of residence and access to the job market.

368. At a meeting organized on 26 June 2005 by the Christian Action for the Abolition of Torture (ACAT), to commemorate the United Nations International Day for Support to Victims of Torture, the Association of Refugees without Borders (ARSF) and ACCAT Littoral, presented a joint paper on “the Violation of the Rights of Children and Refugees”. Participants recommended, among others, “the adoption of a national law on refugees and the setting up of a national Commission on eligibility for the status of refugee”. Government had already addressed this issue as can be seen from the above-cited Law.

369. It should be noted however, that, a refugee or a foreigner on legal stay in Cameroon, may be expelled for reasons of national security and public order.

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<sup>124</sup> On the 8 October 2008, 2 police officers (NDAM IBRAHIM and NDAM AMADOU) illegally arrested a refugee from Equatorial Guinea and made him to return to his country. By Decisions No. 0000348/DGSN/CAB and No. 0000349/DGSN/CAB of 17 October 2008, the Delegate general of National Security suspended the said officers for period of three months.

### **Article 14: Right to a fair trial**

370. The administration of justice in Cameroon is based on substantive and procedural law, customary law, as well as, the general principles of law. Treaties and international agreements ratified by Cameroon override national laws.<sup>125</sup>

371. In Cameroon, laws and judicial practice seek to ensure that litigants have fair trial.<sup>126</sup>

#### **Legal guarantees to a fair trial**

##### **The Constitution**

372. The Constitution guarantees the right to fair trial in the following words: “the law shall ensure the right of every person to a fair hearing before the courts”. In criminal matters, it affirms: “every accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the right of defence”.

373. The organization of the Judiciary is regulated by the Constitution. Article 37 provides:

“(1) Justice shall be administered in the territory of the Republic in the name of the people of Cameroon.

(2) Judicial power shall be exercised by the Supreme Court, Courts of Appeal and Tribunals. The Judicial Power shall be independent of the executive and legislative powers. Magistrates of the bench shall, in the discharge of their duties, be governed only by the law and their conscience.

(3) The President of the Republic shall guarantee the independence of judicial power ...”

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<sup>125</sup> Even before the ratification of the Covenant, the right to fair trial has always been recognized in Cameroon. For example, in *SOCAR v. Ets NGOWOUE* by Judgement No. 23/CC of 13 November 1977, the Supreme Court held that:

*“Everyone has a right to a fair and public trial that is held within a reasonable time-limit by an independent and impartial court.*

*The Judgment delivered by a Court of Appeal that confirms a judgment condemning an insurance company on the grounds of a criminal decision to which the latter could not be a party and of which it was not aware, violates this constitutional and universal principle and therefore should be quashed.”*

<sup>126</sup> See Solange Ngono: le process penal camerounais au regard des exigences de la Charte africaine des droits de l’homme et des peuples, thèse, Paris XIII, avril 2000.

### **Legislative enactments**

374. Laws on judicial organization as well as procedural laws contain many provisions, which guarantee fair trial.

#### *Law on Judicial Organization*

375. A good judicial set up provides for reliability. More so, a litigant has a right to know in advance the court, which will try him. Hence, courts in Cameroon are set up by law and their jurisdiction clearly spelt out.

376. Section 2 of Law No. 2006/015 of 29 December 2006 on Judicial Organization provides, “Justice shall be administered on the territory of the Republic in the name of the people of Cameroon”.

Section 3 of this Law states, “Judicial organisation shall comprise:

- The Supreme Court
- Courts of Appeal
- Lower courts of administrative litigation
- Lower audit Courts
- Military Courts
- High Courts
- Courts of First Instance
- Customary law courts”

#### *Procedural laws*

377. Procedural law in criminal matters is governed by the CPC. In civil matters, Courts in the French speaking part of the country apply the Civil and Commercial Procedure Code while those in the English part apply the Evidence Ordinance (Cap 62 of the Laws of Nigeria 1958), the Supreme Court Rules (Civil Procedure) Cap 211, the Southern Cameroons High Court Laws 1955, the Magistrate’s Court Ordinance 1948 (Civil Procedure), and the Customary Court Law. Partial harmonization has been introduced by the Organization for the Harmonization of Business Law in Africa (OHADA), which law, is being translated into English.

### **Standards to guarantee fair trial**

378. Standards to guarantee fair trial include:

- The independence and impartiality of courts

- Competence of judges
- Hearings in public or exceptionally in camera
- Presumption of innocence, guarantees of the rights of the defence
- Guarantee of appeals
- Redress of judicial errors or abuses; and
- Respect for *res judicata*

### **Independence of courts**

379. Civil courts as well as military tribunals are independent.

380. The independence of courts vis-à-vis the executive and legislative is guaranteed by article 37 (2) of the Constitution which has raised the judiciary to a power.

381. The Magistrate of the Bench enjoys full autonomy erga omnes. Article 37 (2) paragraph 2 referred to above provides that “Magistrates of the Bench shall, in the discharge of their duties, be governed only by the law and their conscience”.

This autonomy is reaffirmed in article 5 of Decree No. 95-048 of 8 March 1995 as amended.

382. The court is not answerable to the public as far as its decisions are concerned. Section 112 (1) of the Magistrates’ Courts Law of 1955, the Penal Code and the CPC punish contempt of court and abuse or defamation of Magistrates in the discharge of their duties.

383. Matters of discipline involving judicial officers are referred to the Higher Judicial Council (HJC).

384. Law No. 82/14 of 26 November 1982, as amended, to fix the organization and functioning of the HJC provides:

- (1) The chairman of the Higher Judicial Council shall be the President of the Republic.
- (2) The Vice-Chairman shall be the Minister of Justice. However, the President of the Republic may appoint any other personality as Vice-Chairman.
- (3) The following persons shall also be members of the Higher Judicial Council:
  - (a) Three members of Parliament from a list of twenty members by the National Assembly;
  - (b) Three judicial officers of at least the 4<sup>th</sup> scale in active service from a list of ten members presented by the Supreme Court;

(c) A personality who is neither a member of Parliament nor of the judiciary and who is not an auxiliary officer of justice; appointed by the President of the Republic by virtue of his competence;

(d) The National Assembly shall appoint by secret ballot of a majority of two-thirds of the members, the twenty parliamentarians in the list provided for in subsection three.

385. The Supreme Court sitting in a plenary session shall appoint the ten judicial and legal officers provided for in sub-section 3 above.

386. Legal and Judicial Officers are different in that the former are of the Legal Department while the latter are of the Bench. Given that Legal Officers represent the Executive in the Judiciary, they are bound to respect the principle of subordination to hierarchy. Article 3 (1) of Decree No. 95/408 of 8 March 1995 governing the Rules and Regulations of the Judicial and Legal services provides: "Members of the Legal Department and Legal Assistants shall be subordinate to the Minister of Justice".

387. The independence of the members of the bench extends to the military tribunal.

### **Impartiality of courts**

388. Impartiality is ensured by the separation of prosecution, inquiry and trial in criminal matters. It is equally ensured by the right of litigants to challenge judges, request their cases to be referred to different courts, and to claim damages from the presiding Magistrate.

#### *Separation of prosecution, inquiry and trial*

389. Inquiry, prosecution and judgment are separated. Inquiry is carried out by the Examining Magistrate,<sup>127</sup> prosecution, by the State Counsel (Legal Officer) and judgment by the Bench Magistrate (Judicial Officer).

390. It is prohibited for a judicial officer, who initially handled a matter in the Legal Department, to hear and determine the said matter. Equally, it is prohibited for a judicial officer who entertained a matter in a lower court to do so in a higher court. In Supreme Court Judgment No. 33/CC of 11 January 1979 it was held:

"Section 22 of Ordinance No. 72/04 of 26 August 1972 gives the Court of Appeal jurisdiction to hear appeals against judgments delivered by lower courts. By instituting the dual degree of jurisdiction and by conferring appeals to judicial officers of higher ranks, the law wanted to guarantee justice because, such appeal would be illusionary, if the same judicial officer could sit in both courts on the same matter. Therefore, the composition of the higher court must be completely different from that of the lower court".

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<sup>127</sup> See section 142 (3) of the CPC.



*Referrals to different courts, challenging and claiming damages from judicial officers*

391. These guarantees are enforced both before civil and criminal courts to protect litigants from the arbitrary actions of judicial officers.

- *Challenging judicial officers*

392. In civil matters, section 159 of the “Code de Procedure Civile et Commerciale” (CPCC) provides in principle that “any judicial officer may be challenged with reasons”. This legal instrument enumerates such reasons. In criminal matters, section 591 of the CPC enumerates the reasons which justify such challenge and provides that:

“Any magistrate of the bench or a judge may be challenged for any of the following reasons:

- (a) Where he or his spouse is a relative, guardian or relative by marriage up to the degree of uncle, nephew, first cousin or the child of the first cousin of one of the parties;
- (b) Where he or his spouse is employer, employee, next of kin, *donnee*, creditor, debtor, companion of one of the parties, or director of an enterprise or company involved in the case;
- (c) Where he has previously taken part in the proceedings or if he has been arbitrator or `counsel or witness;
- (d) Where he or his spouse is party in a case which shall be tried by one of the parties;
- (e) Where he or his spouse is involved in any incident tending to show friendship or hatred towards any of the parties and likely to cast a doubt on his impartiality”.

393. The following are cases in which challenge was upheld:

- In judgment No. 23/CIV of 7 September 1993, the Far North Court of Appeal granted a petition by staff sergeant A. against a presiding Magistrate of the Court of First Instance, Mokolo. The petitioner alleged that the Magistrate was partial because the latter had threatened him, stating that he would lose the case if he refused to cohabit with his wife. The Magistrates refuted the allegation, but did not object to another Magistrate hearing the matter. The Court of Appeal upheld this argument and referred the case to another court for a good administration of justice.
- In judgment No. 366/CIV of 3 June 2005, the Centre Court of Appeal applied sub-section 10 of the CPCC and upheld the petition filed against the President of the CFI Yaounde Administrative Centre, on the grounds that he had threatened the counsel of a party.

- In judgment No. 473/CIV of 5 August 2005, the Centre Court of Appeal applied sub-section 3 of the CPCC to grant the application to challenge the judge of the HC of Nyong and Mfoumou on the grounds that he was a relative of the plaintiff.

394. The following are cases where petitions for challenge were dismissed:

- By judgment No. 20/CIV of 15 July 1993, the Far-North Court of Appeal, dismissed a petition filed by warrant officer AA against Mbandou Ernest, Magistrate at the Court of First Instance, Maroua for failure to respect rules of procedure as set out under section 162 of the CPCC.
- By judgment No. 92/C of 19 April 1995, the Littoral Court of Appeal dismissed the petition by S.P against ELA Emmanuel Thierry, a judge at the High Court of Wouri. The plaintiff alleged that his opponent's frequent visits to the judge's office and the latter's decision to adjourn the matter to five days from the last hearing, was proof of his partiality and bias. The Court of Appeal held that the President of the Court had discretionary powers to adjourn a matter and that the plaintiff did not adduce any evidence in support of his allegations.
- By Judgment No.02/AG of 7 March 1996, the Supreme Court dismissed the petition by company C against Mrs MENGUE Suzanne, Vice-President of the Centre Court of Appeal. The plaintiff alleged that she had heard the matter and delivered her ruling. The Supreme Court held that delivering a ruling is not tantamount to hearing and determining a matter as provided for in, section 159 (8) of the CPCC.
- *Referrals to a different court*

395. In criminal matters, the Supreme Court may, on the submission of the *Procureur General*, refer a matter, from one Court of Appeal or High Court to another, from a Court of First Instance to a similar court, from one Examining Magistrate to another for reasons of public security or legitimate suspicion. A referral may also be made at the behest of the parties, but only for legitimate suspicion.

- In judgment No. 129 of 12 February 1976, the Supreme Court ordered the transfer of a case on adultery and accessory to adultery against Mrs. B. Anne, spouse of the Branch Manager of the *Société Camerounaise de Banque* of Bertoua, and E, Gendarmerie Legion Commander for the East, on grounds of public security, to the CFI Mbalmayo. The Court held that there was reason to refer the matter to a court other than the one in the province where the accessory to the offence discharged his high duties.
- In Judgments Nos. 5 and 6 delivered on 17 October 1991, the Supreme Court equally ordered the transfer of two cases to the North Court of Appeal, between the General Manager of *La Societe Assurance Mutuelle Agricole* and Stamatiades, on grounds of legitimate suspicion where the matter had been adjourned for judgment by the Centre Court of Appeal irrespective of the fact that one of the suits did not appear on the cause list and no order had been made for a joinder of the suits.

- *Claiming damages against judicial officers*

396. Litigants may equally sue judicial officers for damages pursuant to sections 246, 249 to 257 of the CPCC.

397. Judgment No. 31/C of 28 April 2005 of the North Court of Appeal, illustrates the procedure for suing judicial officers. Alioum Fadil, his brothers and sisters were declared co-heirs of their late father El Hadj Fadil Abdoulaye in judgment No. 42/C of 22 July 1998 by the Benoue High Court. Subsequently, Mohamadou Bayero Fadil, one of the co-heirs, fraudulently obtained judgment No. 27/C of 23 June 1999 from the very High Court appointing him administrator of the estate. He withdrew money from the estate's bank account. The other co-heirs instituted third party proceedings.

398. During the trial, the administrator of the estate petitioned the Benoue High Court, on 22 June 2000, to be maintained as the administrator. That very day, the court delivered ruling No. 10/99/2000. The other co-heirs were not served with the said ruling and Mohamadou Bayero Fadil, administrator by subterfuge, transferred more than a billion FCFA from the estate to his personal account abroad.

399. The fact that all these decisions were taken by the same Magistrate who was aware of the third party proceedings pending before him, in violation of section 13 (2) of Ordinance No. 72/4 of 26 August 1972: Judicial Organization, as amended, which gives the President of the Court of First Instance exclusive powers to rule on a motion ex parte, the plaintiff applied for a fiat to claim damages at the North Court of Appeal. His application was granted and the plaintiff sued for damages against Elong Martin.

400. In their pleadings, counsel for the judicial officer raised two objections:

- One based on the violation of the memorandum of written submission in accordance with section 255 (1) of the CPCC which requires a plaintiff, suing for damages, to effect service on the defendant within three days and the latter to enter his defence within eight days
- The other based on the non-payment of the 7,000,000<sup>128</sup> FCFA deposit calculated from the amount of damages claimed by the plaintiff estimated to be 100,000,000<sup>129</sup> FCFA

401. Both objections were upheld, and the Court of Appeal dismissed the petition in Judgment No. 31/C of 28 April 2005.

### **Competence of judges**

402. The competence of judges is enhanced by training and continuing legal education.

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<sup>128</sup> About 107 692 euros.

<sup>129</sup> About 153 846 153 euros.

*Training of judicial and legal officers*

403. Judicial and Legal officers can be evaluated on the basis of their initial and continuing education.

- *Initial training*

404. Pupil Magistrates, holders of a postgraduate degree (*Maîtrise*) in Law, are trained in the Judicial Division of the National School of Administration and Magistracy (ENAM).

405. Admission into the Judiciary is equally open to lawyers and lecturers in the faculty of law who fulfil certain conditions relating to qualifications, moral integrity, grade and professional experience in legal matters. Article 11 (3) of Decree No. 2004/080 of 13 April 2004 to amend certain provisions of Decree No. 95/048 of 08 March 1995 governing the Rules and Regulations of Judicial and Legal Services provides, “notwithstanding the provisions of paragraph 1 above, the requirement of a diploma from the National School of Administration and Magistracy may be replaced by adequate professional experience acquired in Cameroon subsequent to the *Maîtrise*” in Law, Economics or Finance or equivalent qualification, of five years as advocate, “*agrégé*”, master of a law faculty, associate professor or holder of the L.L.D (Doctor of Laws) degree, senior lecturer of Law or Economic Sciences, bailiff, court registrar, notary or category A civil servant, where the competence and professional activities of the candidate in legal, economic, financial or accounting matters qualify him to serve as a judge in judicial, administrative or audit matters”. This recruitment procedure absorbs into the judiciary, dynamic persons from other legal professions.

- *Continuing education*

406. The continuing education of judicial and legal officers is ensured through practice, seminars and refresher courses. For example, in 2004, the Ministry of Justice organized training seminars on the OHADA laws in the 10 provinces of the country.

407. Judicial and legal officers who wish to acquire more knowledge are authorized to undergo continuing training. For example the French Digital Campus, “campus ouvert Droit éthique” (Open Campus on Ethical Law), which has been extended to the University of Yaounde II, Soa, is open to judicial and legal officers who wish to study international human rights law through continuing education.

408. The training received by Cameroonian judicial and legal officers is gaining increasing international recognition. For example, in the ongoing restructuring of Rwanda, the Belgian Technical Co-operation is supporting the rehabilitation of the Judiciary by building the capacity of Rwandan Magistrates. Cameroon was identified as a country from which inspiration could be drawn. Thus, six Rwandan magistrates took a study trip to Cameroon from 17 to 28 October 2005.

## **Hearings conducted in public and in camera**

### *Hearing conducted in public*

409. Hearing conducted in public guarantees independence and impartiality. Section 6 (1) of Law No. 2006/o15 of 29 December 2006 on the Judicial Organization provides that justice shall be administered in open court. Any breach of this provision shall render the whole proceeding null and void *ab initio*.<sup>130</sup> Section 302 (1) of the CPC reaffirms this provision by stipulating, “hearing shall be conducted in public”.

410. To ensure that hearings are conducted in open court, dates and venues shall be scheduled in advance by the Minister of Justice at the beginning of the judicial year. In criminal matters, the Legal Department enlists matters and causes the parties to be served with summonses through bailiffs. In civil matters, bailiffs serve writs of summons and judgments.

### *Hearing in camera*

411. In certain cases, hearing in open court may be repugnant to public order and morality. In such cases, the court may, by a reasoned decision, rule that the case be heard in camera. This is the essence of section 6 (3) of the 2006 law mentioned above. In the case of *the People vs. Ruzindana Augustin and Others*, Judgment No. 478/ADD/COR of 19 April 1996 the Centre Court of Appeal applied the principle contained in this provision.

412. Section 302 (1) paragraph 2 of the CPC equally establishes proceedings in camera and provides, “However, when a public hearing is repugnant to public order and morality, the court may at any time, of its own motion, or on the application of one of the interested parties and after the submissions of the Legal Department, rule either that the proceedings or any part thereof shall be held in camera or that public hearing shall be restricted”.

## **Presumption of innocence**

413. The presumption of innocence in criminal matters is enshrined in the Constitution which states, “every accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the rights of defence”. This is expressed with regard to issues related to burden of proof and right of audience. This provision is reiterated by section 8 of CPC.

### *Burden of proof*

414. Presumption of innocence presupposes that the burden of proof lies upon the prosecution and that the benefit of the doubt is in favour of the suspect.

415. Section 307 of the CPC reiterates this principle and provides, “The burden of proof shall lie upon the party who institutes a criminal action”.

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<sup>130</sup> See section 6 (2).

416. The prosecution, assisted by the victim of the offence, shall prove the guilt of the accused.

*Right of audience*

417. As a party to the matter, the suspect has a right to state his case and has a privileged position because he speaks last.

418. In effect, the suspect shall present his defence after the registrar in attendance reads the police report, where one exists, followed by witnesses for the prosecution and the plaintiff. This provision empowers him to call witnesses.

419. Sections 361 and 450 of the CPC provide that the accused or his counsel shall have the final statement.

**Guarantee of the right of the defence**

420. In the determination of any criminal charge, the accused shall be entitled to the following minimum guarantees:

- To be informed promptly and in detail in a language which he understands, the nature and cause of the charge against him
- To have adequate facilities for the preparation of his defence
- To communicate with counsel of his own choice
- To be tried without undue delay
- To be tried in his presence
- To examine or have examined the witnesses against him and to obtain the attendance of witnesses on his behalf and
- Not to be compelled to testify against himself or to confess guilt

*Information related to the nature and cause of the charge*

421. In criminal matters, the condition for communicating information varies depending on whether the suspect is under detention or not.

- *Service by a bailiff*

422. In criminal matters, an accused person who is not under detention is informed of proceedings by service effected on him by the bailiff of either a summons or a default judgment delivered against him.

423. Pursuant to section 56 (1) of the CPC “service shall mean the delivery of a court process or judgment by the bailiff to the addressee. It shall be executed at the instance of the Legal Department or any other interested party”. Sections 40 and 41 of the same Code contain similar provisions.

- *Information communicated by the JPO or by the judicial and legal officer*
- *Judicial police officers*

424. Section 31 of the CPC provides, “except in the case of felony or misdemeanour committed *flagrante delicto*, the person effecting the arrest shall disclose his identity and inform the person to be arrested of the reason for the said arrest, and where necessary, allow a third person to accompany the person arrested in order to ascertain the place to which he is being detained.”

- *Judicial and legal officers*

425. Section 167 of the CPC requires the Examining Magistrate, under pain of nullity, to inform the accused of the charges preferred against him and his right to reserve his statement. Similarly, after preliminary inquiry, the accused shall be informed of the charges preferred against him before he is committed to court. To this end, Section 410 of the CPC provides,

“(1) An accused in detention shall be notified of the committal order by the Examining Magistrate or the committal judgment of the Inquiry Control Chamber in accordance with the provisions of section 39 of this Code”.

(2) The notice shall be served on him personally.

(3) Where the accused is not detained or is under judicial supervision or is at large, he shall be served in accordance with the provisions of section 57”.

426. Practice requires the judicial officer to read out the charge to the accused during the first hearing, and to readily grant applications for an adjournment to enable him prepare his defence.

#### *Time for preparing the defence*

- *During the preliminary inquiry*

427. During the preliminary inquiry, the Examining Magistrate, after informing the accused of the charges against him, shall inform him during the first appearance of his right to reserve his statement and allow time to prepare his defence even if he has not briefed counsel.

428. Section 170 (1) of the CPC provides, “The Examining Magistrate shall inform the defendant during his first appearance that he is now before an Examining Magistrate and shall not thereafter be heard by the Police or the Gendarmerie on the same facts except by rogatory commission and that if the inquiry confirms the charges preferred against him, he shall be committed for trial before the competent court,”.

429. Sub-section (2) adds, “The Examining Magistrate shall in addition inform the defendant that:

- (a) He is free to reserve his statement;
- (b) He has the choice to prepare his defence either without counsel; or with the assistance of one or more counsels;
- (c) Where he is represented by more than one counsel, he shall give the name and address of one of them to whom all summonses and other processes shall be addressed;
- (d) Where he cannot immediately brief counsel, he shall be free to do so at any time before the close of the inquiry”.

430. The proceedings shall be null and void if this procedure is not respected.

431. The counsel for the accused is equally allowed time to prepare his defence. Section 9 of the Law referred to above requires the Examining Magistrate to inform counsel for the accused at least 24 hours before examination by ordinary mail and to leave the case file at his disposal on the eve of the said examination.

432. Where this prescription is not respected, the inquiry and subsequent acts shall be null and void.

- *Information during the trial*

433. When an accused appears before the Court of First Instance for offences committed *flagrante delicto*, the court shall inform him that he is allowed time to prepare his defence (section 4 of the Law of 20 May 1963 on inquiries on offences committed *flagrante delicto*). Section 300 of the CPC replicates these provisions. If this formality is not respected the judgment shall be null and void.

434. Section 52 of the CPC provides that the time-limit for the accused to appear shall be:

- Five (5) days at least if the person summoned resides in the town or the locality where he is to be heard
- Five (5) days and an additional day for every 25 kilometres, if the person summoned resides out of the town or locality where he is to be heard
- Ninety (90) days if the person resides abroad

435. Time limits have not been fixed for cases, which require preliminary inquiry. But in practice, the judge often grants adjournments during the first hearing.



436. The silence of the law in the latter case may undermine the rights of defence.

*Brief and communication with counsel*

- *Briefing of counsel*

437. The assistance of counsel is mandatory in all matters before the Supreme Court. The same applies to cases of felonies before the trial court. It is optional in all other matters.

- *Mandatory assistance*

438. Briefing counsel is mandatory in felony before the HC, the CA and the SC. Section 58 of Law No. 58/203 of December 1958 to adopt and simplify criminal procedure in Cameroon provides that if the accused fails to brief counsel, the court shall provide him with a counsel ex officio.

439. The Supreme Court systematically nullifies judgments delivered in breach of this formality.

- *Optional assistance*

440. In misdemeanour and simple offences before the lower courts and the CA, the accused shall decide whether to brief counsel or not.

- *Communication with counsel*

441. Section 239 of the CPC permits a defendant in detention, subject to contrary instructions by the Examining Magistrate, to correspond without restriction with any person of his choice. More so, section 240 authorizes counsel to visit his client in detention between the hours of six (6) a.m. and six (6) p.m.

*Time limit for judgment to be delivered*

442. Some laws on procedure prescribe time limits for the delivery of judgment. In criminal matters, time limits are fixed for judgments to be delivered only after hearing is closed. Section 388 of the CPC provides, “judgment shall either be delivered immediately or in the next fifteen (15) days after hearing is closed”. This provision does not exclude the possibility of re-opening hearing before judgment after an adjournment.

443. The appeal must be heard and determined within two months (section 16 (d) of Ordinance No. 72/4: Judicial Organization). Section 437 of the CPC provides that in the case of a ruling to determine a procedural issue, the CA shall give its decision within seven days from the day following the date of the records of proceedings are received.

444. With regard to offences committed by press organs, section 83 of Law No. 90/052 of 19 December 1990 as supplemented by Law No.96/052 of 4 January 1996 provides “in case of offences committed by means of mass communication organ, the competent court shall rule in normal time, within fifteen days with effect from the date of first hearing and during an election campaign, within forty-eight hours”.

445. With regard to labour matters, section 145 of the LC provides, “the court shall proceed immediately with the examination of the case. If the parties so agree or if the president so decides, the case may be adjourned for not more than 15 days”. Adjournment for deliberation shall not exceed eight days.

446. Time limits for judgments to be delivered in other matters have not been regulated.

447. Judicial practice is still marred by numerous bottlenecks, which prevent the rapid settlement of proceedings. Government envisages corrective measures particularly the recruitment of a larger number of judicial and legal officers.

#### *Personal appearance*

448. Criminal procedure in Cameroon requires the accused to appear in court. Thus, detainees are produced before the court by the forces of law and order. An accused on whom personal service has been effected shall be bound to appear before the court.

449. The Presiding Magistrate may deliver judgment in absentia which allows the accused to apply for objection if it is established that there is no proof of service on him.

450. In cases of felonies, the accused shall appear in court. The CPC replicates this mandatory appearance. However, it makes provision for exceptions, in certain cases, the accused may be tried in absentia. Sections 347, 348, 349 and 350 differentiate between obligatory and optional appearances.

#### *Testimony of witnesses*

451. Section 180 (1) of the CPC provides, “the Examining Magistrate may summon any person whose testimony may, in his opinion, be relevant”.

452. The CPC makes provision for testimony in sections 180 to 190 during judicial inquiry and in sections 322 to 327 during trial. These include:

- Examination-in-chief or the examination of a witness by the party who called him
- Cross-examination or the examination of a witness by a party other than the party who called him
- Re-examination or the examination of a witness after cross-examination, by the party who called him

#### *Confessions*

453. A confession shall be valid only if it is made voluntarily before the Presiding Magistrate. The accused may plead guilty or not guilty. Confessions shall not only be made voluntarily, but the court shall ascertain veracity of their contents.

454. The recording of pleas of guilty or not guilty, as practiced in the English-speaking provinces of Cameroon, has been included in sections 359 to 360 of the CPC.

### **Review and appeals**

455. In Cameroon everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal. The right to have a decision reviewed is provided for in sections 535 to 544 of the CPC. As regards the right to appeal, section 436 of the CPC states, “every judgment including that delivered by the military court, shall be subject to appeal, unless otherwise provided by law”. Such appeals can be filed before the Court of Appeal. Judgment delivered by the Court of Appeal may be appealed against before the Supreme Court.<sup>131</sup>

### **Redress in cases of miscarriage of justice**

456. Section 544 of the CPC provides “the decision of acquittal may serve as the basis for an application for compensation before the competent commission provided for in section 237 above”.

457. It should be noted that Section 237 of the CPC refers to a special commission that entertains applications for compensation with regard to illegal detention.

458. These actions may be brought against judicial and legal officers or judicial police officers.

459. Compensation shall be paid by the State that may recover same from the defaulting employee (Section 236 (3) CPC).

### **Res judicata**

460. See response to recommendation 13.

### **Article 15: The principle of legality and non-retrospection**

461. The predetermination of offences and corresponding punishments by the law as well as its consequent non-retrospective effect, are established in Cameroon by legal instruments and protected by the courts.

### **Legal protection**

462. In Cameroon, the predetermination of offences and corresponding penalties is guaranteed by the Constitution, which stipulates, “No person may be prosecuted, arrested or detained except in the cases and according to the manner determined by law”.

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<sup>131</sup> See section 472 CPC.

463. Pursuant to article 26 (6) of the Constitution the determination of crimes and offences and the institution of all forms of punishments, criminal procedure, civil procedure, enforcement of punishment and amnesty shall be reserved to the Legislative Power.

464. The non-retrospection of the law is enshrined in the Constitution, which stipulates, “the law may not have retrospective effect. No person may be judged and punished, except by virtue of a law enacted and published before the offence committed”.

465. These principles are equally stated in section 3 of the Penal Code which provide:

“No criminal law shall apply to acts or omissions committed before its coming into force or in respect of which judgment has not been delivered before its repeal or expiry”.

466. Section 2 of the Civil Code (CC) equally stipulates, “The law provides only for the future; it may not have retrospective effect”.

467. It should be noted that enforcement of the principle of non-retrospection of the law is not absolute.

468. Sections 4 and 5 of the Penal Code make provision for exceptions to this principle in cases of less severe laws and preventive measures. These provisions apply to cases still pending on the day such laws come into force.

469. Non-retrospection does not apply to procedural laws. Such laws are enforced with immediate effect to ensure the sound administration of justice.

### **Judicial protection**

470. The following case illustrates the application of the above principles by the courts:

- In *the People v. Célestin Monga and Pius Njawe*, Mr. Monga published an open letter to the President of the Republic in “le Messenger” newspaper<sup>132</sup> of 27 December 1990. He affirmed therein that in an address to the nation, the President had used an outrageously condescending paternalistic and pretentious tone.

471. The court held that Monga had been insulting, but did not find the accused persons guilty of contempt of the President of the Republic. In want of a penalty for this offence the court acquitted them accordingly.

472. The courts’ judgment reflects the reforms of the Penal Code. In effect, by Law No. 90/61 of 19 December 1990, the provisions of section 18 were amended to replace the term “detention” with “imprisonment”. This amendment also affected sections 111,114,116,122,123,124,125, 126,127 but omitted section 153 of the said Code which deals with contempt of the President of the Republic.

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<sup>132</sup> Pius Njawe was implicated in this matter as editor-in-chief of the newspaper.

473. When Célestin Monga and Pius Njawe were charged in 1991, contempt of the President punishable with detention had been cancelled the previous year.

474. The court ruled that it shall not interpret *malam partem*, that is, by analogy. Therefore, the court may not substitute the law and relate a penalty to the law which does not make provision in case of breach of its own norm.

475. In interpreting the law, the court relates the facts to a precise law. Where this is not feasible the suspect is discharged or acquitted. Criminal law shall be interpreted restrictively.

476. The court shall not pronounce a penalty which is either more or less severe than that provided for by the law. The Supreme Court quashed judgment No. 21/TGI/79/80 delivered on 10 April 1980, by the Kadey High Court that had sentenced Ambounje Pauline, Walango Benoît and Koumando Marcel to ten years imprisonment for practice of witchcraft. This offence is punishable with imprisonment of two to ten years and a fine of five thousand to one hundred thousand francs. The trial court violated the law by sentencing the accused persons to imprisonment without a fine especially as mitigating circumstances were not invoked.

477. The following judgments delivered by the Supreme Court illustrate non-retrospection:

- In Judgment No.197/S of 13 June 2002, *ONPC v. ZOCK SIMON*, the Supreme Court dismissed the appeal on the ground that the dispute in issue was commenced in 1988. Therefore the Court of Appeal cannot be accused of failure to apply the provisions of the Labour Code of 1992 by virtue of non-retrospection.
- In another case, the Supreme Court quashed Judgment No. 220/S of 05 May 1995 from the Littoral Court of Appeal for violating non-retrospection and section 43 of the Labour Code of 1974. The Court of Appeal held that Hotel IBIS had violated section 43 of the Labour Code of 1974 and that the dismissal of Pinyon was illegal. This employee was laid off in September 1991 in accordance with the procedure in force at the time of the dismissal.

478. Predetermination of offences by law and non-retrospection are well established in Cameroon. They constitute fundamental legal principles and guarantee fair trial.

#### **Article 16: Recognition as a person before the law**

479. In Cameroon everyone is recognised as a person before the law. Nonetheless, Cameroonian law imposes a restriction upon certain categories of persons such as minors or those suffering from mental disorder.

480. Under civil law, infants and lunatics have no rights and obligations in contract. A contract made by a minor or by a person alleged to have been mentally defective at the time of its making has no legal effects.

481. Cameroonian law, however, permits these categories of persons to be represented in proceedings. Hence, the CPC stipulates:<sup>133</sup>

“(1) ... an infant or any other person who has lost his legal capacity may not by himself make a claim before the court. He may do so only through his legal representative (committee or next friend).

(2) A civil action instituted against someone who in law has no legal capacity shall be instituted through his legal representative (guardian ad litem), without involving the estate of the latter.”

### **Article 17: Privacy**

482. The Cameroon Penal Code and some other national laws protect the rights of privacy.

483. Section 299 PC stipulates that:

“(1) Whoever enters or remains in another’s residence against his will shall be punished with imprisonment for from ten days to one year or with fine of from five thousand to fifty thousand francs, or with both such imprisonment and fine.

(2) The penalty shall be doubled for an offence committed at night or with the aid of force, threats or other interference.”

484. Section 300 PC, on its part, provides:

“(1) Whoever without permission from the addressee destroys, conceals or opens another’s correspondence shall be punished with imprisonment for from fifteen days to one year or with fine of from five thousand to one hundred thousand francs, or with both such imprisonment and fine”

485. During police investigations, however, the right of privacy may be breached in accordance with Section 92 (3) CPC, which provides:

“In cases of felonies and misdemeanours punishable with at least two years imprisonment, the judicial police officer may, on the written authorization of the State Counsel, and under the control of the latter, in accordance with the conditions laid down in section 245, in the course of the investigation:

- Intercept, record or transcribe all correspondences sent by means of telecommunication
- Take any photographs at private premises

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<sup>133</sup> S.71 (1) & (2).

486. By protecting the individual's privacy, the Cameroonian legislator is aimed at ensuring personal tranquillity.

### **Article 18: Freedom of thought, conscience and religion**

487. In Cameroon freedom of thought, conscience and religion is protected. In this context the Preamble of the Constitution provides:

“No person shall be harassed on grounds of his origin, religious, philosophical, or political opinions or beliefs, subject to respect for public policy;

The State shall be secular. The neutrality and independence of the State in respect of all religions shall be guaranteed;

Freedom of religion and worship shall be guaranteed”.

488. In Cameroon Christians, Muslims and Animists coexist peacefully. Members of the various religions meet indiscriminately both in private and public sectors of life.

489. Religious associations are authorized by decree of the President of the Republic. Many of them become key development actors and those that serve the public interest, are granted the status of NGOs so as to promote freedom of association and to realize certain economic, social and cultural objectives.

490. The legislator provides for freedom of belief in the PC, in Law No. 90/053 relating to freedom of association and in Law No. 99/014 of 22 December 1999 governing NGOs.

491. The laws relating to freedom of belief has enhanced free worship.

### **Laws relating to freedom of belief**

492. These laws are related to the setting up of religious associations and congregations, their worship, and the acquisition and protection of their property.

### **The setting up of religious associations and the acquisition of property**

493. The Constitution guarantees freedom of worship and the law facilitates the setting up of religious associations and the acquisition of property by such associations.

#### *Setting up of religious associations*

494. Section 22 of Law No. 90/053 relating to freedom of association provides:

“The following shall be deemed to be religious congregations:

- Any group of natural persons or corporate bodies whose vocation is divine worship
- Any group of persons living in a community in accordance with a religious doctrine”

495. Pursuant to sections 23 and 24 of the above-mentioned law, the President of the Republic shall authorize by decree, the setting up of all religious congregations.

*Acquisition of property*

496. Section 25 (1) of the above-mentioned law prohibits religious congregations from receiving public grants or landed property as gifts or legacies. However, sub-section 2 makes allowance for receiving landed property as gifts or legacies for their activities.

**Protection of property and worship by religious congregations**

497. Freedom of thought, conscience and religion implies the freedom to express one's religion or opinion, alone or in a group, in public or in private, through worship, rites, practices and teachings. No one shall be subject to pressures that may alter his religious beliefs or convictions.

498. Hence, under section 272 of the PC whoever by disturbance or disorder obstructs, delays or interrupts religious worship in the place where it is customarily offered shall be punished with imprisonment for from fifteen days to one year or a with fine of from five thousand to one hundred thousand francs or with both such imprisonment and fine.

499. Section 269 of the PC punishes whoever by interference or threat compels or prevents the practice of any form of religion, which does not involve the commission of an offence.

*Protection of property*

500. Sections 26 and 27 of law No. 90/53 referred to above require religious congregations to keep accounting records and to present them upon request to MINATD.

501. When religious congregations are recognized as serving public interest and raised to the status of NGOs, their property is considered as State property and protected by sections 184 and 225 of the PC on the misappropriation of public funds, loans and subsidies.

502. This favourable legal framework enables certain religious congregations to become real development actors.

**Religious growth in Cameroon**

503. There are three major religions in Cameroon: Christianity, Islam and Animism. Each of them comprises a multitude of distinct entities.

504. This is glaring proof of freedom of belief as enshrined in the Constitution and other legal instruments referred to above.

**Christians**

505. There are three main Christian denominations: Catholics, Protestants and Jehovah's witnesses.



### *Catholics*

506. Catholicism, with a following of about 2,600,000,<sup>134</sup> constitutes the country's biggest religious group in terms of number and geographical area covered since it is found throughout the national territory. It is equally the religious group with a distinguished structure. As of 31 December 2005, there were seventy-seven legal catholic congregations in Cameroon.

### *Protestants*

507. Protestants with a population of about 1,900,000 come third after the Muslims. They comprise thirty-nine different legal denominations including, Adventists, Baptists, Presbyterians, Africans, Lutherans, Apostolic, Evangelists, Spiritualists, Behaviourists, Anglicans, Universalists.

### *Jehovah's Witnesses*

508. It is the smallest group of Christians in Cameroon. They form a single congregation, which are Jehovah's Witnesses of Cameroon approved by Decree No. 93/043 of 3 February 1993.

### **Muslims**

509. Muslims, with a population of about 2,586,000 constitute the second largest religious group in Cameroon. They are mostly found in the northern part of the country and in urban areas. There are three legalized Islamic associations in Cameroon:

- "Islam" authorized following receipt No. 6/ATF/ A9/2 of the 20 October 1964
- "Islamic Cultural Association" of Cameroon authorized by Decree No. 88/319 of March 1998
- "Islamic Solidarity Association of Cameroon" (ASSVIC) authorised by decree No. 92/032 of 21 January 1992

### **Animists**

510. Animists cannot be pecked to a given area in the national territory because the notion of traditional religion is difficult to define.

511. However, animism is a reality in Cameroon and is practised in respect of public order and accepted standards.

### **Religious congregations as development actors**

512. Cultural activities and education tend to be the favourite of religious congregations.

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<sup>134</sup> Cameroon's initial report to the African Commission on Human and Peoples' Rights.

### **Education**

513. Almost all religious denominations are involved in education either to spread their doctrine or to train citizens.

514. Catholic seminaries and protestant theological schools teach Christian religion and provide classical education.

515. Denominational schools offer basic, secondary general and technical education in most of Cameroon.

516. In higher education, the Catholic University in Central Africa constitutes the hallmark of catholic missionary work. The Adventists also have a University at Nanga Eboko.

### **Cultural activities**

517. The impressive number of Christian choral groups (catholic and protestant) is proof of their booming cultural activities. Traces of traditional religions can be deciphered through these cultural activities.

518. The Ngondo, a “sawa” cultural feast illustrates the spiritual values of the coastal people. It renders communication between “sawa” representatives and their ancestors possible.

519. Other tribes have equally preserved their traditional beliefs. These include cultural festivals such as the “Tokna massana” of the massa tribes in the Far-North and the Ngouon of the Bamoun tribe.

520. These celebrations rally the members of these tribes to exhibit their cultural values and identity.

521. The Ministry of Culture promotes these values and is always represented by a senior official.

522. Modern and traditional religions peacefully coexist in Cameroon.

523. The law restricts freedom of belief only to protect public order. This was the position of the Supreme Court in *Eitel MOUELLE KOULLA, Jehovah Witness vs. The United Republic of Cameroon*, (judgment No. 1/A of 9 January 1975).

524. The State of Cameroon considers freedom of the press, opinion and of expression as foundation on which the very existence of a society is based. It is indispensable for the formation of public opinion. It is also a condition sine qua non for the growth of political parties, trade unions, and cultural associations and in general, those who wish to influence public opinion.

525. The Preamble of the Cameroon Constitution states, “the freedom of communication, of expression, of the press ... shall be guaranteed under the conditions fixed by law”.

526. Cameroon and its partners constantly support the consolidation of freedom of expression and freedom of the press. This is illustrated by the training seminar organized by the British High Commission for Cameroonian journalists on Good Governance, Democracy and Ethics in Journalism in Yaounde, from 24 October to 02 November 2005. At the end of the seminar, the British High Commission donated equipment and documents worth 10,000,000<sup>135</sup> FCFA to the “Communication House”.

527. Government’s desire to promote and protect freedom of expression has led to a proliferation of press organs with the emergence of a culture of freedom which, in some cases, borders on permissiveness, since the promulgation of Law No. 90/052 of 19 December 1990 relating to freedom of mass communication as amended and the signing of Decree No. 2000/158 of 03 April 2000 to lay down the conditions for setting up and operating private audiovisual communication organs.

528. Such deliberate liberal policy has led to a real media explosion and freedom of speech, thus asserting the rule of law as illustrated by the following table.<sup>136</sup>

	Public sector	Private sector
Written press	National daily paper: 1 Official Gazette: 1 Several publications by Communication Units in the various Ministries and some State corporations	About 200 private papers published at various intervals including three dailies
Audio-visual press	Public radio: 1 Public television: 1	Private radios authorized (general and specialized): 30 Community radios: 30 Private television: 8
Cyber press	-	05 organs
Tele-distribution sector		500 recognised enterprises
Printing	Public printing press: 3	Private printing press: 5 of industrial nature
Advertisement enterprises	Public: 1	Private: 100 distributed as advertisement groups and commercial agencies
Communication associations		8 associations

<sup>135</sup> About 153 846 euros.

<sup>136</sup> Source: Ministry of Communication. According to the UJC only about 50 private papers in the table are published regularly.

529. In a bid to ensure the full enjoyment of the right of freedom of expression, the Government has taken measures to enhance the intellectual ability of officials of press organs and to provide financial aid to private communication organs.

### **Measures to protect freedom of the press**

530. Special measures to promote and protect the above-mentioned freedoms are taken by competent authorities, who serve as administrative and judicial police as the case may be.

#### **Administrative measures**

531. At the wake of the communication forum organized from 29 August to 1 September 1994, several decisions were taken by the Government to better regulate freedom of the press.

#### *Authorization to use cables and frequencies*

532. By Decision No. 025/MINCOM/CAB of 19 September 2003, the Minister of Communication (MINCOM) granted a temporary authorization to certain private audiovisual communication organs to broadcast programmes of general interest through cable and frequencies. Since 2007, developments in the audiovisual sector have led to the delivery of permanent audiovisual licences to some press organs.

#### *Public assistance to private communication organs*

533. The involvement of the private media in the mission of nation-building accounts for the State's contribution through various forms of support to their professional growth. Public assistance to private communication is instituted by Order No. 017/MINCOM of 23 September 2002 to fix the setting up, organization and functioning of the National Committee to examine applications for public assistance to private communication organs.<sup>137</sup>

534. In this vein, a special financial aid was granted to the private media to enable them cover the council and legislative elections of 2002, the presidential election of 2004 and the legislative and municipal elections in 2007 and 2008.

#### *Exemption from custom duty*

535. In compliance with the Florence Agreement of 1950 on the importation of educational, scientific or cultural equipment and of its Nairobi Annex Protocol of 1976, equipment and inputs intended for private press organs have been exempted from VAT. However, this measure was temporarily suspended, as it led to fraud and also because of constraints linked to Government's ongoing economic programme.

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<sup>137</sup> Since 2008, this aid has increased from CFA 150,000,000 per year to CFA 250,000,000 per year on the instruction of the Head of State.

*Liberalization of the media*

536. The public media is open to all political parties, and those represented at the National Assembly have airtime to express their views.

*Access to information by journalists*

537. Decree No. 2002/2170/PM of 09 December 2002 to lay down the conditions for issuing the Press Card<sup>138</sup> states “the holder of the Press Card or the letter of accreditation shall benefit from special provisions taken in favour of the representatives of press organs by public authorities. Subject to respect for the laws and regulations in force and to the needs of maintenance of public order, he shall have, in particular, access to sources of information and in general to all the places where he is called upon to perform his duties”.

538. Every journalist, who possesses a press card issued under the conditions laid down by the regulations in force, shall be granted eased and protected access to information.

539. The Central Bureau for Press Relations is an organ responsible for permanently providing national and international media with information on current events and other issues to enlighten public opinion on Government activities and the functioning of public services. Its Head Office called “Communication House” was set up by Decision No. 044/MINCOM/CAB of 2 July 2004 to be an interface between the private and foreign press and the Ministry of Communication.

*Technical Committee in charge of examination of application files for licences*

540. On 14 June 2005, the Minister of Communication signed an order to fix the composition of the Technical Committee in charge of examining of application files for licences to set up and operate audiovisual communication organs. In a press release of 8 August 2005, he invited operators wishing to set up a private audio-visual communication structure to submit their files at the competent services of his ministry.

541. The technical committee referred to above effectively met from 31 August to 6 September 2005 and its report was forwarded to the National Communication Council for its expert opinion.

*The National Communication Council (NCC)*

542. Decree No. 91/287 of 21 June 1991 fixes the organization and functioning of the National Communication Council which. According to article 8 of this Decree, the “National Communication Council provides guidance on:

- The overall policy on social communication

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<sup>138</sup> The press card is the “official document which identifies a journalist”. Decree No. 2002-2170-PM of December 2002 to lay down the conditions for issuing the press card.

- The attribution of audiovisual licences to private enterprises
- The distribution of radio frequencies allotted for radio and television programmes
- All other issues defined by the law and regulations”

In the same vein, “the Council can also make recommendations on matters patterning to:

- Laws and regulation with respect to social communications, professional ethics on social communication
- The principle of equal airtime of the media, especially during periods of elections
- The independence of public communications service
- The protection of human rights and dignity by the media
- The protection of women, children, and the youths by the media
- The promotion of local languages and culture in all media
- Transparency, pluralism and the balance of programmes in communication enterprises”

This organ meets four times a year. It last met on 5 November 2008.

#### *Professional media organizations*

543. Besides the work done by NGOs in the defence of human rights in Cameroon, professional media organizations are also fighting for the consolidation of freedom of the press. These include:

- The Union of Cameroon Journalists
- The National Trade Union of Cameroon Journalists
- The Cameroon Association of English Speaking Journalists
- The Cameroon Association of Commonwealth Journalists
- The Cameroon Media Council
- The Trade Union of Employed Journalists of Cameroon and
- The Union of Free Journalists of Cameroon

544. In this vein, the Union of Cameroon Journalists, in partnership with the U.S Embassy, organized a forum on corruption in Cameroon's media on 21 October 2005. It dealt on the role of the journalist as an independent critic in a society prone to corruption and the means of eradicating it. Though it is obvious that some media in Cameroon represent and will always represent powerful political or economic lobbies, the Chairman of the Cameroon Branch of Transparency International<sup>139</sup> opined "media should denounce and avoid mental, intellectual, and worst still, financial corruption".

545. The partners of Cameroon constantly support the consolidation of freedom of the press. This is illustrated by the training seminar organized by the British High Commission for Cameroonian journalists on Good Governance, Democracy and Ethics in Journalism in Yaounde, from 24 October to 2 November 2005. At the end of the seminar, the British High Commission donated equipment and documents worth 10,000,000<sup>140</sup> FCFA to the "Communication House".

*Procedure for setting up press organs*

546. As it is the case the world over, and given the nature and specificities of each of these media, the print medium has never been subjected to the same regulations as audio-visual communication.

547. For technical reasons related to the scarcity of frequencies for the transmission of radio electrical signals, audio-visual communication is subjected to prior authorization whereas the print medium is subjected to simple declaration.

548. In this vein, section 7 of the Law of 19 December 1990 relating to freedom of mass communication requires, for the setting up of a private written press organ, a written declaration signed by the publisher and addressed to the competent Senior Divisional Officer. Also, Section 7 of the Law of 4 January 1996 to amend and supplement some provisions of the 1990 Law indicates that the Senior Divisional Officer shall be bound within a time-limit of fifteen days from the date he is seized to issue a declaration receipt to any applicant who submits a complete file. Thereafter, his silence shall be considered as approval.

549. In case of refusal by the Senior Divisional Officer to issue a declaration receipt, the applicant may seize the competent court for redress.

550. Section 8 of the Law of 19 December 1990 subjects audio-visual communication activities to the prior issue by order of the Minister of Communication after consultation with the National Communication Council.

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<sup>139</sup> See Cameroon Tribune No. 8461-4660 of 21 October 2005, p. 9.

<sup>140</sup> About 153 846 euros.

551. Sanctions are meted out against press organs when the above procedure is not respected. This was the case with the following press organs:

- The “Tribune de l’Est”, a periodical of general information edited in Bertoua, whose publication was forbidden by the Minister of Territorial Administration and Decentralization for want of prior declaration.
- “ Magic FM”, a private radio station broadcasting in Yaounde, was suspended by Order No. 22/MINCOM/SG/CJ of 14 March 2003 by the Ministry of Communication for Contempt of the President of the Republic, public bodies, spreading of false news and incitement to sedition, likely to endanger public order and good morals. This order was made in compliance with the provisions of Decree No. 2000/158 of 03 April 2000 following a road accident on the Yaounde-Douala Highway with many victims.
- The television channels “RTA” and “Canal 2” and the radio stations “VERITAS” and “Freedom FM”<sup>141</sup> broadcasting from Douala were temporarily closed for operating illegally.

552. The above press organs and audio-visual corporations resumed their activities after they subsequently regularized their situation.

### **Restrictions on freedom of the press**

553. The Government, however, emphasises that the right of freedom of expression must be guided by the following main elements:

- Truth
- Honesty
- Fair criticism
- Getting information from the source
- Unbiased treatment of information
- Refusal of payment for the publication or suppression of information and
- Respect of the privacy of individuals

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<sup>141</sup> This was the ground for the filing of communication No. 230/04 against Cameroon before the African Commission on Human and Peoples’ Rights by the NGO called Open Society Justice Initiative on behalf of Pius NJAWE, owner of this radio station.



554. Government restricts the right of freedom of expression whenever it is not governed by the aforementioned elements on the grounds that good communicators should permanently respect rules of ethics, which is an indispensable complement of training, talent, energy, lucidity and curiosity.

555. From what precedes, it is evident that freedom of the press is effective in Cameroon. In fact, the challenge in Cameroon today is not so much the restriction of press organs or the punishment of press offences but the need to build the intellectual capacity of journalists. The following remark made by one of their peers in 1997 is still relevant: “contrary to what happens in many African countries and elsewhere in the world, journalists in Cameroon behave as they wish, depending on the editorial policy of their newspaper. Everyone can bear witness to this fact. To be convinced, it suffices to visit a few newsstands and read a variety of newspapers. News and commentaries published in Cameroon newspapers are sometimes false, which is contrary to professional ethics. In some cases, “such information” is simply a figment of the author’s imagination. The increasing number of court cases involving the media points to the fact that journalists do not always respect the laws and regulations in force. If press laws were systematically applied, many newspapers would be sanctioned and very many publications would no longer exist”.<sup>142</sup>

#### **Article 20: War propaganda and incitement to discrimination**

556. The State of Cameroon has always stood against war propaganda and incitement to discrimination. Hence, section 112 PC stipulates:

“Whoever provokes civil war by arming the people, or by inciting them to take arms against each other, shall be punished with death.”

557. Also, Section 113 provides:

“Whoever sends out or propagates false information liable to injure public authorities or national unity shall be punished with imprisonment for from three months to three years and with fine of from 100,000 to 2,000,000 francs.”

#### **Articles 21 and 22: Right to peaceful assembly and freedom of association**

558. The right to peaceful assembly and freedom of association is guaranteed by the Preamble of the Constitution which states “the freedom of ...assembly, of association, and of trade unionist as well as the right to strike shall be guaranteed under the conditions fixed by law”.

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<sup>142</sup> ESSAMA ESSOMBA: « sauvons la liberté de la presse » (Let Us Save Freedom of the Press), Cameroon Tribune No. 6341/2630 of 2 May 1997.

559. Special instruments govern the exercise of such freedoms. They include:

- Law No. 90/053 of 19 December 1990 relating to freedom of association
- Law No. 90/055 of 19 December 1990 to lay down regulations governing public meetings and processions
- Law No. 90/056 of 19 December 1990 relating to political parties
- Law No. 99/014 of 22 December 1999 relating to Non-Governmental Organizations and
- Decree No. 93/574 of 15 July 1993 to determine the form of professional trade unions admitted for registration and other instruments relating to professional trade unions for civil servants

560. The diversity of instruments in this regard can be explained by the different regulations applicable for each form of association, public meeting and procession.

561. These instruments aim at asserting and protecting freedom of association and assembly. Also, the legislator tends to promote groups whose dynamism may yield positive results at the economic, social and cultural levels. This is especially the case with NGOs.

562. Section 1(2) of Law No. 90/053 of 19 December 1990 relating to freedom of association defines such freedom as “the right to set up an association and to be or not to be a member of an association”. Sub-section 3 on, non-discrimination in the exercise of such freedom adds, “it shall be enjoyed by all natural persons and corporate bodies throughout the national territory”.

### **Setting up of associations**

563. Associations may be set up such as:

- Civil associations
- NGOs
- Trade Unions and
- Political parties

#### **Civil associations**

564. The setting up of civil associations is the simplest. Section 5 of Law No. 90/053 of 09 December 1990 distinguishes two types of associations: the declaration type and the authorization type. Foreign and religious associations fall under the authorisation types. All other forms of associations fall under the declaration types.

*The declaration type*

565. The sole purpose of declaration is to confer legal status on associations. Associations which fall under the declaration system are formed freely. The declaration comprises a file deposited against a receipt at the Senior Divisional Office of the division where the said association has its head office. The Senior Divisional Officer shall reply within a time limit of two months following the deposit of the file. Upon expiry of this time limit, the SDO's silence is considered as an approval and tantamount to the acquisition of legal status. The simplification of the procedure for declaration has enabled a significant number of associations to be set up so much so that attempting to give their exact number is illusory.

*The authorization type*

- *Foreign associations*

566. Foreign associations are those whose head offices are abroad or which are managed by foreigners or over half of their members are foreigners although they are based in Cameroon. Applications for authorization to set up these associations are forwarded to the Minister of External Relations who transmits same to MINATD with his opinion. The authorization order may be granted on a temporary basis or be subject to periodical renewal. As of September 2005, 223 foreign associations had been authorized in Cameroon.<sup>143</sup>

- *Religious associations*

567. Religious associations are authorized by a Presidential decree after a reasoned opinion by MINATD.

568. In September 2005, Cameroon had 77 officially recognized catholic religious congregations and 46 religious denominations.

### **NGOs**

569. Section 2 of Law No. 99/014 of 22 December 1999 governing NGOs defines an NGO as a declared or foreign association authorized in accordance with the laws in force, and approved by the Administration to participate in the execution of missions of general interest.

570. Approval is granted by Order of the Minister in charge of Territorial Administration and Decentralization following the expert opinion of the technical committee in charge of reviewing applications.

571. The Minister takes a decision within a maximum time-limit of seventy-five days from the date the file was submitted to the Provincial Governor. If this time limit has lapsed and the Minister fails to notify the NGO's founder or representative of the refusal and grounds for such refusal, approval shall be deemed to have been granted.

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<sup>143</sup> *Source: MINTAD.*

572. As at now, there are about 16 NGOs and three unipersonal NGOs in Cameroon.<sup>144</sup>

### **Professional trade unions**

573. The law recognizes the right of workers and employers, without any restriction nor prior authorization, to freely set up professional trade unions whose objectives are to study, defend, develop and protect their economic, industrial, commercial and agricultural interests as well as the social, economic, cultural and moral progress of their members. This is the purport of section 3 of Law No. 92/007 of 14/08/92 on the Labour Code.

#### *Trade unions in the private sector*

574. These trade unions must be registered to have legal status.

575. The registration certificate of a trade union issued by the Registrar of Trade Unions confers legal status on it. The conditions for obtaining this certificate are simple. Section 2 of Decree No. 93/576 of 15 July 1993 to fix the formalities for the registration of a trade union prescribes the following conditions:

- The complete name and the head office of the trade union concerned
- The date and registration number
- The stamp and signature of the Registrar of Trade Unions

576. The registration of a trade union is automatic when the file is complete. Where the file is incomplete the Registrar may delay registration of the file in order to call upon the applicant to complete it.

577. Given the ease with which trade unions may be formed, it is not surprising that the private sector in Cameroon has about five hundred and fifty professional trade unions. This explains the absence of litigation relating to the registration of trade unions.

#### *Professional trade unions for civil servants*

578. MINATD is the competent authority to legalize professional trade unions for civil servants. As of 30 September 2005, eight professional trade unions for civil servants had been authorised.

579. Professional Trade Unions for Civil Servants approved by Law.<sup>145</sup>

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<sup>144</sup> Source: MINTAD-Approved NGOs.

<sup>145</sup> Source: Ministry of Labour and Social Security (2004-2005).

No.	Name	Head office	Authorization decision
1	Syndicat National des Fonctionnaires du Services Civils et Financiers (National Trade Union for Workers of Civil and Financial Services) (SYNAFCIF)	Yaounde	Decision No. 10/Dminat/DAP/SALP/SAC of 11/05/1994
2	Syndicat National des Personnels du Techniques (National Trade Union for Personnel of the Technical Sector) (SYNAPTEC)	Yaounde	Decision No. 168/D/MINAT/DAP/SALP/SAC of 25/07/1994
3	National Trade Union of Teachers of Cameroon (SYNEC)	Yaounde	Decision No. 292/D/MINAT/DAP/SAC/ of 11/11/1994
4	Syndicat des Personnel Médico-Sanitaires (Trade Union for Health Personnel) (SYNPEMS)	Yaounde	Decision No. 292/D/MINAT/DAP/SAC/ of 01/09/1995
5	Syndicat National des Instituteurs et Professeurs des Ecoles Normales (National Trade Union for Teachers and Lecturers of Teacher Training Colleges) (SYPROTEL)	Yaounde	Decision No. 292/D/MINAT/DAP/SAC/ of 26/07/2000
6	Syndicat des Professionnels des Télécommunication du Cameroun (Trade Union for Telecommunication Professionals of Cameroon)	Yaounde	Decision No. 292/D/MINAT/DAP/SAC/ of 29/08/2001
7	Syndicat National des Travailleurs des Medias du Cameroun (National Trade Union for Media Workers of Cameroon) (SUNATMEC)	Yaounde	Decision No. 292/D/MINAT/DAP/SAC/ of 29/08/2001
8	Syndicat National des Professionnels de l'Enseignement Technique et de la Formation Professionnel (National Trade Union for Professionals of Technical Education and Professional Training) (SNAPTEEP)	Yaounde	Decision No. 292/D/MINAT/DAP/SAC/ of 06/05/2004

## Promotion and protection of freedom of association

### Protection of associations

#### *Remedy in case of refusal to grant authorization*

580. The law makes provision for appeals when administrative services dismiss applications to legalise civil associations, NGOs, trade unions and political parties.

581. In the case of political parties, section 8 (2) and (3) of Law No. 90/056 authorizes the applicant to appeal before the courts, particularly the Administrative Bench of the Supreme Court.

582. As for trade unions, section 14 of the Labour Code provides that a member of a trade union or any person aggrieved by the Registrar's decision to annul or refuse registration of a trade union may, within thirty days of notification of the said decision refer the matter to the Administrative Court. Its judgment is subject to appeal. The Registrar has the right to testify at all stages of the proceedings.

#### *Remedy in case of sanction*

583. Associations (NGOs, trade unions and political parties) are sanctioned with suspension or dissolution. In most cases, such sanctions are taken by MINATD in compliance with section 13 (1) and (2) of Law No. 90/053 of 19 December 1990 on freedom of association and section 22 of Law No. 99/14 of 22/12/99 on NGOs.

584. However, such sanctions are usually not arbitrary. Section 17 (2) of Law No. 90/056 governing political parties makes provision for appeal before the administrative court against abusive suspension. Section 18(2) makes provision for appeals against dissolution decisions.

585. A decision to suspend or dissolve an NGO may be challenged by motion filed before the Administrative Bench of the Supreme Court. The court shall deliver its ruling within 30 days, (section 22 (3) of Law No. 99/014 of 22/12/99).

#### *Promotion of good governance*

586. Officials or members of an NGO convicted of misappropriation of funds or property, belonging to the NGO, shall be punished under sections 184 and 225 of the PC on misappropriation of public funds and loans. The severity in sanctions is due to the fact that property belonging to NGOs are deemed to be State property.

### **Measures to promote associations**

#### *NGOs*

587. The law makes provision for tax and customs exemptions for NGOs. Section 18 of Law No. 99/014 of 22/12/99 stipulates:

“Duly approved NGOs shall be exempt from taxes and registration duties, in accordance with the General Tax and Registration Code. They shall also be exempted from value added tax in accordance with the laws in force”.

#### *Political parties*

588. Legalized political parties may obtain public funding for elections. Such funding shall cover normal party activities and election campaigns. Conditions for obtaining public funds are determined by Law No. 2000/015 of 19 December 2000.

589. Political parties freely use public audio-visual communication media. Decree No. 92/030 of 13 February 1992 lays down the conditions for the use of the said media.

*Other associations serving public interest*

590. Considering that nation building requires the mobilization of all forces, the State encourages the setting up and the smooth functioning of associations.

591. Section 32 of Law No. 90/53 of 19 December 1990 to lay down the regulations governing public meetings and processions provides “any association which makes an effective and decisive contribution towards the realization of government’s priority objectives may, upon request... be recognized, by a decree of the President of the Republic, as serving the public interest”.

*Public meetings and processions*

592. The Constitution and Law No. 90/055 of 19 December 1990 to lay down regulations governing public meetings and processions guarantee freedom of public meetings.

593. Professional trade unions organize their meetings within their premises without prior authorization. Their premises are inviolate.

594. Law No. 90/055 of 19 December 1990 stipulates that the organization of public meetings and manifestations shall be free. Section 3 provides “persons shall be free to hold public meetings, no matter their purpose”.

595. However, the competent authority supervises the manner in which this freedom is exercised.

- *Supervision of public meetings and processions*

596. Section 3(2) of the law referred to above, subjects the holding of meetings to a prior declaration. Only meetings to be held on public highways are forbidden. The authorization to hold a meeting is issued as soon as the declaration is made to the competent District Head or Sub-divisional Officer.

597. Public processions shall equally be subject to prior declaration in accordance with section 6 of the above-mentioned law. The competent District Head or the Sub-divisional Officer shall ban meetings only when they are a threat to the maintenance of law and order.

598. The administrative authority shall ensure supervision through its representative at the meeting or public procession (Section 5 of Law No. 90/055 of 19 December 1990).

599. Meetings may be organized during an electoral campaign, without prior declaration, subject to the maintenance of law and order.

600. The Government attaches a lot of importance to the implementation of these directives. The SDO of Mvila Division was relieved of his duty by the MINATD following a ban on a meeting by the leaders of parties of the National Coalition for Reconciliation and Reconstruction on 22 May 2004 in Ebolowa, during the presidential election campaign that year.

601. Pursuant to section 6 (2) of the law on public meetings, prior declarations are not necessary for processions on the public highway that conform to local traditions or religious and practices. The Administration shall intervene only when public order is disrupted. During religious and cultural manifestations, processions march along the streets without prior declaration.

- *Redress in case of ban*

602. When a procession is banned, the organizers may file a motion before the competent High Court. The parties shall be heard in chambers within eight days. The ruling delivered shall be subject to appeal under section 5(3) of the above-mentioned law.

603. Section 73 of Law No. 92/010 of 17 September 1992 as amended, referred to above, institutes the procedure for settlement between the administration and the organizers of meetings suspended or banned during electoral campaigns.

604. Pursuant to this law, in the event of a threat or serious actual disruption of public order, the administration may ban one or several of such meetings. It shall, in each case, reschedule a date or venue for the meeting with the organizers.

605. From the foregoing, it is evident that effective freedom of association and assembly exists in Cameroon. This is buttressed by the impressive number of active civil associations, NGOs and political parties. It is a fact that the law encourages the setting up of associations because they are economic, social and political assets. Activities of associations are restricted only to preserve public order. These restrictions are subject to judicial supervision.

### **Article 23: Marriage and family**

606. Cameroonian law makes provision for the protection of the family. In this context, the Constitution provides, “the Nation shall protect and promote the family which is the natural foundation of human society. It shall protect women, the young, the elderly and the disabled”.

607. Furthermore, several sections of the PC (sections 337 - 361) protect the family.

608. In recent times the Government has taken measures to stabilise and harmonise families. It has equally sponsored several free marriages within the country. For example, on 28 December 2006, 58 free marriages were celebrated and sponsored entirely by the Government in the Yaounde II council. Sensitisation by Government on the need to legalise free unions or marriages is going on throughout the country.

609. In Cameroon, men and women of marriageable age are free to marry. In this regard, section 52 of the Civil Status Registration Ordinance states, “No marriage may be celebrated:

- (1) If the girl is a minor of 15 years old or the boy of 18 years old, unless for serious reasons a waiver has been granted by the president of the Republic;



- (2) If such marriage is not preceded by a publication of bans;
- (3) If the spouses-to-be are of the same sex;
- (4) If the spouses-to-be do not consent;
- (5) If one of the spouse-to-be is deceased, unless a waiver has been granted by the president of the Republic...”

610. The rights and responsibilities of the spouses during marriage and at the time of the dissolution of marriage are protected by customary Laws, national legislation, and Received French and English Family Law principles applicable in Cameroon.

611. A draft Code of the Person and the Family which contains several provisions that protect the family and enhances gender equality and equity is under study.

#### **Article 24: Protection of the child**

612. The Government of Cameroon has always shown concern for the protection of the rights and the well-being of the child. To attain this objective, Cameroon has ratified several conventions and drawn up texts to protect children. Concrete actions have been taken to protect this vulnerable class of people.

#### **Legal framework**

613. Several legislative and regulatory provisions have been enacted to protect the rights of the child in Cameroon. In this context the Preamble of the Constitution states, “the State shall guarantee the child’s right to education. Primary education shall be compulsory. The organization and the supervision of education at all levels shall be the bounden duty of the State.

614. The following texts supplement the Constitution and effectively protect children.

615. The PC punishes “offences against the child and the family” such as abortion (section 337), assault on a woman with child (section 338), infanticide (section 340), cloud on parentage (341), slavery and giving in security (section 342), immoral earnings (section 342), corruption of the youth (section 344), moral danger (section 345), indecency to child under 16 (section 346), assault on children (section 350), kidnapping (section 352 to 354), failure to return a child (section 355) and forced marriage (section 356).

616. Section 6 of Law No. 98/004 of 14 April 1998 on educational orientation in Cameroon, provides that the State guarantees the right of the child to education. Section 7 adds that the State guarantees equal opportunities to education for all without discrimination as to sex, political, philosophical and religious opinion or social, cultural, linguistic and geographical origin.

617. Section 11(3) (new) of Finance Law No. 2000/08 of 30 June 2000, provides free access to government primary schools.

618. Part XV Book VI of Law No. 2005/007 of 27 July 2005 on the CPC institutes a special procedure for prosecuting minors.

619. Law No. 2005/015 of 29 December 2005 on combating Trafficking and Trade in Children fights against all forms of exploitation of children.

620. Law No. 88/016 of December 1988 governing advertisement in Cameroon is still applicable. Section 16 provides that any advertisement meant for children and teenagers, should neither be conceived in a way that will jeopardize their education nor contain visible, written or oral declarations that might cause them material, mental or moral harm. Furthermore, Section 35 of the same law punishes with the penalties in section 344 of the PC (imprisonment from one to five years and fine between 20,000 to 1,000,000 FCFA), anyone who designs an advert in a way that might cause physical, material, mental or moral harm to children or teenagers or jeopardize their education.

621. Other instruments include:

- Order No. 62/C/13/MINEDUC/CAB of 16 February 2001 to reform the “Certificat d’Etudes Primaires Elémentaires” (CEPE) and the First School Leaving Certificate (FSLC)
- Circular No. 22/A/220/MINEDUC/CAB of 20 September 2001 to lay down conditions for the functioning of school councils, the Permanent Commission and the Council of student’s representatives in Government Schools
- Decree No. 2004/018 of 22 July 2004 to fix the rules and regulations applicable to local councils
- Decree No. 2005/140 of 25 April 2005 to organize the Ministry of Basic Education
- Decree No. 2004/019 of 22 July 2004 to fix the rules and regulations applicable to regions
- Order No. 806/B1/1595/MINEDUB of 20 September 2005 to organize Primary Education

### **Institutional framework**

622. Decree No. 2004/320 of 8 December 2004 to organize the Government stipulates that the Ministry of Social Affairs is charged with the following:

- Protecting children
- Preventing and treating juvenile delinquency and social maladjustment and
- Facilitating, social rehabilitation and fighting against exclusions

623. This Ministry liaises with several other national and international institutions to promote and protect the rights of the child.

### **Promotion and protection of the rights of the child**

624. Children are among the most vulnerable classes of people. That is why the State is preoccupied with the promotion and protection of their rights. Several measures have been taken by the Government to protect the child's right to health, education, life and physical and moral integrity.

#### *Right to health*

625. In recent times, child health care has on the whole, improved. For example, in 2006, 7 out of ten children were vaccinated. About 27 per cent of children were given mosquito nets. Hygiene and sanitation was also improved on. The number of children sleeping under insecticide treated mosquito nets increased from 12 per cent in 2004 to 27 per cent in 2006. 69 per cent of children had access to water. However, chronic malnutrition remained quasi stable from 29 per cent in 2000 to 32 per cent in 2004 and to 28 per cent in 2006. The fight against drug abuse in children's milieu was intensified.

626. Despite this effort, malaria control for children below the age of five witnessed a drop in 2006. In 2000, 66 per cent of children had malaria treatment, 53 per cent in 2004 and only 36 per cent in 2006.

627. Government effort in this domain has been enhanced by support from its national and international partners such as UNAIDS, WHO, UNICEF, Global Fund, European Union, UNFPA, FAO and WFP, AWARE, USAID, CARE, MSP, HKI, GTZ, Rotary club, African synergies, Plan Cameroon, ACIDI FOREDEN, ADAMS, AAPEC, AUPAES, Chantal Biya Foundation and the Cameroon Red Cross Association. NGOs, associations and Traditional Chiefs also did great work as they helped to assemble the masses during educative talks.

628. In 2006 the National Working Group effectively implemented the Child Disease Integrated Management (CDIM) in four Provinces, that is, 5 Health Districts (HD) in the Centre Province, 4 HDs in the East Province, 4 HDs in the North West Province and 4 HDs in the Adamawa Province. These Provinces had constant support from WHO, UNICEF and especially Plan Cameroon. Besides, the CDIM strategic extension plan document and the community relay training programme in PCLMEC were drawn up. The following results were obtained:

- 17 HDs developed the CDIM strategy in Cameroon, that is, an estimated national coverage of 10 per cent
- The above four Provinces have a CDIM pool of trainers and supervisors
- 35 per cent of targeted HDs service providers were trained
- All the CDIM trained service providers had at least one follow-up visit and
- There was improvement in the quality of care given to sick children, with an error margin of 5 per cent

629. Furthermore, the sub-immunization programme has been intensified through logistics, regular supply of vaccines and other inputs in all the Provinces and the service provision norms and standards updated. This made it possible to obtain a 78.4 per cent DTC-Hep B3 immunization coverage of children between 0 and 11 months old in September 2006 (as against the target 80 per cent planned for end of December 2006) and a 101 per cent Vitamin A coverage of children between 6 and 11 months old as well as the appropriate reaction to outbreaks of poliomyelitis, measles and yellow fever, with an epidemiological surveillance rate of 86 per cent in 2006.

630. The coverage of two outbreaks of the wild poliomyelitis in 2006 illustrates the efficiency of the surveillance system. Control of maternal and neonatal tetanus was possible through additional integrated immunization with distribution of MI and Vitamin A. The immunization coverage of other antigens stands as follows:

- 97 per cent immunization coverage against measles in the three northern Provinces
- National Immunization Days Polio: 98.9 per cent in the 1st Round (1,497,582 children)
- 101.7 per cent in the 2nd Round (1,540,053 children)
- Immunization against tetanus: 80 per cent in the 1st Round and 81 per cent in the 2nd Round
- Immunization against yellow fever: results awaited

631. It is worthy of note that Cameroon has been admitted into the Global Alliance for Vaccination and Immunization (GAVI) to strengthen the health system.

- *Assistance during birth*

632. The assistance provided by trained medical staff during childbirth can greatly reduce infant and maternal mortality. Delivery in the hospital is safer. In 2006 about 59 per cent of deliveries were carried out by qualified personnel. The percentage was higher in urban areas than in rural areas. In Yaounde, 97 per cent of deliveries were carried out by trained personnel. The Far North Province registered only 19 per cent of births. The educated and financially viable families have their babies delivered by qualified personnel.

633. 33 per cent of deliveries in 2006 were carried out with the assistance of trained personnel. About 43 per cent of deliveries took place in health centres. Douala and Yaounde registered 85 per cent and 86 per cent of births respectively. The percentage of women who deliver at home is still very high in Cameroon especially in the North Province with 34 per cent, Adamawa Province with 43 per cent and the Far North Province with 47 per cent.

- *Birth registration*

634. Birth registration is essential in the protection of the rights of the child as it facilitates the identification of the child. Hence, more civil status registration centres were set up to render their services more accessible to the masses. However, paradoxically, there was a drop in the

registration of births in 2006. In fact, 70 per cent of births were registered in 2006, as against 79 per cent in 2004. The drop in birth registration was due mainly to poverty and lack of education. Some parents even complained of lack of transport fare to the centres.

635. Within the framework of the PADES-BAKA Project, 500 birth certificates were issued in 2006 with the support of Belgian cooperation, to Baka pygmy children in Djoum, South Province. About 10,000 birth certificates were established with support from Plan Cameroon and UNICEF. 85 per cent of births were registered in urban areas as against 57 per cent in the rural areas. The South West Province had the lowest birth registration of 36 per cent. The Far North, North and Adamawa Provinces registered 58 per cent, 62 per cent and 55 per cent of births respectively, while the East Province registered 56 per cent of births.

*Right to education*

636. Primary education for all is one of the priority objectives of Government's Millennium Development Goals.

637. Education, which is an essential factor in poverty alleviation, protects the child against dangerous occupation, exploitation and sexual abuse. Government effort to ensure the education of the child in Cameroon is encouraging, although limited. Generally, four out of every five children of about five years old attend primary school.

638. In 2006, school attendance was higher for boys than for girls (82 per cent for boys as against 77 per cent for girls). There was a significant gap in school attendance between the urban and the rural areas. 90 per cent of children in urban areas attended school as against 71 per cent in rural areas. Sex disparity stands at 0.94 per cent in primary school, and 0.97 per cent in secondary school. School attendance in primary school for both sexes increased from 77.8 per cent in the 2003/2004 academic year to 78.1 per cent in the 2005/2006 school year.

639. In recent years the rate of secondary school attendance has witnessed a slight increase. During the academic year 2003/2004, 33 per cent of children attended secondary schools while in the 2005/2006 year; the rate of attendance was 37 per cent.

640. In certain regions, there has been a drop in school attendance. For instance, 64.2 per cent of children went to school during the 2003/2004 academic year in the Adamawa Province as against 59.3 per cent in the 2005/2006 academic year. The Far North Province had a drop from 52.6 per cent to 48.7 per cent. Government objective to eliminate sex disparity in school attendance by 2005 was not also met.

641. The low rate in school attendance can be attributed to regional imbalances. Statistics show that some regions, notably the three Northern Provinces, have been under-scholarized due especially to some cultural and religious practices such as early marriages. However, the State is putting up a relentless effort to improve on the situation by consecrating a large proportion of the national budget on education and by calling on its partners for more assistance in this domain.

*Protection of children against poor treatment and violence*

642. In spite of the many measures by Government to protect the rights of the child, poor treatment, exploitation and violence against some children persists. Some cases of female genital mutilation, rape, indecency, kidnapping, assault, and child abuse were noticed in 2006. One way by which Government fights against these ills is to take court action against reported cases.

643. Apart from legal actions, administrative sanctions are equally inflicted on perpetrators when necessary. On 13 March 2006, the Vice Prime Minister, Minister of Justice, Keeper of the Seals ordered the investigation of an orphanage called "Soeur Marie Zana" situated at Nkolndongo in Yaounde. It had earlier been reported that the rights of some children were being abused in this orphanage. The investigations revealed that Adzaba Owono Juliette was running an illegal orphanage where the rights of the boarders were constantly abused. The Vice Prime Minister advised the Minister of Social Affairs to order the closure of the orphanage.

644. To better regulate this sector, the Ministry of Social Affairs in collaboration with its partners validated from 28 to 29 March 2006, a draft bill on the opening and functioning of social private institutions to avoid child trafficking and exploitation.

645. To implement the resolutions of the first National Solidarity Forum organized in Yaounde from 21 to 24 June 2005, MINAS embarked on inter-ministerial contacts. After a meeting with the Minister of Justice on 26 April 2006, the following recommendations were made:

- Special measures should be taken to guide and protect minors below the age of ten who are criminally irresponsible
- Minors between the ages of 10 and 14 who are criminally responsible should benefit from special protective measures
- Special courts and post conviction institutions should be set up and
- A code on the protection of the child should be drawn up

646. This encounter helped to accelerate the work on the draft code of the child. Book I of the code was proofread and validated during two seminars organized in Kribi from 11 to 15 April 2005 and Sangmelima from 10 to 14 May 2005. Book II was proofread and validated in Ebolowa from 12 to 16 December 2005. The draft law has been validated and forwarded to UNICEF for a consultant to read and make remarks. The Ministry of Justice will translate the draft into English.

647. Law No. 2005/15 of 29 December 2005 against Child Slavery and Trafficking came as a big relief to the Cameroon child who is a victim of poor treatment, exploitation and violence. The dissemination of this law was carried out in 2006 by Government with the assistance of international partners like WACAP and LUTRENA.

648. In spite of the tremendous effort by Government to reduce cases of child abuse, statistics still show that persistent cases of child labour, violence and sexual assault on children remain a reality in Cameroon today. Nevertheless, the proportion of children who work has reduced from 58 per cent in 2000 to 43 per cent in 2005, and then to 31 per cent in 2006. Recently, Government has retrieved many children who were already working in cocoa farms and has sent them back to school so as to reduce the impact of child labour.

649. These objectives were achieved in collaboration with WACAP and LUTRENA, notwithstanding resistance from perpetrators of some traditional practices who encourage child labour in farms to increase production.

650. From time to time cases of child violence are reported, for example: Human Rights in Cameroon in 2006:

- On 4 May 2006, the population of Yaounde was shocked by the death of a three-year old child at the University Teaching Hospital after being subjected to sexual abuse through rape and sodomy by an unknown individual. The matter was referred to the State Counsel at the HC, Mfoundi in Yaounde by letter No. 6/307/L/MINAS/CAB/CT2 of 5 May 2006. Investigations are ongoing in this matter.
- In March 2006, another case of violence inflicted on a little girl aged 29 months by her father (a gendarme working with the Presidential Guard in Yaounde) was reported to MINAS. The offender was interrogated and it was proven that he was a psychopath, an alcoholic and drug addict. As an administrative measure, the Minister Delegate at the Presidency of the Republic in charge of Defence was advised to order the offender to provide the child's health, education, feeding and material needs.

The Minister Delegate at the Presidency of the Republic in charge of Defence was equally advised to transfer the offender to a post where he will not be exposed to alcohol, among other administrative and therapeutic measures. Besides, the matter was referred to the State Counsel at the HC, Mfoundi for further investigations. Material assistance and psychosocial support was given to the victim's family.

### **Measures to ensure the effective implementation of the rights of the child**

651. The effective implementation of the rights of the child includes the setting up of committees to raise awareness of the rights of the child and the building of infrastructure.

#### *Committees*

652. By Order No. 68/MINTSS of 28 November 2005, the Minister of Labour and Social Security created a National Committee in charge of setting up the International Programme for the Abolition of Child Labour.

653. This Committee comprises persons working in some technical ministries, members of employers' organization and workers unions, as well as some NGOs working in collaboration with international organizations.

654. By Order No. 1/MINTSS/SG/DINGIT/CCT/CEA of 26 January 2006, the Minister of Labour and Social Security set up a Consultative Technical Committee in charge of the implementation of the IPEC-LUTRENA Project. The said Committee is made up of representatives from different ministries, workers unions, employers' organizations, local councils, NGOs, other associations, as well as experts. This Committee is expected to assist the National Commission in the orientation of its activities and the collection of feedback relating to actions taken in the fight against child trafficking, in collaboration with LUTRENA and other United Nations agencies.

655. Apart from the decisions taken by MINTSS, the Delegate General for National Security equally signed Order No. 785/DGSN/CAB of 2 December 2005 to set up a Special Control Brigade at the level of INTERPOL in charge of the implementation of an institutionalised code of ethics aimed at fighting against the trafficking of persons, especially women and children who are the common victims of violence, exploitation and sexual abuse in Cameroon.

*Awareness of children's rights*

656. In 2006, MINAS carried out the following activities:

- Prevention and handling of juvenile delinquency and social imbalances
- Rehabilitation of the child and fight against social exclusion

657. The International Day of the African Child is celebrated in Cameroon on 16 June every year. This day is used to sensitise the masses on children's rights. The Children's Parliament is organized within this period to enable the children to speak out their difficulties themselves.

658. In 2006, the day was celebrated under the theme: "The right to protection: halt violence against children".

659. The Catholic Church has taken a strong stand against child exploitation. To sensitize Christians against child abuses, Cardinal Christian Tumi, Archbishop of Douala, celebrated a series of masses in Douala, Bamenda and at the 20 May Boulevard in Yaounde during which he condemned the exploitation of children.

660. Some workers unions are not left out in the fight against child exploitation and child labour. The following trade unions have been very influential in the promotion and the protection of the rights of the child:

“la Fédération nationale des syndicats des travailleurs des collectivités territoriales décentralisées du Cameroun » (FENTEDCAM), National Federation of Decentralised Local Councils Trade Unions of Cameroon; and FESCOCAM.

661. The following results were obtained from Government sponsored projects and programmes relating to the promotion and protection of the rights of the child in 2006:

- 358 street children were taken care of



- 203 abandoned children were identified and taken care of
- 130 street children were sent for training in specialized institutions to learn trades such as carpentry, tailoring, and hairdressing among others
- 626 convicted children received moral and material support
- 65 orphans were sponsored in various schools and
- 39 children were handed over to their families

662. In protecting children, Government gives priority to partnership. On 18 May 2006 a partnership agreement was signed between Government and some 42 NGOs and other credible associations within the framework of the National Programme to Support Orphans and Vulnerable Children. Government gave financial assistance to these NGOs and associations to enable them to collaborate in the identification of orphans and other vulnerable children.

663. In 2006, 67 temporary social workers were recruited to lend support to the NGOs and associations to identify orphans and vulnerable children. The result was that 150,000 orphans and vulnerable children were discovered nationwide, 10,000 of whom were given educational, nutritional and health care.

664. Furthermore, in the same year, six campaigns against child stigmatisation were organized in the North West Province where there is a high rate of child abuse due to deep-rooted traditions. Committees were set up to identify, follow up and eradicate child abuse.

665. With assistance from Plan Cameroon, 150 birth certificates were established for some orphans and 300 vulnerable children were trained to become economically independent.

666. 160 orphans and street children were taken care of and 500 young girls counselled on the dangers of bad morals.

667. MINAS plans to improve on the conditions of partner organizations in the following manner:

- Empower NGOs specialized in the protection of the rights of the child
- Carry out continuous recruitment of social workers who will be given specialized training on specific national languages and cultures
- Extend the offices of social workers to Divisional and Sub-Divisional levels to enable them to reach the people easily
- Collaborate with local authorities, chiefdoms, and lamidats to sensitize the rural masses on the rights of the child

- Create radio programmes on the rights of the child
- Work in partnership with NGOs to establish a syllabus for the teaching of human rights in primary schools<sup>146</sup>

### *Infrastructure*

668. Since 2006, reconstruction work began in the Bepanda-Douala rehabilitation centre to accommodate 120 vulnerable children. The aim of the reconstruction is to transform the structure into a regional centre to train children who need special protection measures. This will add to the existing structures in the country.

669. In 2006, 28 abandoned children were referred to the Accommodation Centre for Children in Distress (ACCD), Nkomo in Yaounde where they benefited from psycho-affective care and appropriate training.

670. Many other structures have been put in place to promote life and ensure the survival and development of the child. Children are placed in the following centres:

- The Borstal Institute of Buea: 120 places
- “Institution Camerounaise de l’Enfance” (ICE)” of Betamba: 120 places
- “Institution Camerounaise de l’Enfance” (ICE) of Maroua: 60 places
- “ Home-Atelier” of Douala: 180 places
- “ Le Centre d’accueil de mineurs » of Bertoua: 60 places

671. The following measures have been taken to improve on special conditions to protect the child:

- Redynamizing through the current rehabilitation of nine institutions for delinquent minors
- Boosting the capacity of rehabilitation centres for street children or victims of trafficking or various forms of exploitation, through the putting in place, with the support of the Belgian Red Cross and the European Union, of a Centre for listening to, receiving and rehabilitating street children in Yaounde, in 2003
- Taking care of AIDS orphans within the framework of three projects namely: the Bi-Multi Project with the support of the French Co-operation and UNICEF, the Global Funds Project supported by the World Bank and the Hope for African Children Initiative project (HACI) supported by the NGOs African Synergies and Plan Cameroon

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<sup>146</sup> The NCHR has drawn up a teaching guide in this domain.

### **Judicial protection of the rights of the child**

672. Offences on the rights of the child are punished and a child convicted of a criminal offence is legally protected.

#### *Punishment of offences*

673. The following judgments are illustrative:

- In Judgment No. 453/COR of 4 August 2004 delivered by the Yaounde Court of First Instance, Onana Ewane Benoit was convicted for corruption of youth and sentenced to one-year imprisonment and with fine of fifty thousand francs
- In Judgment No. 95 of 26 April 2005 delivered by the Court of Appeal for the Centre, the accused was convicted for abduction of minors and sentenced to three years imprisonment
- In *The People and Onana Jean Gerald v. Mbang Patrice Serge*, the Court of First Instance, Yaounde Administrative Centre in a Judgment of 30 September 2005 granted the accused Mbang Patrice Serge mitigating circumstances, convicted him for indecency to a minor of 14 years old and sentenced him to 12 months imprisonment suspended for five years
- In *The People and Moumemi Ngakam v. Bayeme Steve Rolland* (a minor) heard and determined by the same court on the same day, Moumemi Ngakam was convicted for abating aggravated theft and sentenced in absentia to 12 months imprisonment suspended for five years with fine of fifteen thousand francs<sup>147</sup>

#### *Protection of juvenile delinquents*

674. To protect a minor offender, he is prosecuted undetained and benefits from irresponsibility and diminished responsibility.

675. In Cameroon no criminal responsibility shall arise from the act or omission of a person aged less than ten years (Section 80(1) of the PC). This was the position of the Legal Department of the High Court and Court of First Instance of Monatele, sometime in May 2002, in the case of a child aged 9 years who killed his cousin aged 12 years with a hunting rifle negligently kept by his father. The case was closed for *doli incapax*. A similar case was handled in 2003 by the Legal Department of the Courts of Limbe in a case where a child aged five, inadvertently killed his father with the latter's firearm:

- In accordance with Section 80(2) of the PC, a minor aged 14 years may be tried but shall neither be condemned to a sentence nor to any of the measures provided for adults

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<sup>147</sup> The minimum legal sentence for aggravated theft is 10 years imprisonment.

by the penal law. The offence committed may attract only such special measures provided for by child legislation, which equally defines the competent courts in such matters.

- A minor aged below 18 may be convicted and sentenced but shall benefit from diminished responsibility under section 87 of the PC. The courts avoid, as much as possible, sentences that may have consequences contrary to the objective of rehabilitation of the child.

676. The CPC brings in innovations. Thus, the procedure gives more consideration to the child's fragile nature as well as its standard of living. Personalities selected by the Ministers in charge of Justice and Child Protection, known for their interest in matters affecting juveniles and for their competence in that field, shall sit as assessors in the lower courts and at the Court of Appeal (Sections 709 and 710 of the CPC). The minor standing trial shall be assisted as of right by counsel or by any other expert (Section 719). Hearing in camera is mandatory. The prison system equally encourages the minor's rehabilitation after serving his sentence (Sections 706, 724, 725, 726 of the CPC).

#### **Article 25: The right to participate in the management of public affairs**

677. In Cameroon the right to take part in the conduct of public affairs is enshrined in the Constitution. In this vein, article 2 of the Constitution provides,

“(1) National sovereignty shall be vested in the people of Cameroon who shall exercise same either through the President of the Republic and Members of Parliament or by way of referendum. No section of the people or any individual shall arrogate to itself or to himself the exercise thereof.

(2) The authorities responsible for the management of the State shall derive their powers from the people through election by direct or indirect universal suffrage, unless otherwise provided for in this Constitution.

(3) The vote shall be equal and secret, and every citizen aged twenty years and above shall be entitled to vote”.

678. On its part article 3 stipulates, “Political parties and groups shall help the electorate in the making of voting decisions. They shall be bound to respect the principles of democracy, national sovereignty and unity. They shall be formed and shall exercise their activities in accordance with the law”.

679. Since multiparty politics was restored in 1990, several political parties have taken part in elections organized periodically in accordance with the following instruments:

- Law No. 91/20 of 16 December 1991 to lay down conditions governing the election of Members of Parliament as amended and supplemented by law No. 97/73 of 19 March 1997 and Law 2006/9 of 29 December 2006

- Law No. 92/2 of 14 August 1992 to lay down conditions for the elections of municipal councillors amended and supplemented by Law No. 2006/10 of 29 December 2006
- Law No. 2000/16 of 19 December 2000 to set up a National Elections Observatory (NEO) amended by Law No. 2003/15 of 22 December 2003
- Law No. 92/010 of 17 September 1992 on the election and vacancy of the President of the Republic as amended by Law No. 97/020 of 9 September 1997
- Law No. 2000/15 of 19 December 2000 on the funding of political parties and electoral campaigns
- Law N° 2006/5 of 14 July 2006 to lay down conditions governing the elections of senators
- Law N° 2006/4 of 14 July 2006 to lay down conditions governing the election of regional councillors
- Law N° 2006/11 of 29 December 2006 to set up and lay down the organization and functioning of “Elections Cameroon” (ELECAM)

680. Apart from the above laws enacted to govern elections, Government effort to promote and protect the right to participate in the management of public affairs is manifest in the organization and conduct of elections in Cameroon. Several measures are taken to ensure the transparency and fairness of elections. Such measures include those taken at the preparatory phase and those taken by the courts to handle disputes relating to the said elections in an independent manner. But before delving into the measures, it is necessary to examine the institutional framework.

### **Institutional framework**

681. The Institutional framework comprises organs that carry out or control electoral operations. These organs include:

- The National Elections Observatory (NEO)
- “Elections Cameroon” ELECAM
- Elections Supervisory Commissions
- The National Vote Counting Commission
- Courts

### **The National Elections Observatory (NEO)**

682. NEO was set up by Law No. 2002/016 of 19 December 2000 as amended by Law No. 2003/036 of 22 December 2003. In accordance with section 1 of the said law NEO is an independent and permanent body charged with supervising and controlling elections and referendums.

683. NEO members are appointed by the President of the Republic and are selected from political parties and the civil society. Its members are personalities, reputed for their moral rectitude, intellectual honesty, neutrality and impartiality.

684. The State provides NEO with equipment and staff. Their running expenditures are included in the State budget.

#### **“Elections Cameroon” ELECAM**

685. Elections Cameroon, set up by Law No. 2006/11 of 29 December 2006, is the new body in charge of the organization, management and supervision of election and referendum processes in Cameroon.

686. The law on ELECAM translates Government determination, after the experience with NEO, to consolidate democracy in Cameroon through the amelioration of the electoral system.

687. ELECAM is made up of two organs: the Electoral Board and the General Directorate of Elections. The Electoral Board composed of 12 members is responsible for ensuring the respect of the electoral law, regularity, impartiality, objectivity and sincerity of the polls.

688. It controls and supervises all electoral processes. In this regard, it receives and examines the files of prospective candidates and publishes the final candidate lists for the presidential, legislative, senatorial, regional and municipal elections. It holds four ordinary sessions per year and extraordinary sessions when need be. During the electoral period, it can meet as often as necessary.

689. The General Directorate of Elections is under the authority of a Director General, assisted by a Deputy Director General. It shall be responsible for the organization and management of the poll under the supervision of the Electoral Board. Specifically, this organ is in charge of compilation, management, update and conservation of the voters' register as well as other electoral materials and documents.

690. It is also responsible for acquiring and distributing electoral materials and documents, drawing up and revising voters registers, drawing up and distributing voters cards, organizing and supervising the training of staff in charge of the polls, preparing and executing the annual budget of ELECAM and elections. The duties of this organ also involve the organization and designation of officials of polling stations as well as the centralization and conservation of all electoral documents and materials.

691. According to Section 1(2) and (4) of the above law, ELECAM is an independent and autonomous body. It shall have its own annual budget and an elections budget during an election year<sup>148</sup> and its Director General shall be the authorising officer of this budget.<sup>149</sup> To enhance the independence of its members and ensure their integrity, this law provides as follows:

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<sup>148</sup> See section 28 of Law No. 2006/11 of 29 December 2006.

<sup>149</sup> Ibid, section 29.

“Members of Elections Cameroon shall refrain from acts that may undermine the independence and dignity of their duties. They shall specifically, during their tenure, exercise their powers strictly for the purpose of their mandate. Members of Elections Cameroon shall, under no circumstance, seek or receive instructions or orders from a public or private authority during the performance of their duties.

692. Members of Elections Cameroon may not be prosecuted, investigated, arrested, detained or tried for their views and actions in the performance of their duties. Save in cases of *flagrante delicto* or violation of the Constitution and law, members of Elections Cameroon shall not be prosecuted during their tenure”.<sup>150</sup>

693. In the same light, Section 8(2) states, “members of the Electoral Board shall be designated from the midst of independent personalities of Cameroonian nationality, reputed for their stature moral uprightness, intellectual honesty, patriotism, neutrality and impartiality”.

694. Although the Chairperson, the Vice-Chairperson and Members of the Electoral Board shall be appointed by the President of the Republic, this shall be done only after consultations with the political parties represented in the National Assembly and the civil society.

695. The oath to be taken by members of the Electoral Board before taking office further reflects the determination of the Cameroon legislator to ensure the independence of Elections Cameroon. Thus, pursuant to Section 8(6), “before taking office”, members of the Electoral Board shall take the following oath before the Constitutional Council: “I swear to fully and faithfully discharge my duties and to exercise my office without fear or favour in accordance with the Constitution and laws in force, to ensure the confidentiality of proceedings and votes, to abstain from taking public positions and to decline any consultation on matters falling under the purview of Elections Cameroon”.

696. This independent body will ensure that elections organized henceforth in Cameroon will be transparent, free and fair. Once ELECAM goes operational, MINATD and NEO will have no role to play in the organization and supervision of elections in Cameroon.<sup>151</sup>

### **Election Supervisory Commissions**

697. These Commissions comprise the pre-elections Commissions and the Divisional Supervisory Commissions.

#### *Pre-election commissions*

698. Pre-election operations, particularly those relating to registration and the revision of registers of electors are carried out by the Elections Supervisory Commissions.

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<sup>150</sup> Ibid, sections 2 and 3.

<sup>151</sup> See Decree No. 2008/372 of 11 November 2008 on the Text of Application of Law on ELECAM.

699. Law No. 91/20 of 16 December 1991 as amended to lay down conditions for the election of members of Parliament sets up commissions in charge of preparing electoral operations. These include commissions for the revision of registers of electors (section 29), commissions to supervise the issuing and distribution of electoral cards (section 30).

700. The above-mentioned provisions are adopted in Law No. 92/010 of 17 September 1992 to lay down conditions for electing the President of the Republic as supplemented by sections 12, 13, 14 and 15 of Law No. 97/020 of 9 September 1997, as well as, Law No. 92/02 of 14 August 1992 (section 1).

701. Registers of electors shall be kept by administrative authorities, in collaboration with representatives of legalized political parties operating within their jurisdiction (section 12 of Law No. 92/010 of 17 September 1992).

#### *Divisional Supervisory Commissions*

702. The Divisional Supervisory Commission is a mixed organ chaired by the President of the competent High Court. It should be noted that in Divisions where High Courts do not exist or in those where the President of the High Court is unavoidably absent, the legislator has authorized the President of the competent Court of Appeal to appoint a judicial officer under his jurisdiction to assume the duties of the Chairman of the Mixed Divisional Supervisory Commission, and to replace the President of the High Court who is unavoidably absent. Decisions taken by the above mixed Commissions may be challenged before the Court of Appeal sitting in Chambers.

703. Section 12 of Law No. 92/002 of 14 August 1992 to lay down conditions for the election of municipal councillors provides for the setting up, in each council, of a Council Supervisory Commission in charge of ensuring that operations to elect municipal councillors are carried out legally, fairly and objectively.

704. Section 39 of Law No. 91/010 of 26 December 1991 to lay down conditions for the election of members of Parliament and Section 24 of Law No. 92/010 of 19 September 1997 on presidential election provide for the setting up of Divisional Supervisory Commissions. They shall be responsible for controlling registers of electors and registration cards.

- *Controlling registers of electors and cards*

705. This is carried out by the Commission that is active only at presidential and parliamentary elections (Section 40 of Law No. 91/20 of 10 December 1991 and 25 (new) of Law No. 92/010 of 17 September 1992 as amended). It is charged with controlling operations for the compilation, keeping and revision of registers of electors. Where double registration or registration of persons having no capacity to vote is noted, the Commission prescribes the necessary rectifications.

#### **The National Vote-Counting Commission**

706. The National Vote-Counting Commission was set up by section 44 of Law No. 91/20 of 16 December 1991. It is chaired by a judge from the Supreme Court and comprises two other



judicial or legal officers, ten representatives of the Administration and ten representatives of political parties. It may make comments on the regularity of electoral operations (section 45 of Law No. 91/20 and section 30 of Law No. 97/020) and rectify material vote-counting errors.

### **The organization of elections**

707. Given that, ELECAM is not yet operational elections in Cameroon are still organized by MINATD and supervised by NEO. In a bid to ensure transparency and fairness in managing elections, Government takes measures and carries out some activities at the preparatory phase of elections. Some of the measures taken and the activities carried out during recent elections includes:

- Computerization of the electoral system
- Provision of financial assistance to political parties
- Provision of campaign bulletins for political parties
- Allocation of airtime to political parties
- Setting up of political parties and
- Setting up new sub-divisions and councils

#### **Computerization of the electoral system**

708. In 2006, Government commenced the computerization process of the electoral system and completed it in 2007. A database of electors has already been put in place and shall be updated yearly, in accordance with the law.

709. This process has solved problems relating to the duplication of names or in some cases, the inexistence in the electoral register of the names of certain persons, the timely distribution of voter's cards, as well as several other difficulties faced in the past in this domain.

#### **Financial assistance to political parties**

710. To ensure that all the political parties standing for elections have equal chances of carrying out campaigns all over the national territory, Government makes provision for subvention.

711. For instance, for the twin elections of July 2007, the sum of FCFA 1,500,000,000<sup>152</sup> was given as subvention. In accordance with the relevant provisions of Law No. 2000/15 of 19 December 2000 on Government subvention to political parties and electoral campaigns, the above amount was divided as follows: CFA 750,000,000<sup>153</sup> to the political parties taking part in

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<sup>152</sup> About 230 769 230 euros.

<sup>153</sup> About 1153846 euros.

the legislative elections and CFA 750,000,000<sup>154</sup> to those participating in the municipal elections. These amounts were further subdivided as follows: CFA 375,000,000 to the political parties that took part in the elections of 30 July 2002 and CFA 375,000,000 to those taking part in the 22 July 2007 elections. Tables 1 to 4 below clearly illustrate the distribution of subvention allocated by Government to political parties.

712. (CFA 375, 000,000<sup>155</sup> allocated to political parties that took part in the last legislative elections, proportionately to the number of seat won at the National Assembly:

No.	Political party	Number of seats at the National Assembly	Amount allocated
1	CPDM	149	310 416 666.1
2	SDF	22	45 833 333.26
3	CDU	05	10 416 666.65
4	UPC	03	6 249 999.99
5	NUDP	01	2 083 333.33
Total		180	374 999 999.1

713. CFA 375, 000, 000 allocated to political parties taking part in the legislative elections of 22 July 2007 proportionately to the lists presented and validated in the different constituencies:

No.	Political party	Number of lists presented and validated	Amount allocated
1	CPDM	85	103 155 339.50
2	SDF	52	63 106 795.96
3	NUDP	36	43 689 320.28
4	UPC	20	24 271 844.60
5	CDU	18	21 844.660.14
6	AFP	17	20 631 067.91
7	ADD	09	10 922 330.07
8	ANDP	07	8 495 145.61
9	CNC	05	6 067 961.15
10	POPC	05	6 067 961.15
11	PDS	04	4 854 368.98
12	MDR	04	4 854 368.98
13	PSU	03	3 640 776.69 <sup>156</sup>
14	UDP	03	3 640 776.69
15	MNPC	03	3 640 776.69
16	RCPU	02	2 427 184.46

<sup>154</sup> About 1153846 euros.

<sup>155</sup> About 576 923 euros.

<sup>156</sup> About 560119 euros.

No.	Political party	Number of lists presented and validated	Amount allocated
17	NPC/BUSH	02	2 427 184.46
18	FUC	02	2 427 184.46
19	CPP	02	2 427 184.46
20	MDP	02	2 427 184.46
21	MANIDEM	02	2 427 184.46
22	CFA	02	2 427 184.46
23	NDP	02	2 427 184.46
24	UPR	01	1 213 592.23
25	UFDC	01	1 213 592.23
26	MP	01	1 213 592.23
27	RCR	01	1 213 592.23
28	RNDD	01	1 213 592.23
29	UDT	01	1 213 592.23
30	PLD	01	1 213 592.23
31	RCP	01	1 213 592.23
32	AMEC	01	1 213 592.23
33	MEC	01	1 213 592.23
34	MLDC	01	1 213 592.23
35	OPDC	01	1 213 592.23
36	REPAC	01	1 213 592.23
37	PLC	01	1 213 592.23
38	MDIR	01	1 213 592.23
39	FSNC	01	1 213 592.23
40	MCNC	01	1 213 592.23
41	UNITOC	01	1 213 592.23
42	FPLP	01	1 213 592.23
43	MDPC	01	1 213 592.23
44	MN	01	1 213 592.23
45	POUC	01	1 213 592.23
Total		309	374 999 998.70

714. CFA 375,000,000 allocated to political parties that took part in the 30 July 2002 election, proportionately to the number of seats obtained in the National Assembly:

No.	Political party	Number of seats obtained in the National Assembly	Amount allocated
1	CPDM	149	310 416 666.10
2	SDF	22	45 833 333.26
3	CDU	05	10 416 666.65
4	UPC	03	249 999.99
5	NUDP	01	2 083 333.33
Total			374 999 999.10

715. CFA 375, 000, 000 allocated to political parties proportionately to the lists presented and validated in the different constituencies:

No.	Political party	Number of lists presented and validated	Amount allocated
1	CPDM	358	164 522 057.50
2	SDF	136	62 499 999.52
3	NUDP	122	56 066 176.04
4	UPC	51	23 437 499.82
5	MDR	28	12 867 646.96
6	CDU	25	11 488 970.50
7	AFP	25	11 488 970.50
8	NADP	14	6 433 823.48
9	MDP	08	3 676 470.56
10	ADD	08	3 676 470.56
11	MLDC	06	2 757 352.92
12	FSNC	05	2 297 794.10
13	RCPU	04	1 838 235.28
14	UPR	03	1 378 676.46
15	PLC	03	1 378 676.46
16	ARN	02	919 117.64
17	MDPC	02	919 117.64
18	UDP	02	919 117.64
19	PDS	02	919 117.64
20	MN	01	459 558.82
21	PUR	01	459 558.82
22	NDP	01	459 558.82
23	UNITOC	01	459 558.82
24	MERCI	01	459 558.82
25	MP	01	459 558.82
26	MCNC	01	459 558.82
27	PLD	01	459 558.82
28	FNSD	01	459 558.82
29	PSU	01	459 558.82
30	MPR	01	459 558.82
31	RDMC	01	459 558.82
Total			374 999 999.70

### Provision of campaign papers for political parties

716. In a bid to ease the activities of political parties during elections, Government provides them with campaign papers. These papers are printed and distributed to the political parties proportionately to the number of lists presented throughout the national territory. The campaign papers carry the mark, logo, and colour of the party concerned. They are aimed at enabling the candidates and their respective political parties to show the indications to their potential voters with a view to guiding their choice on the polling day.

### Airtime to political parties

717. The allocation of airtime to the political parties is proportionate to the number of lists presented throughout the national territory.

718. In a bid to provide appropriate communication of political parties through the public audio-visual media during the 2007 elections, the Minister of Communication signed, after consultation with the National Communication Council, the following two (2) important orders:

- Order No. 6/MINCOM/CAB of 6 July 2007 to lay down the conditions for the production, programming and broadcast on public audio-visual media of campaign programmes in view of election of Members of Parliament and Municipal Councillors of 22 July 2007 and
- Order No. 7/MINCOM/CAB of 6 July 2007 to determine the order of broadcast and air time allocated to political parties within the framework of campaign programmes in view of the election of Members of Parliament and Municipal Councillors of 22 July 2007

719. The following order of broadcast and air time took largely into consideration the number of constituencies in which political parties had nominated candidates:

Order of broadcast	Political party	Number of constituencies per political party	Representative rate per political party	Percentage of hours per day/Radio (in minutes)	Percentage of hours per day/TV (in minutes)
1	CPDM	84	22.4 %	26.48	13.24
2	SDF	61	16.1 %	19.18	9.36
3	NUDP	54	14.2 %	17	8.30
4	UPC	31	8.2 %	9.48	4.54
5	AFP	24	6.3 %	7.30	3.42
6	CDU	22	5.8 %	6.54	3.24
7	NADP	11	2.9 %	3.24	1.42
8	ADD	10	2.6 %	3.60	1.30
9	MDR	9	2.3 %	2.42	1.18
10	CNC	5	1.3 %	1.30	0.42
11	PDS	5	1.3 %	1.30	0.42
12	POPC	5	1.3 %	1.30	0.42
13	UDP	4	1.0 %	1.12	0.36
14	MNPC	3	0.7 %	0.48	0.24
15	PSU	3	0.7 %	0.48	0.24
16	RCPU	3	0.7 %	0.48	0.24
17	CFA	2	0.5 %	0.36	0.18
18	CPP	2	0.5 %	0.36	0.18
19	FUC	2	0.5 %	0.36	0.18
20	MANIDEM	2	0.5 %	0.36	0.18
21	MDP	2	0.5 %	0.36	0.18
22	NDP	2	0.5 %	0.36	0.18

Order of broadcast	Political party	Number of constituencies per political party	Representative rate per political party	Percentage of hours per day/Radio (in minutes)	Percentage of hours per day/TV (in minutes)
23	NPC/BUSH	2	0.5 %	0.36	0.18
24	PLD	2	0.5 %	0.36	0.18
25	UFDC	2	0.5 %	0.36	0.18
26	AMEC	1	0.2 %	0.12	0.6
27	ARN	1	0.2 %	0.12	0.6
28	FPLP	1	0.2 %	0.12	0.6
29	FNSD	1	0.2 %	0.12	0.6
30	FSNC	1	0.2 %	0.12	0.6
31	MCNC	1	0.2 %	0.12	0.6
32	MERCI	1	0.2 %	0.12	0.6
33	MDIR	1	0.2 %	0.12	0.6
34	MDPC	1	0.2 %	0.12	0.6
35	MEC	1	0.2 %	0.12	0.6
36	MLDC	1	0.2 %	0.12	0.6
37	MN	1	0.2 %	0.12	0.6
38	MP	1	0.2 %	0.12	0.6
39	MPR	1	0.2 %	0.12	0.6
40	OPDC	1	0.2 %	0.12	0.6
41	PLC	1	0.2 %	0.12	0.6
42	POUC	1	0.2 %	0.12	0.6
43	PUR	1	0.2 %	0.12	0.6
44	RCP	1	0.2 %	0.12	0.6
45	RCR	1	0.2 %	0.12	0.6
46	RDMC	1	0.2 %	0.12	0.6
47	REPAC	1	0.2 %	0.12	0.6
48	RNDD	1	0.2 %	0.12	0.6
49	UNITOC	1	0.2 %	0.12	0.6
50	UPR	1	0.2 %	0.12	0.6
51	UDTC	1	0.2 %	0.12	0.6

720. In addition to the airtime, public audio-visual media freely provide political parties with technical production teams, studios and tapes that meet professional standards.

### **Political parties**

721. Law No. 90/056 of 19 December 1990 provides for the free formation of political parties and the free exercise of their activities within the framework of the Constitution. Section 1 of the said law defines them as associations which may take part in elections.

722. For better representation in State institutions, political parties shall take into consideration in the compilation of every list the various sociological components of the constituency (Section 3(2) of Law No. 92/002 of 14 August 1992). The Supreme Court regularly annuls elections for breach of the above-mentioned principle.

723. By Judgment No. 135/CE/2001-2002 of 05 September 2002 in the matter of CPDM and Fako II Section - *Muyuka v. the State of Cameroon* ((MINATD) and SDF, the Administrative Bench of the Supreme Court annulled the council election of 30 June 2002 in the Muyuka Rural council constituency for violation of the Constitution and section 3(2) of Law No. 92/002 of 14 August 1992. As a matter of fact, the Social Democratic Front list included only five indigenes out of forty-one candidates in their list.

724. In judgment No. 59/Ce/2001-2002 of 3 September 2002 in the matter of *N. Clobert*, CPDM candidate v. *The State of Cameroon* (MINATD) and SDF, the Administrative Bench of the Supreme Court followed the same line of reasoning. The Municipal Election of 30 June 2002 in the Loum Rural Council constituency was annulled because the elected SDF list comprised thirty candidates from the West Province, five candidates from the North-West Province and no single indigene (Babong and Bokeng).

725. As of 31 December 2005, Cameroon had 197 officially legalized political parties.<sup>157</sup> The list of legalized political parties as at 31 December 2005 is included in the table below.

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
01	Cameroon People's Democratic Movement	01-09-66 (CNU) 1985 name changed from CNU to CPDM	CPDM	Yaounde	Paul BIYA
02	Union of the Populations of Cameroon	Decision of 12/02/1991/ MINAT No. 0049/D/MINAT	U.P.C	Douala P.O. Box 8647	DICKA AKWA
03	Social Democratic Front	Decision of 01/3/91 No. 0065/D/MNAT	S.D.F	Bamenda P.O. Box 89	NI John FRU NDI P.O. Box 11115 Yaounde
04	Integral Democracy of Cameroon	Decision of 12/02/91 No. 0048/D/MINAT	D.I.C	Douala P.O. Box 8282	Gustave ESSAKA
05	Movement for National Unity	Decision of 11/03/91 No. 0070/D/MINAT	R.U.N	Yaounde P.O. Box 100 Foubot	SEUNKAM François
06	Liberal Democratic Party known henceforth as Liberal Democratic Alliance	Decision of 11/03/91 No. 0071/D/MINAT	L.D.P / L.D.A	P.O. Box 116 Buea P.O. Box 68	OBENSON Gabriel
07	Union of Democratic Forces of Cameroon	Decision of 1/03/91 No. 0067/D/MINAT	U.F.D.C	Yaounde P.O. Box 7190	HAMENI MBIALEU Victorin
08	Republican Party of the People of Cameroon	Decision of 1/03/91 No. 0066/D/ MINAT	R.P. P.C	Bertoua P.O. Box 6654 Yaounde	ATEBA NGOA André
09	Democratic Socialist Party	Decision of 25/03/91 No. 0097/D/MINAT	P.S.D	Douala P.O. Box 141	NSAME MBONGO Joseph
10	Republican Union of Cameroon	Decision of 25/03/91 No. 0098/D/MINAT	U.R.C	Douala P.O. Box 4435	KOUMBIN BILITIK Ernest

<sup>157</sup> Source: MINATD.

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
11	National Union for Democracy and Progress	Decision of 25/03/91 No. /D MINAT	U.N.D.P	5019 Yaounde P.O. Box 656 Douala	BELLO BOUBA MAIYGARI
12	Party for the Democrats of Cameroon	Decision of 05/03/91 No. 0111/D/MINAT	P.D.C	Yaounde P.O. Box 6909	Dr MBIDA Loius Tobie
13	Panafrican Congress of Cameroon	Decision of 05/03/91 No. 113/D/MINAT	C.P.C	Douala P.O. Box 1248	NOUCHI TCHOKAGO
14	Social Democratic Action of Cameroon	Decision of 05/03/91 No. 113/D/MINAT	A.S.D.C.	Maroua	EL HADJ SADJO SAID SINDAN
15	Cameroon Democratic Union	Decision of 26/04/91 No. 133 /D/MINAT	U.D.C	Yaounde PO.BOX 1638	ADAMOU NDAM NJOYA
16	People's Action Party	Decision of 26/04/1991 of No. 134/D/MINAT	P.A.P.	Kumba P.O. Box 79	Victor MUKWELLE Nghoh
17	United Socialist Party	Decision of 26/04/91	P.S.U.	Douala P.O. Box 12106	SHOFONE Daniel
18	Social Movement for New Democracy	Decision of 03/05/91 No. 142/D/MINAT	M.S.N.D	M.S.N.D	YONDO MANDENGUE Black
19	Cameroon National Party that becomes Cameroon National Democratic Party	Decision of 03/05/91 No. 140/D/MINAT	C.N.P. C.N.D.P.	P.O. Box 14703 Yaounde P.O. Box 230	ALHADJI TITA FOMUKONG
20	National Democratic Party merges with the LDP becomes L.D.A.	Decision of 03/05/91 No. 141/D/MINAT	N.D.P.	Buea P.O. Box 116	FOSSUNG Henry
21	Cameroon Socialist Party	Decision of 03/05/91 No. 139/D/MINAT	C.S.P	Douala P.O. Box 12501	NSETH NSETH Appolinaire
22	People's Solidarity Party	Decision of 15/05/91 No. 153/D/MINAT	P.S.P.	Yaounde	NGOUO WOUNGLY MASSAGA
23	Social Democratic Union becomes (Union for the party and Solidarity	Decision of 04/06/91 No. 164/D/MINAT	(U.S.D.) U.P.S	Yaounde P.O. Box 7125	Jean-Pierre MBELLE
24	(Cameroon's Alliance for the Progress and Emancipation of the Destitute) now known as Union for the Republic	Decision of 04//6/91 No. 165/DMINAT	(A.C.P.E) U.P.S	Yaounde P.O. Box 6527	BOHIN BOHIN Augustin
25	Alliance for Democracy and Progress of Cameroon now known as Alliance for Democracy and Development of Cameroon	Decision of 04/06/91 No. /D/MINAT	A.D.P.C A.D.D	Garoua P.O. Box 231	(ABOUKAR KOKO GARGA HAMAN)
26	Liberal Alliance Party	Decision of 10/06/91 No. 175/D/MINAT	PAL	Douala P.O. Box 13233	BEDZIGUI Célestin
27	Cameroon Progressist Party	Decision of 10/06/91 No. 177/D/MINAT	PPC	Yaounde P.O. Box 755	PAHAI Jean



No.	Name of party	Date of recognition	Initials	Headquarters	Founder
28	Liberal Convention	Decision of 10/06/91 No. 177/D/MINAT	CL	Douala P.O. Box 2363	Pierre Flambeau Ngayap
29	Union for National Entent Initiatives	Decision of 10/06/91 No. 203/D/MINAT	U.I.E.N	Douala P.O. Box 10081	TCHEMO Blaise DJAMEN
30	Authentiques of Cameroun	Decision of 04/0791 No. 209/D/MINAT	DAC	Yaoundé P.O. Box 4452	AYISSI NTSAMA Jean Baptiste
31	(Parti des Fourmis) qui devient People's Democratic Front	Decision of 08/07/91 No. 210/D/MINAT	PDF	Yaoundé P.O. Box 20447	BOO Daniel Dieudonné
32	Cameroon Ideological Party	Decision of 08/07/91 No. 211/D/MINAT	CIP	MUYUKA	OBEN Isaac ENOW
33	Nationalisme des Pacifistes of Cameroun pour Bien Etre et l'Unité Réelle Contre les Souffrances des Humains	Decision No. 230/D/MINAT of 30 July 1991	NPC/BUSH	Bafoussam P.O. Box 241	MOUFO Justin
34	Green Party for Democracy in Cameroon	Decision No. 231/D/MINAT of 30 July 1991	PVDC	Douala P.O. Box 2606	FOGOUM Justin Aimé
35	National Party for Progress	Decision No. 232/D/MINAT of 30 July 1991	PNP	Douala P.O. Box 6014 Yaoundé	ANTAR GASSAGAY
36	Progressive Movement	Decision No. 247/D/MINAT of 23 August 1991	MP	Douala P.O. Box 2500	EKINDI Jean Jacques
37	(National Union for the People of Cameroon) now known as Action for National Redress	Decision No. 248/D/MINAT of 23 August 1991	U.N.P.C ARN	Douala P.O. Box 2748	NAGAMBO MAHAMAN
38	Regrouping of Nationalist Forces	Decision No. 249/D/MINAT of 23 August 1991	RFN	Douala P.O. Box 1722	POLOG Richard
39	Regrouping of Patriotic Forces	Decision No. 250/D/MINAT 23 August 1991	RFP	Yaoundé P.O. Box 4022	EMA OUT
40	Cameroon Liberal Congress	Decision No. 252/D/MINAT of 23 August 1991	CLC	Bamenda P.O. Box 4022	TAFOH GUIJOH
41	Movement for Justice and Freedom	Decision No. 252/D/MINAT of 23 August 1991	MJL	Yaoundé P.O. Box 895	TSOUNGUI François Xavier
42	Democratic Movement for the Defence of the Republic	Decision No. 283/D/MINAT of 09/October 1991	MDR	P.O. Box 6428 Yaoundé	DAKOLE DIASALA
43	Cameroon's Patroitic Movement	Decision No. 248/D/MINAT of 09 October 1991	MPC	Douala P.O. Box 6017	ALLI ADAAM ARAB
44	Union Front of Cameroon	Decision No. 285/D/MINAT of 09/October 1991	FUC	Douala P.O. Box 4372	NJEUGA Jean

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
45	Movement for the Progress of the Republic	Decision No. 287/D/MINAT of 09 October 1991	MPR	Yaoundé P.O. Box 6222	POSSI NJEUENKOU Zacharie
46	Movement for the Progress of the Republic	Decision No. 287/D/MINAT of 09 October 1991	MDPC	ESEKA P.O. Box 203	MATIP LIBAM Henri
47	Cameroon's Movement for the Republic	Decision No. 302/D/MINAT of 23 October 1991	RCR	Bandjoun P.O. Box 452	WAMBO Samuel
48	Worker's United Party of Cameroon	Decision No. 33/D/MINAT of 29 October 1991	POUC	Yaoundé P.O. Box 3148	BIZOLE Dieudonné
49	Autonomous Socialist Party	Decision No. 313 /D/MINAT of 29 October 1991	PSA	Douala P.O. Box 1445	DIFFOUM David
50	Cameroon's Defence of the Environment	Decision No. 0334/D/MINAT of 18 November 1991	DEC	Yaoundé P.O. Box 6361	NKEH NDIH
51	Cameroon's Social Democratic Front	Decision No. 335/D/MINAT	P.S.D.C	Bafoussam P.O. Box 04	TEKAM Jean Michel
52	Cameroon's Social Democratic Party	Decision No. 361/D/MINAT of 09/December 1991	MORPA	Douala P.O. Box 779	TENGUE Joseph Ledoux
53	(Popular Party for the Evolution of Liberty and Democracy) now known as Union for KARTS Progressist	Decision No. 370/D/MINAT	(PPELD) UPK	Douala P.O. Box 12284	(Richard NYODOG)
54	Union pour la Bienveillance of Cameroon	Decision No. 371/D/MINAT of 26 December 1991	UBC	Yaoundé P.O. Box 5652	BEKADA Alexandre 975-65-32
55	Cameroon People's Party	Decision No. 372/D /MINAT	CPP	Yaoundé P.O. Box 1228	TITA Samuel FON
56	Cameroon's National Alliance	Decision No. 377/D/MINAT of 31 December 1991	ANC	Yaoundé P.O. Box 1228	BABA YOUSOUFA
57	Cameroon's Social Union	Decision No. 037/D/MINAT of 31 December 1991	USC	Yaoundé P.O. Box 744	Nicole OKALA
58	People's Patriotic Liberation Front	Decision No. 379/D/MINAT of 31 December 1991	FPLP	Yaoundé	MEBADA Antoine Samuel
59	Democracy for the New Republic	Decision No. 01/D/MINAT of 06/January 1992	DRN	Yaoundé P.O. Box 1289	OLINGA Dominique
60	Hope of the People of Cameroon	Decision No. 02/D/MINAT of 06 January 1992	EPC	Ngaoundéré BP	NKAME BAYA Emmanuel

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
61	Movement for the Action for Liberation Panafricanism now known as Democrats and the Independent	Decision No. 03/D/MINAT of 06/January 1992	M.A.P M.D.I	Douala P.O. Box 8372 2956	KAMGA Pierre
62	Cameroon's Workers and Peasants Party	Decision No. 04/D/MINAT of 07 January 1992	POPPC	Yaoundé P.O. Box 2956	ABEGA Adolphe
63	National Movement for the Democracy	Decision No. 028/D/MINAT of 07 January 1992	RNDD	Douala P.O. Box 13240	OWONA Paul Christophe
64	National Democratic Union	Decision No. 29/D/MINAT of 07 January 1992	UND	Yaoundé B/P/ 11309	GARBA BALLA
65	Movement for the Fatherland	Decision No. 30/D/MINAT of 07 January 1992	RAP	Douala P.O. Box 3543	NINTCHEU Jean Michel
66	National Unity	Decision No. 43/D/MINAT of 16 January 1992	UN	Douala P.O. Box 15035	FOTSO AYATA
67	Union Democratic Patriots of Cameroon	Decision No. 52/D/MINAT of 31 January 1992	UDPC	Yaoundé	TSOBENI Joseph
68	The Conservative Republican Party	Decision No. 88/D/MINAT of 13 March 1992	CRP	LIMBE	Samuel OBEN BESONG
69	Movement for Democracy and progress	Decision No. 88/D/MINAT of 13 March 1992	MDP	Yaoundé P.O. Box 2639	MUKURI MAKAARON Samuel EBOUA P.O. Box 8379 Douala
70	Republican Congress	Decision No. 95/D/MINAT of 26 March 1992	CR	Bafoussam P.O. Box 77	NIMANGUE HEMADE Emile
71	Cameroon's Revolution for a United People	Decision No. 271/D/MINAT of 06 October 1992	RCPU	Ngaoundéré	ABBA ABOUBAKAR
72	National Solidarity Front	Decision No. /D/MINAT of 16 December 1992	FSN	Douala P.O. Box 2961	PAHMI GARRINGO Zachée
73	Party for the Progress of the Youth	Decision No. 354/D/MINAT of 16 December 1992	PPJ	Yaoundé P.O. Box 3667	BIEDI Jules
74	National Front for Popular Salvation and Reconciliation	Decision No. 019/D/MINAT of 28août 1993	FNSP <sup>2</sup>	Douala P.O. Box 5350	MOO BIDOUM Dieudonné
75	Democratic and Fraternal Universal Union	Decision No. 035/D/MINAT of 12 February 1993	UDFU	Yaoundé P.O. Box 1258	ONANA ABOGO SOUPA Lonis
76	Force of the People of Cameroon	Decision No. 040/D/MINAT of 22 February 1993	FPC	Yaoundé P.O. Box 702	MALANGANDIN IBOLE Guy Roger

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
77	Social Democratic Movement	Decision No. 039/D/MINAT of 27 February 1993	MDS	Douala P.O. Box 7407	BOSTON NJOYA ALIDOU
78	Forum of Social Democratic Patroits	Decision No. 158/d/MINAT of 29 March 1993	FPDC	Garoua P.O. Box 752	FOGUE Jean-Jacques
79	(United Democratic Front) now known as United Democratic Party	Decision No. 0062/D/MINAT of 02 April 1993	UDF UDP	Bamenda	EL HADJ LAWAN BAKO
80	National Recovery Front	Decision No. 75/D/MINAT of 27 April 1993	FNR	Maroua P.O. Box 43	WASSILE WASSOUNI
81	United Solidarity Front	Decision No. 125/D/MINAT of 1 <sup>er</sup> July 1993	FUS	Douala	TONYE Lonis
82	Revolutionary Democratic Front	Decision No. 146/D/MINAT of 05/Août 1993	FDR	Yaoundé P.O. Box 554	OLINGA Cyprien
83	Movement for the Liberation of Cameroon's Youth	Decision No. 0270/D/MINAT of 09 September 1993	MLJC	Eséka P.O. Box	228-64-34 714-87-50 601-04-76
84	Popular Front	Decision No. 0267/D/MINAT of 06/09/1993	FP	Yaoundé P.O. Box 20043	DIMI Charles R.
85	Nationalist Option for Development and Democracy	Decision No. 0270/D/MINAT of 09 September 1993	OND	Yaoundé 13971	Salymo Tél.: 23-36-02 poste 467/308 27-15-16
86	Patriotic Salvation Movement	Decision No. 0276/D/MINAT of 23 September 1993.	RPS	Edéa P.O. Box 6701	LITOPE
87	Cameroon Party for Progressists Democrats	Decision No. 275/D/MINAT of 22 September 1993	PDPC	Yaoundé P.O. Box 6589	MAMA ETOGO François
88	Movement for Patriotic Democrats	Decision No. 0280/D/MINAT of 13 October 1993	RPR	Yaoundé P.O. Box 3616	BINZI EBODE F. Tél: B. 23-74-34 D.31-78-11
89	Cameroon universal Youth and Common Man	Decision No. 0286/D/MINAT of 26 October 1993	JBPCU	Douala P.O. Box 17193	MESSOS MEDOUING Albert
90	Communist Party of Cameroon	Decision No. 0307/D/MINAT of 24 November 1993	PCC	Yaoundé	NGAMBI J. Pierre P.O. Box 13190 Yaoundé Tél: 23-61-57
91	National Front Patriotic of Cameroon	Decision No. 0307/D/MINAT of 24 November 1993	FNPDP	Douala	KADEM
92	Union of Ecologists of Cameroon	Decision No. 322/D/MINAT of 24 December 1993	UEC	Yaoundé P.O. Box 245	KAMNGANG François Marie

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
93	National Liberation Party	Decision No. 003/D/MINAT of 10 January 1994	PNP	Yaoundé	NDANA AHANDA Laurent P.O. Box 1488 Tél: 20-95-28
94	Popular Union of Democrats of Cameroon	Decision No. 0072/D/MINAT of 12 April 1994	UPDC	Yaoundé P.O. Box 25695	MINKOE Vincent
95	Pan Africanist Popular Party	Decision No. 0096/D/MINAT of 04 April 1994	PPP	Yaoundé P.O. Box 2895	BOMBA Hubert
96	Party for Democratic Progress	Decision No. 108/D/MINAT of 04 May 1994	PPD	Yaoundé BP 2025	AMBASSA B. Paul
97	Cameroon Front	Decision No. 198/161/D/MINAT of 19 July 1994	F.C	Douala P.O. Box 3508	TANKWE NYA Bernard
98	Democratic Solidarity Progress	Decision No. 161/D/MINAT of 19 August 1994	ADS	Mbanga Yaoundé BP 7018	Messi Philippe Adonis
99	Popular Democratic Front	Decision No. 0209/D/MINAT of 17 August 1994	FDP	Douala BP 7250	FONDJAN NGOMSI
100	Union of Libero-Humanist Democrats	Decision No. 0254/D/MINAT of 05 October 1994	UDLH	Bafia P.O. Box 171	NGON à ZIEM
101	AHOM of Africa	Decision No. 0281/D/MINAT of 26 October 1994	ADA	Kumba P.O. Box 008	NHON Walter W. MBONG MESUMBE
102	Union of Progressist Communists	Decision No. 0019/D/MINAT of January 1995	UCP	Yaoundé	BIYAGA Monclard
103	Movement Africain pour la Nouvelle Indépendance	Decision No. 0054/D/MINAT of 03 March 1995	MANIDEM	Douala P.O. Box 10298 Tel: 422750	
104	Democracy Union of New Forces	Decision No. 0058/D/MINAT of 08 March 1995	UFN	Yaoundé P.O. Box 5700	GUIJOE Joseph P.O. Box 899 Yaoundé
105	Peasant Action	Decision No. 0058/D/MINAT of 08 March 1995	PAP	Messa Yaoundé P.O. Box 8132	WANDA Justin
106	Social Democratic Party	Decision No. 062/D/MINAT of 17 March 1995	SDP	Yaoundé P.O. Box 813	Mme NGATCHOU
107	National Movement	Decision No. 078/D/MINAT of 07 April 1995	M.N	Yaoundé P.O. Box 13994	ABE ONANA MAX
108	The People's Democratic Front	Decision No. 0084/d/MINAT of 12 April 1995	F.D.P	Douala P.O. Box 731	DJENGUE Emile
109	The People's Gratitude Party	Decision No. 114/D/MINAT of 08/May 1995	PARENA	Yaoundé P.O. Box 12527	ENOH Dieudonné

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
110	Cameroon's Youth Patriotic Movement		MPJC	Yaoundé P.O. Box 2490	NDONGO Didier
111	Africa's Revolutionary Party for Democracy, Economic and Social Integration	Decision No. 0165/D/MINAT of 12 July 1995	PARADIES	ABONG MBANG P.O. Box 517	MBIDA Vincent
112	Union of Democrats for Work In Cameroon	Decision No. 0166/D/MINAT of 12 July 1995	UDT	Douala P.O. Box 2340	KAMENI DJONTEU Dieudonné
113	Social Democratic Party for the Redress of Cameroon	Decision No. 186/d/MINAT of 19 July 1995	PSR	Douala P.O. Box 2458	BIMAI Jacques
114	National Patriotic Front	Decision No. 217/D/MINAT of 31 August 1995	FPN	Yaoundé P.O. Box 3767	NGOUND MBARGA Benoît
115	Movement for New Democrats	Decision No. 219/D/MINAT of 31 August 1995	MONODE	Yaoundé P.O. Box 12527	NDI Benoît
116	Innovated Democratic Party of Cameroon	Decision No. 220/D/MINAT of 31 August 1995	PDCI	Garoua P.O. Box 121	BOUBAKARY SIDIK
117	National Alliance for Democracy and Progress	Decision No. 222/D/MINAT of 31 August 1995	ANDP	Yaoundé P.O. Box 1628	HAMADOU MOUSTAPHA
118	Social Democrats Forum	Decision No. 0241/D/MINAT of 22 September 1995	FORUM	Yaoundé P.O. Box 7915	Mr. SIGA ASNGA
119	United Democratic Forum	Decision No. 246/D/MINAT of 27 September 1995	PUR	Yaoundé BP 4818	MR. ABE Narcisse 231-94-69 989-61-24
120	Popular Party of Cameroon	Decision No. 0252/D/MINAT of 09 October 1995	Le PPC	Bafang	FONDONJO FOMO Elie
121	Rally for Change for a New Republic	Decision No. 2060/D/MINAT of 12 October 1995	RCNR	Yaoundé P.O. Box 13701	NGOUBENE Ferdinand
122	Patriotic Front for the Reconstruction of Cameroon	Decision No. 0277/D/MINAT of 1 <sup>er</sup> November 1995	FPRC	Yaoundé P.O. Box 20470	ENGAMA NGOGO 221-99-52 997-11-78
123	Democratic Movement for the People without Borders	Decision No. 0295/D/MINAT of 22 November 1995	RDPF	Dschang P.O. Box 153	NDEMMANU Antoine
124	Democratic Movement for National awareness	Decision No. 320/D/MINAT of 31 1995	MODECNA	P.O. Box 1010 Yaoundé	DEFFO Bruno
125	National Movement for the Progress of Cameroon	Decision No. 318/D/MINAT of 1995	M.N.P.C	Ngaoundéré	MHAMADOU P.O. Box 118 Ngaoundéré

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
126	Party for the Promotion of Humanised Capitalism	Decision No. 123/D/MINAT 06March 1996	P.C.H	Yaoundé P.O. Box 13661	KANIYONG Emmanuel 779-25-00
127	Democratic Liberal Party	Decision No. 229/D/MINAT of 18 June 1996	P.L.D	Bayangam	LIAPOE Jean Robert P.O. Box 4764 Douala
128	Union for Next Democracy	Decision No. 0349/D/MINAT of 19 July 1996	U.N.D	Yaoundé	MBARGA Thaddée P.O. Box 811 Yaoundé
129	Party for Legality and Respect for Human Rights	Decision No. 0581/D/MINAT 30 September 1996	PELRDH	Yaoundé	NDJENG Albert P.O. Box 1407 Yaoundé
130	Movement for the Development and Democracy	Decision No. 06606/D/MINAT of 21 October 1996	MDD	Okola	MVOGO Léopold Marc S/C Mlle METENE Urbaine P.O. Box 40 Yaoundé
131	Movement for National Fraternity	Decision No. 0614INAT of 05 November 1996	M.F.N	Yaoundé	KETSCHIEMEN Paul-Denis P.O. Box 2313 Yaoundé
132	Union for the People of Africa	Decision No. /D/MINAT of 31 August 1995	U.P.A	Yaoundé	KAMGANG Hubert P.O. Box 12858
133	Parti Libre Démocrate Camerounais	Decision No. 0013/D/MINAT of 15 January 1997	PLDC	Douala	TEUPA Abraham P.O. Box 18181
134	Rassemblement des Travailleurs pour le Développement	Decision No. 0014/D/MINAT of 15 January 1997	RTD	Yokadouma P.O. Box 12	ALI P.O. Box 2523 Yaoundé Tel: 22 33 15 224 28 40
135	Potentiel Humain	Decision No. 0015/D/MINAT of 15 January 1997	PH	Bafoussam	KONGUE TCHMTCHOUA Désiré P.O. Box 545 Bafoussam Tel: 44 35 43
136	La Nationale	Decision No. 0023/D/MINAT of 27 January 1997		Ebolowa P.O. Box 904	EYINGA Abel P.O. Box 152 Ebolowa Tel: 28 46 94
137	Union Nationale	Decision No. 0024/D/MINAT of 27 January 1997	U.N	Bafia	FRAM Gilbert Théophile P.O. Box 141 Bafia
138	Cameroon People's National Convention	Decision No. 0052/D/MINAT of 17 February 1997	CPNC	Limbé	MOTUBA SAKWE Tobias C/OP.O BOX 909 Limbé

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
139	La Coordination des Forces Alternatives	Decision No. 0060INAT of 03 March 1997	La C.F.A	Douala	Mme ETEKI-OTABELA P.O. Box 5618 Douala
140	Cameroon Youth Movement	Decision No. 0061/D/MINAT of 03 March 1997	MJC	Douala	TCHEKOUTOUO Flaubert P.O. Box 4512 Douala
141	Party for Democrats	Decision No. 0065/D/MINAT of 12 March 1997	PPD	Douala	SOUB Lazare P.O. Box 1055 Douala Tel: 337 30 09
142	Organization for Young Liberators of the People of Cameroon	Decision No. 0072/D/MINAT of 31 March 1997	OJLPC	Yokadouma P.O. Box 12	ALI P.O. Box 2523 Yaounde Tel: 22 33 15 224 28 40
143	Potentiel Humain	Decision No. 0015/D/MINAT of 15 January 1997	PH	Bafoussam	KONGUE TCHEMTCHOUA Désiré P.O. Box 545 Bafoussam Tel: 44 35 43
144	Youth Action for Change now known as Cameroon's Regrouping for Progress	Decision No. 0092/D/MINAT of 15 April 1997	R.CP	Douala	P.O. Box 1780 Douala
145	Union for the Economic Redress of Cameroon	Decision No. 0094/D/MINAT of 15 April 1997	UREC	Douala	NJOUMOU Léopold Stèves P.O. Box 2123 Douala 221-50-82
146	Union of Ethnic Groups of Cameroon	Decision No. 0101/D/MINAT of 21 April 1997	UCE	Yaounde	FOTIE Pierre P.O. Box 601 Yaounde
147	Reform Party	Decision No. 0300/D/MINAT of 28 July 1997		Douala	AGBOR ASHU Emmanuel P.O. Box 12830 Douala Tel: 40-29-43
148	Action for Meritocracy and Equal Opportunities	Decision No. 031/D/MINAT of 28 July 1997	AMEC	Yaounde	Dr Joachim Tabi OWONO P.O. Box 200354 Yaounde
149	Labour Democratic Party	Decision No. 337/D/MINAT of 15 September 1997	L.D.P	Mamfe	
150	Democratic Action of Hawkers, Transporters and Traders of Cameroon	Decision No. 338/D/MINAT of 15 September 1997	A.D.S.T.C	Douala	WAFFO Albert P.O. Box 17316 Douala



No.	Name of party	Date of recognition	Initials	Headquarters	Founder
151	Cameroon National Congress	Decision No. 0340/D/MINAT of 19 September 1997	C.N.C	Yaounde	TAMEGHI Boniface P.O. Box 869 Yaounde
152	Absolute and Supreme Mission	Decision No. 2359/D/MINAT of 22 September 1997	M.A.S	Garoua	KEME WANGUE Arnold P.O. Box 786 Garoua
153	Movement of the Builders of Africa now known as Social Democratic Movement	Decision No. 444/D/MINAT of 30 December 1997	M.B.A S.D.M.	P.O. Box 11475 Yaounde	TAKOUDJOU P.O. Box Bafoussam, MAHAMAT SOULEMANE Yaounde
154	Cameroon Democratic Group	Decision No. 03/D/MINAT of 05 January 1998	G.D.C	Yaounde	OKALI BELIBI Bernard P.O. Box 7904 Yaounde
155	Movement of the Ecological Forces for Boosting the Economy	Decision No. 17/D/MINAT of 14 January 1998	R.F.E.R.E	Yaounde	BESSIPING P.O. Box 43 PENKAMICHEL
156	Dynamics for National Rebirth	Decision No. 038/D/MINAT of 12 January 1998	La Dynamique	Daouala	Albert DZONGANG P.O. Box 473 Daouala Tel: 42-32-86
157	Unity for Democracy and Social Progress in Cameroon	Decision No. 163/D/MINAT of 29 June 1998	UDPSC	Douala	N'FALEU ROUSSEAU P.O. Box 8300Douala
158	One Cameroon	Decision No. 163/D/MINAT of 29 June 1998	O.C	Douala	MAYOA BECK François P.O. Box
159	Movement of the Ecologists of Cameroon	Decision No. 188/D/MINAT of 02 September 1998	MEC	Douala	NGO Fritz Pierre P.O. Box 1551 Douala Tel: 42-28-11 40-38-53
160	Movement for the Liberation and Development of Cameroon	Decision No. 249/D/MINAT of 15 December 1998	MLDC	Edea P.O. Box 486	YONDO Marcel P.O. Box 486 Edea Tel: 46-44-31
161	Social Democratic Force	Decision No. 023/D/MINAT of 12 January 1999	FSD	Yaounde	NANA Jean Pierre P.O. Box 3080 Yaounde Tel:48-53-13
162	Cameroon's Social Republican Party	Decision No. 061/D/MINAT of 04 May 1999	PRS	Yaounde	MONGBET LAMARE Marc P.O. Box 5974 Yaounde Tel:30-17-68

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
163	Socialist Democratic Party	Decision No. 11/D/MINAT of 04 May 2000	PDS	Bafoussam	TEKAM Jean Michel P.O. Box 04 Bafoussam
164	Youth Ecological Party of Cameroon	Decision No. 46/D/MINAT of 19 May 2000	MOJEC	Yaounde	BILONG Théophile Alain Junior P.O.BOX53-79 Yaounde
165	Social Republican Party	Decision No. 50/D/MINAT of 05 June 2000	PSR	Douala	NJAPOU KAPNANG Blaise P.O. Box 6851 New-Bell Douala
166	Social Liberal Congress	Decision No. 56/D/MINAT of 13 June 2000	SLC	Dr NYAMNDI George DOBGIMA P.O. Box 06 Buea	
167	Young Socialist for Democracy	Decision No. 107/D/MINAT/ DAP/SDLP/SPP of November 2000	USP	Yaounde	MIYEMEMIYEM E Michel P.O. Box 465 Edea Tel: 46-46-29 or 46-49-34
168	Socialist Labour Union	Decision No. 107/D/MINAT/DA P/SDLPSPp of 04 October 2000	USP	Yaounde	MBOCK MBEGDE Daniel P.O. Box 12319 Yaounde
169	Labour Movement	Decision No. 108/D/MINAT/DA P/SDLP/SPP of 13 novemnre 2000	RPT	Yaounde	EKASSI Magloire P.O. Box 3944 Yaounde
170	National Labour and Development Party	Decision No. 31/D/MINAT/DAP/ SDL/SPP of 13 November 2000	NLDP	Bamenda	GEMOH Nicodemous ASEH P.O. Box 5066 Bamenda
171	Progress Party	Decision No. 13/D/MINAT/DAP/ SDLP of 20 January 2001	PP	Yaounde	Dr MOUNBAGA Emmanuel SEIDOU P.O. Box 1365 Yaounde
172	United Social Front	Decision No. 020/D/MINAT/ DAP/SDLP/SPP of 24 January 2001	USF	Yaounde	KOUEGOUE Edouard
173	Republican Union of Cameroon's Democrats	Decision No. 203/D/MINAT/DA P/SDLP/ SPP of 27 August	URDC	Foumbot	NJOYA LAMARREE MADI-MAMA P.O. Box 114 Foumbot

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
174	Movement for the Emergence and Awakening of Citizens	Decision No. 254/D/MINAT/DAP/SDLP/SPP of 12 October 2001	MERCI	Yaounde	FEZEU Isaac P.O. Box 5376 Yaounde
175	Movement for the Alliance of the People	Decision No. 289/D/MINAT/SDPL/SPP of 25 November 2001	RPA	Yaounde	NGOURAN MBODONGO P.O. Box 30067 Yaounde
176	Movement of Cameroon's Democrats for Peace	Decision No. 44/DMINAT/DAP/SDLP/SPP of 13 January 2002	MDCP	Yaounde	GAMEL ADAMOISSA P.O. Box 766 Yaounde
177	Union for the Total Independence of Cameroon	Decision No. 47/D/MINAT/DAP/SDLP/SPP of 19 January 2002	UNITOC	Yaounde	TATSINFANG Daniel P.O. Box 1301 Yaounde
178	New Popular Force	Decision No. 48//D/MINAT/DAP/SDLP/SPP of 20 January 2002	NFP	Douala	DJINO Léandre P.O. Box 1139 Douala
179	Democratic Alliance for the Freedom of the People		ADLP	Bafoussam	Mathieu Blaise MBE
180	Cameroon's National Reconciliation Party	Decision No. 17/D/MINAT/DAP/SDLP/SPP of 14/02/2003	PCRN	Yaounde	KONA Robert P.O. Box 2979 Yaounde
181	Alliance of Progressists Forces	Decision No. 57/D/MINAT/DAP/SDLP/SPP of 16 April 2003	AFP	Douala	DAIDOU Maydadi Yaya P.O. Box 4724 Douala
182	Justice and Development Party	Decision No. 198/D/MINAT/DAP/SDLP/SPP of 25 August 2003	JDP	Yaounde	FORBIN Boniface
183	Cameroon's Social Movement	Decision No. 237/D/MINAT/DAP/SDLP/SPP of 30 September 2003	MSC	Yaounde	KARI HAMADOU
184	Popular Salvation Party	Decision No. 57/D/MINATD/DAP/SDLP/SPP of 01 April 2004	PPS	Douala P.O. Box 335 Douala	DIN EDONG Mathurin
185	Popular Front for Justice	Decision No. 108/D/MINATD/D/DAP/SDLP/SPP of 14 May 2004	FPJ	Yaounde	MBANG Luc Frédéric

No.	Name of party	Date of recognition	Initials	Headquarters	Founder
186	Democratic Renewal, of Cameroon	Decision No. 109/D/MINAT/ DAP/SDLP/SPP of 1 September 2004	RDC	Yaounde P.O.BOX25040	Madame OBAMA née OWONA Juliette
187	National Unity Party	Decision No. 182/D/MINATD/ DAP/SDLP/SPP of 1 September 2004	NUP	Yaounde P.O. Box 294	MANI Marcel Joseph Aubin
188	Democratic Public Opinion of Cameroon	Decision No. 182/D/MINATD/ DAP/SDLP/SPP of 1 September 2004	OPDC	Mbouda P.O.BOX18	TAPEO FOUTSAGOUNG Napoléon
189	Party for the Alliance of Cameroon	Decision No. 1/D/MINATD/ DAP/SDLP/SPP of 11 January 2005	PAC	Yaounde P.O. Box 16205	MVILONGO Paul
190	Movement for Hope for the Youth	Decision No. 02/D/MINATD/ DAP/SDLP/ 1 January 2005	MEJ	Yaounde	NTSELE Jean Claude
191	National Front of Democratic Saviours	Decision No. 25/D/MINATD/ DAP/SPP of 15 January 2005	FNSD	Douala	LEPODE Dieudonné
192	The Republican Party of Cameroon	Decision No. 38/D/MINATD/ DAP/SDLP/SPP of 1 March 2005	REPAC	Yaounde P.O. Box 15957	Madame KAMGA Rameline
193	Independent Party of Grand Electors		PIGE	Yaounde P.O. Box 106	ENOGA Sébastien Honoré
194	Grouping of Farmers of Cameroon	Decision No. 231/D/MINATD/ DAP/SDLP/ISPP of 13 October 2005	GAC	P.O. Box 3062 Yaounde P.O. Box 106 Makak	BITJONG François
195	Cameroon of Values	Decision No. 285/D/MINATD/ DAP/SDLP/SPP of 28 December 2005	CAMVAL	P.O. Box 31224 Yaounde	Dr DJEKENG Jean Marc
196	Liberal Communal Party	Decision No. 286/D/DAP/SDLP/ SPP of 28 December 2005	PLC	P.O. Box 8279 Douala Tel: 606 51 69	MBOUNGUENG Berni
197	Cameroon Youth Party	Decision No. 290/D/MINADT/ DAP/SDLP/SPP of 28 December 2005	PJC	P.O. Box 6508 Douala Tel: 932 46 26	FAGNA TCHAKOUTE Farquet Felix

726. In 2006 and 2007, Government, authorized the setting up of more political parties. A list of the political parties created in 2006 and 2007 is included in the table<sup>158</sup> below.

1	Mouvement pour la Réconciliation et l'Unité des Camerounaise (Movement for the Reconciliation and Unity of Cameroon)	155/D/ MINATD/DAP/SDE/SPP of 5 July 2006
2	Mouvement pour le Développement Intégral de la République (Movement for the Integral Development of the Republic)	Decision N° 195/D/ MINATD/DAP/SDLP/SPP of 6 December 2006
3	Parti du Cameroun Nouveau (Party for a New Cameroon)	Decision N° 257/D/ MINATD/DAP/SDLP/SPP of 6 December 2006
4	Mouvement pour la Justice Sociale; le Développement et la Protection de Nature (Movement for Social Justice, Development and Nature Protection)	Decision N° 258/D/ MINATD/DAP/SDLP/SPP of 6 December 2006
5	La Nouvelle Dynamique pour la prospérité	Decision N° 258/D/ MINATD/DAP/SDLP/SPP of 6 December 2006
6	Alliance Nationale pour la Paix, la Démocratie et le Progrès Social (National Alliance for Peace, Democracy and Social Progress)	Decision N° 13/D/ MINATD/DAP/SDLP/SPP of 6 February 2007
7	Rassemblement des Citoyens Camerounais (Cameroon's Citizens Movement)	Decision N° 15/D/ MINATD/DAP/SDLP/SPP of 8 February 2007
8	Révolution Paafigue du Cameroun (Peaceful Revolution of Cameroon)	Decision N° 34/D/ MINATD/DAP/SDLP/SPP of 2 March 2007
9	Movement Réformateur (Reformqtion Movement)	Decision N° 34/D/ MINATD/DAP/SDLP/SPP of 2 March 2007
10	Parti de l'Esprit d'Avril 48 (Party for the Spirit of April 48)	Decision N° 34/D/ MINATD/DAP/SDLP/SPP of 6 March 2007
11	Parti Travailleiste Camerounaise (Cameroon Labour Party)	Decision N° 34/D/ MINATD/DAP/SDLP/SPP of 21 March 2007
12	Front pour le Salut du Cameroun (Front for the Well-being of Cameroon)	Decision N° 34/D/ MINATD/DAP/SDLP/SPP of 3 April 2007
13	Parti de la Réconversion du Peuple (Party for the Reconversion of the people)	Decision N° 34/D/ MINATD/DAP/SDLP/SPP of 3 April 2007

<sup>158</sup> Source: Report By Ministry of Justice On Human Rights in Cameroon in 2006.

### Creation of new sub-divisions and councils

727. In a bid to ensure a greater participation of the people in the 2007 elections, the Government set up 51 new subdivisions<sup>159</sup> and 59 new councils.<sup>160</sup> These new subdivisions and councils caused a further set up and distribution of new constituencies.<sup>161</sup> The table below illustrates the territorial distribution of the new subdivisions.

No.	Province	New subdivision	Total number of new subdivisions
1	Adamawa	-Ngaoundere I -Ngaoundere II -Ngaoundere II -Nganha Vina -Nyambaka -Martap	6
2	Centre	-Kiiki -Kom- Yambetta Mbam Et Inoubou -Yaounde VII Mfoundi	3
3	East	-Bertoua I -Bertoua II Lom et Djerem -Mandjou	3
4	Far North	-Maroua I -Maroua II Diaméré -Maroua III	3
5	Littoral	-Nkongsamba I -Nkongsamba II Moungo -Nkongsamba III -Dibamba -Edea I Sanaga Maritime -Edea II -Ngwel -Douala VI Wouri	8
6	North	-Garoua I -Garoua II -Garoua III Bénoué -Mayo Houma	4

<sup>159</sup> Decree No. 2007/115 of 23 April 2007.

<sup>160</sup> Decree No. 2007/117 of 24 April 2007.

<sup>161</sup> Decree No. 2007/119 of 25 April 2007.

No.	Province	New subdivision	Total number of new subdivisions
7	North West	-Nkum Bui } -Bamenda I } -Bamenda II Mezam } -Bamenda III }	4
8	West	-Njimom Noun } -Banka Haut - Kam } -Fonge - Tongo Menoua } -Bafoussam I } -Bafoussam II Mifi } -Bafoussam III }	6
9	South	-Meyomessi } -Ebolowa I } -Ebolowa II } -Efoulan Mvila } -Biwong- Bulu } -Kribi I } -Kribi II Ocean } -Lokoundje }	8
10	South West	-Limbe I } -Limbe II Fako } -Limbe III } -Kumba I } -Kumba II Meme } -Kumba III }	6

728. The table below illustrates the territorial distribution of the new councils.

No.	Province	Division	New councils	Number of new councils
1	Adamawa	Vina	-Nganha -Ngaoundere I -Ngaoundere II -Ngaoundere III -Nyambaka -Martap	6
2	Centre	Mbam et Inoubou	- Bafia - Kiiki - Kom - Yambetta	4
3	East	Lom et Djerem	- Bertoua I - Bertoua II - Mandjou	3
4	Far North	Diaméré	- Maroua I - Maroua II - Maroua III	4
		Logone et Chari	Darak	

No.	Province	Division	New councils	Number of new councils
5	Littoral	Moungo	- Nkongsamba I - Nkongsamba II - Nkongsamba III	8
		Sanaga- Maritime	- Dibamba - Edea I - Edea II - Ngwei	
		Wouri	Douala VI	
6	North	Benoue	- Garoua I - Garoua II - Garoua III - Garoua IV	4
7	North West	Bui	- Kumbo - Nkum	5
		Mezam	- Bamenda I - Bamenda II - Bamenda III	
8	West	Haut - Nkam	- Bafang - Banka	9
		Menoua	- Dschang - Fongo - Tongo	
		Mifi	- Bafoussam I - Bafoussam II - Bafoussam III	
		Noun	- Foumban - Njimom	
9	South	Dja et Lobo	- Sangmelima - Meyomessi	10
		Mvila	- Ebolowa I - Ebolowa II - Efoulan - Biwong - Bulu	
		Ocean	- Kribi I - Kribi II - Lokoundje	
		Vallée du Ntem	- Kye - Ossi	
10	South West	Fako	- Limbe I - Limbe II - Limbe III	6
		Meme	- Kumba I - Kumba II - Kumba III	
Total number of new councils				59



## **Electoral disputes**

729. The organization and running of elections usually generate a great number of disputes. In this connection, it will be important to distinguish between pre-electoral disputes and post-electoral disputes. To illustrate how such disputes are handled by the courts, special focus will be made on the 2007 legislative and municipal elections.

### **Pre-electoral disputes**

730. Pre-electoral disputes refer to disputes arising from the publication of lists of candidates.

#### *Pre-electoral disputes arising from the 2007 legislative elections*

731. Twenty-nine (29) petitions were registered on pre-electoral disputes arising from the publication of the list of candidates for the legislative elections. The matters were heard on 7 June 2007, nine (9) of them declared founded, and the other twenty (20) declared inadmissible or unfounded.

732. The nine (9) cases that were declared founded are as follows:

- In *UNDP v. The State of Cameroon* (MINATD), a petition was filed against the latter for omission of the UNDP list in the Mefou-and-Akon constituency in the Centre Province. By judgment No. 2/CEL/7 of 7 June 2007, the Court ordered MINATD to publish the UNDP list in the said constituency.
- In *AFP v. The State of Cameroon* (MINATD) the petitioner prayed the Court to order MINATD to rectify an error made on the AFP list in the Mezam-Centre constituency in the North West Province. By judgment No. 3/CEL/7 of 7 June 2007, his prayer was granted.
- In *Banmi Emmanuel Dingha v. The State of Cameroon* (MINATD), Gabsa Nyugha Sixtus, CPDM, the petitioner prayed the Court to annul Gabsa Nyugha Sixtus's candidature in favour of his in the Ngo-Ketunjia-South constituency in the North West Province. By judgment No. 11/CEL/7 of 7 June 2007, the Court granted his prayer.
- In *AFP v. The State of Cameroon* (MINATD), the petitioner prayed the Court to order the rectification of an error made by MINATD on the AFP list in the Benoue-West constituency in the North Province. By judgment No. 22/CEL/07 of 7 June 2007, the Court ordered MINATD to rectify the said error.
- In *UNDP v. The State of Cameroon* (MINATD), the petitioner filed a suit against MINATD's rejection of the UNDP list in the Haut-Nyong constituency in the East Province. By judgment No. 4/CEL/07 of 7 June 2007, the Court ordered MINATD to accept the said list.

- In *Fogue (UDC) v. The State of Cameroon (MINATD)*, the petitioner challenged MINATD's rejection of the UDC list in the Mifi constituency in the West Province. By judgment No. 13/CEL/07 of 7 June 2007, the court ordered the reinstatement of the UDC list in that constituency.
- In *Okolo Marie Michelle (UPC) v. The State of Cameroon (MINATD)*, the petitioner complained against MINATD's rejection of the UPC list in Mbam-and-Inoubou constituency in the Centre Province. By judgment No. 17/CEL /07 of 7 June 2007, the Court ordered MINATD to accept the said list.
- In *Fotso Robert (UPC) v. The State of Cameroon (MINATD)*, the petitioner complained against the rejection of the UPC list in the High-Plateaux constituency in the West Province. By judgment No. 20/CEL/07 of 7 June 2007, the Court ordered the reinstatement of the said list.
- In *AFP v. The State of Cameroon (MINATD)*, the petitioner filed a petition against the rejection of the AFP list in Bamboutos in the West Province. By judgment No. 23/CEL/07 of 7 June 2007, the Court ordered MINATD to publish the said list.

*Pre-electoral disputes arising from the 2007 municipal elections*

733. The amendment of Law No. 92/2 of 14 August 1992 to lay down conditions for the election of municipal councillors by Law No. 2006/10 of 29 December 2006 has transferred jurisdiction that was formerly conferred on Council Supervisory Commissions to the Administrative Bench of the Supreme Court to entertain disputes on lists of candidates for municipal elections.

734. This Court heard and determined, for the first time, the disputes arising from the 22 July 2007 municipal elections. A total of one hundred and one (101) matters on the cause-list were heard and determined by the Administrative Bench of the Supreme Court in its court session of 12 June 2007.

**Post-electoral disputes**

735. Post-electoral disputes related to the 22 July 2007 legislative elections will be examined separately from those related to the municipal elections.

*Post-electoral disputes on legislative elections*

736. The Supreme Court, sitting as the Constitutional Council, heard and determined one hundred three (103) matters on 7 and 8 August 2007. Out of the one hundred three (103) matters heard and determined, ninety seven (97) were declared unfounded for various reasons such as the violation of sections 49 and/or 55 of Law No. 2004/4 of 21 April 2004 to lay down the organization and functioning of the Constitutional Council, and want of evidence.

737. Whereas some results were confirmed, others were cancelled. The following decisions are illustrative:

- After a recount of votes by the National Commission for the Final Counting of Votes, the Court confirmed the SDF seat in the Mezam-South constituency.
- In *Nintcheu Jean Michel (SDF), Etroukang Jean Pierre (UNDP) v. The State of Cameroon (MINATD)*, the petitioners contended that the 22 July 2007 legislative elections in the Wouri-Est constituency were marred by fraud and irregularities. By judgment No. 30/CEL of 7 August 2007, the Supreme Court annulled the said elections.
- In *Kodock Augustin Frederick (UPC) v. The State of Cameroon (MINATD)*, the petitioner filed a suit urging the Court to order a rerun of the 22 July 2007 legislative elections in the Nyong-and-Kelle constituency on the grounds that the said elections were characterised by irregularities, which included the corruption of voters. By judgment No. 11/CEL of 7 August 2007, the Supreme Court annulled the said elections.
- In *Njana Marie Joseph (MDP) v. The State of Cameroon (MINATD)*, Njana Marie Joseph, candidate and representative of the MDP list for the Mungo-South constituency, for the 22 July 2007 legislative elections for the above constituency, contended that the elections were fraught with a number of irregularities which included intimidation of voters and expulsion of MDP representatives from some polling stations. By judgment No. 116/CEL of 7 August 2007, the Court annulled the said elections.
- In *Basil Yagai (UNDP) v. The State of Cameroon (MINATD)*, the petitioner seized the Supreme Court to annul the 22 July 2007 legislative elections in the Mayo Tsanaga-North constituency. He contended that the elections were fraught with irregularities which included the falsification of the report of Boula 'C' polling station. By judgment No. 118/CEL of 7 August 2007, the Supreme Court annulled the said election and accordingly ordered its rerun.
- In *Kwemo Pierre (SDF) v. The State of Cameroon (MINATD)*, the petitioner contended that the 22 July 2007 legislative elections in the Upper-Nkam constituency were fraught with irregularities, which included the intimidation of voters and exclusion of SDF representatives in polling stations. By judgment No. 119/CEL of 7 August 2007, the Supreme Court annulled the legislative elections in that constituency.

#### *Post-electoral disputes on municipal elections*

738. The Administrative Bench of the Supreme Court, on 22 to 24 August and 3 to 4 September 2007, heard and determined two hundred and sixteen (216) disputes related to the 22 July 2007 municipal elections.

739. The Court cancelled municipal elections in the following Councils: Mogode, Pette, Mokolo, Kekem, Bafang, Bana, Douala 5th District, Matomb, Messondo, and Bafoussam 3rd District. A summary of the decisions are as follows:

- In *Kwemo Pierre v. The State of Cameroon* (MINATD), the petitioner, candidate and representative of the SDF list for the Bafang council for the 22 July 2007 municipal elections in the said council, filed a petition urging the Administrative Bench of the Supreme Court to annul the elections in the said council. By judgment No. 289/06-07/CE of 29 August 2007, the Administrative Bench annulled the municipal elections in the said council for irregularities.
- In *Kosna Badadi v. The State of Cameroon* (MINATD), the petitioner urged the Administrative Bench of the Supreme Court to cancel the municipal elections in Mokolo Rural Council for violation of Sections 10 (2) and 33 of Law No. 92/2 of 14 August 1992. By judgment No. 288/06-07/CE of 29 August 2007, the Administrative Bench of the Supreme Court considered the petition as founded and accordingly annulled the said elections in that council.
- In *Solt Fone Daniel, Nghanhoui Anatole v. The State of Cameroon* (MINATD), CPDM and PSU, the petitioners, candidates for the PSU list and CPDM list for Bafoussam 3rd District Council respectively, for the 22 July 2007 municipal elections, filed a petition on the grounds that the elections were fraught with a number of irregularities which included selective registration of voters and distribution of voter's cards and intimidation of voters. After dismissing the allegations of the first petitioner as unfounded, the Administrative Bench of the Supreme Court approved those of the second petitioner and by judgment No. 290/06-07/CE of 29 August 2007 ordered a rerun of elections in the Bafoussam 3rd District Council.
- In *Kalamback kollo Jean Debonnaire v. The State of Cameroon* (MINATD) and *Kadji Deffoso Joseph*, the petitioner alleged that the 22 July 2007 municipal elections in the Bana council were fraught with a number of irregularities which included the selective registration of voters, participation of chattered and ambulant voters, multiple voting and corruption. By judgment No. 283/06-07/CE of 29 August 2007, the Administrative Bench of the Supreme Court ordered the rerun of the said elections.
- In *Issola Blaise, Moussi Paul Simplicie and Ekoh Ebombou Christine v. The State of Cameroon and Sop Jean Georges*, the petitioners filed a suit urging the Administrative Bench of the Supreme Court to annul the municipal elections in Messondo council constituency. They alleged that the said elections were characterised by massive fraud and irregularities. By judgment No. 191/06-07/CE of 29 August 2007, the Court annulled the elections in the said council.

- In *Doug Boniface, Adolphe Joseph Doumbe & Others v. The State of Cameroon (MINATD) and Mrs Foning Françoise*, the Administrative Bench of the Supreme Court by judgment No. 284/06-07/CE of 29 August 2007, annulled the council elections of 22 July 2007 in the Douala 5<sup>th</sup> District Council for fraud and irregularities.
- In *Nyobe Nyobe v. The State of Cameroon (MINATD) and Lone Jean*, the Administrative Bench of the Supreme Court, by judgment No. 286/06-07/CE of 29 August 2007 annulled the council elections of 22 July 2007 in the Matomb Rural Council for violation of Section 8 of Law No. 92/2 of 14 August 1992 and for irregularities.
- In *Bouba Hamadou v. the State of Cameroon (MINATD) and ANDP*, the petitioner, a CPDM candidate for the Pette council, for the 22 July 2007 municipal elections, urged the administrative Bench of the Supreme Court to annul the elections for the said Council. By judgment No. 282/06-07/CE of 29 August 2007, the Court annulled the council elections of the Pette council for irregularities.
- In *Yema Gilbert v. The State of Cameroon (MINATD) and Ayuk Takuchung John*, the petitioner, candidate and representative of the list of the CPDM for the Mogode council for the 22 July 2007 municipal elections, urged the Administrative Bench of the Supreme Court to annul the elections in the said council. He contended that the elections were fraught with a number of irregularities which included intimidation of CPDM militants by those of the NUDP and the corruption of some Chairs of local commissions by NUDP militants. By judgment No. 153/06-07/CE of 29 August 2007, the Administrative Bench of the Supreme Court held, inter alia, that the said elections were fraught with irregularities, and accordingly ordered their rerun.

740. A rerun of the legislative elections in the constituencies where elections were cancelled was organized on 30 September 2007 in accordance with the law.

741. The setting up of many political parties, the computerization of the electoral register, the organization of pluralist and periodic elections, the adoption of instruments to govern elections, and the determination of the courts to settle electoral disputes, enable citizens to participate effectively, directly or indirectly, in the management of public affairs.

#### **Article 26: Equality before the law**

742. In Cameroon all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. A detailed analysis of the constitutional and legal provisions on this right as well as administrative and other measures taken to ensure equality and non-discrimination is provided under articles 2 and 3 above.

### **Article 27: Rights of minorities**

743. There is no problem of religious<sup>162</sup> and linguistic<sup>163</sup> minorities in Cameroon. People are free to practice their own religion and use their own language. The State of Cameroon comprises more than 250 ethnic groups, each having its own peculiarity. Some of these ethnic groups have been identified as minorities and marginalized populations. These include the Mbororos, Bakas and the Pygmies whose rights and interest are promoted and protected in Cameroon.

744. In this context, the Preamble of the Constitution provides, “The state shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law”.

### **Policies and programmes**

745. The Government is putting in every effort to ensure the respect of this constitutional provision. In this regard, Government has set up in MINAS the Department of National Solidarity in charge especially of drawing up policies, implementation and follow-up of programmes for the fight against social exclusion and the social integration of the marginalized and disaster victims in collaboration with other services concerned.

746. In recent times, Government has undertaken policies and programmes to promote and protect the rights of minorities and to prevent their social exclusion. Within the framework of its duties to combat social exclusion, draw up programmes on fundamental rights and promote the socio-economic integration of the marginalized, MINAS intervened in the following areas:

- Promotion of citizenship and the participation of the Bakas and Mbororo in society by the establishment of 600 birth certificates for members of these communities
- Funding of micro-projects for the benefit of the marginalized in Cameroon
- Drawing up of a draft bill on the promotion of the integration of the marginalized
- Lobbying for the representation and participation of the marginalized in society
- Support Project, organized by Cameroon (MINAS) and Belgium (CTB), for the Socio-Economic Development of the Bakas (PADES Baka) of Djoum, Oveng and Mintom in the Dja and Lobo Division, South Province, with a view to improve on Baka integration in national life. The main aims of this project were to improve on hygiene and access to water

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<sup>162</sup> See discussions on freedom of worship in Cameroon under article 18 above.

<sup>163</sup> See in this context, Article 1(3) of the Constitution which states, “The official languages of the Republic of Cameroon shall be English and French, both languages having the same status. The State shall guarantee the promotion of bilingualism throughout the country. It shall endeavour to protect and promote national languages”.

- Supply health centres with drugs
- Encourage and facilitate school attendance of Baka children
- Assist in the establishment of birth certificates and other official documents
- Educate the Bakas on their rights
- Educate them on inter-communal life
- Train State, regional and local authorities on community management and the implementation of inter-communal social mediation
- Help the Bakas and Bantus communities in the classification of forests and protected areas
- Help the Bakas and Bantus in gaining access to forest exploitation revenue and in the valorisation of local development activities
- Provide support for the commercialisation of agricultural and forest products
- Identify and support existing Baka organizations

747. During a joint meeting by MINATD and MINAS on 29 November 2006, emphasis was laid on the psychosocial approach in Councils with the view to improving on care for the poor and to valorising traditional chiefdoms of the marginalized (Pygmies, Mbororo) by encouraging access to land, civil status certificates and National Identity Cards.

748. Actions linked to access to citizenship, civic rights, the right to education and health as well as cultural, socio-economic and environmental rights have been carried to promote and protect the rights of minorities with the help of NGOs such as PLAN Cameroon, Belgian Technical Cooperation in Cameroon (CTB), UNICEF, UNESCO and the Central African Sub-Regional Bureau of the International Labour Organization (BSRAC/OIT), Cameroon Biodiversity Conservation Society/Bird Life Cameroon, Mbororo Social and Cultural Development Association (MBOSCUDA), Association of the Bakas of Cameroon (ASBAK-Cameroon), Centre for the Environment and Development, and Foundation for the Environment in Cameroon. On 9 August 2008, MINAS celebrated the first ever International Day of the Indigenous People in partnership with the Sub-Regional Centre for Human Rights and the NCHRF

### **Seminars and meetings**

749. In a bid to further protect and promote the rights of the marginalized, Government participated in the following seminars:

- Workshops on the protection and promotion of the rights of the marginalized, under the patronage of MINAS in 2006

- Regional seminar organized by the AU Commission on Human and Peoples' Rights on sensitization on the fundamental rights of indigenous people in Africa from 13 to 16 September 2006 in Yaounde
- Workshop to validate the research document on legislation on the indigenous people of Africa, by the Human Rights Commission of the University of Pretoria, from 18 to 20 September 2006 in Yaounde
- Seminar on the rights of indigenous people: instruments and good practices, by the ILO International Centre, from 27 November to 1 December 2006 in Yaounde
- Workshop for the launching and planning of the Project "PRO 169" in Cameroon from 5 to 6 December 2006 by the ILO Sub-Regional Bureau for Central Africa with the aim of encouraging ILO partners (governments, NGOs, workers and employers organizations) and indigenes, to propose activities to be included in the "PRO 169" plan of action in Cameroon for the next two years
- Workshop on the follow-up of the project on the capacity building of minorities and indigenous people in favour of the implementation of international norms, from 30 November to 2 December 2006 in Yaounde in partnership with the School Instrument of Peace and the International Centre for Ethical Studies

750. The project to set up a National Solidarity Fund, which was the purport of a pre-evaluation workshop from 6 to 7 October 2006 and an inter-sectoral validation workshop from 31 October to 1 November 2006, aimed at restoring the autonomy and humanity of vulnerable persons, thanks to the ability of self realisation offered by the rehabilitation process.

751. In implementing the recommendations of the National Solidarity Forum held in Yaounde from 21 to 24 June 2005, MINAS launched an invitation to tender in March 2006 for the conduct of a study to "Set up a National Solidarity Fund in Cameroon".

752. The State of Cameroon respects and protects the rights of minorities. Government will continue adopting and implementing political, economic, administrative, legislative, and judicial measures to promote and protect these rights of the minorities.

## V. CONCLUSION

753. The submission of this report in conformity with article 40 of the International Covenant on Civil and Political Rights epitomizes Cameroon's continuous determination to uphold the intrinsic values of human rights. The promotion and protection of civil and political rights in Cameroon as presented in this report brings out measures and policies taken by the Government and other stakeholders to respect commitments undertaken by the State of Cameroon under the Covenant.

754. Cameroon's continuous effort to promote and protect human rights is manifested by the signing and ratification of some recently adopted universal and regional legal instruments. This



effort is further illustrated by the adoption of national statutory and regulatory instruments, as well as several activities carried out by the Government and at times in partnership with international bodies for the promotion and protection of human rights.

755. Although considerable effort has been made to improve on the promotion and protection of civil and political rights in the country, Cameroon does not consider its human rights record as perfect. Government is therefore aware of the need to show more respect for fundamental human rights and to be more transparent in its actions.

756. Moreover, with the achievement of the completion point of the HIPC initiative, the State is expected to effectively implement economic and social projects that generate wealth to reduce poverty and ensure that Cameroonians fully enjoy their economic, social and cultural rights which are obviously inseparable from civil and political rights.

757. It is hoped that upon examining this report, the Human Rights Committee will make relevant comments and recommendations which will enable the State of Cameroon to move forward in its effort at promoting and protecting civil and political rights.

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