

# CAMEROON

## Country Report: Anti-terrorism laws & policing

### 1. Country summary

- a. **Government:** Republic
- b. **Population:** 16 322 000
- c. **Size:** 475 442 sq km
- d. **Region:** Central Western Africa

### 2. General

#### History and Legal System

Cameroon attained independence from France and the United Kingdom on 1 January 1960. On 1 October 1960, British Southern Cameroon reunified with French Cameroon to form the Federal Republic of Cameroon (the nation had divided post-World War I as mandated by the League of Nations). The continuing war with the *Union des Populations du Cameroun* (UPC) saw President Ahidjo declare a state of emergency that was to span over a decade.


Current President Paul Biya came to power on 4 November 1982. Throughout the mid-1980s to late 1990s economic crisis caused suffering and instability in the country. Tension between Christians and Muslims and the movement from the country's English speaking citizens demanding greater autonomy are sources of ongoing volatility. Cameroon's legal system is largely based on French civil law with common law influences.

The president retains the power to control legislation or to rule by decree. President Biya has used his legislative control to change the constitution and extend the term lengths of the presidency.<sup>1</sup> The country's Constitution was drafted in 1996. President Biya was last re-elected October 2004. Although the process was marred with irregularities, observers reportedly accepted that the result reflected the will of the Cameroonian people.<sup>2</sup>

#### Terrorism, Security and Policing

While there are no specific threats of terrorism<sup>3</sup> in Cameroon, internal disturbances continue. The structure, culture and actions of the conflated police and military forces in Cameroon are extremely problematic in terms of abuse and lack of accountability.

There are concerns about the accountability of law enforcement and security forces in Cameroon, particularly due to the blurred distinction between military and civilian forces.



The national police, the National Intelligence Service (DGRE), the gendarmerie, the Ministry of Territorial Administration, the army's military security department, the army, the minister of defense, and, to a lesser extent, the Presidential Guard are responsible for internal security. The national police and gendarmerie have primary responsibility for law enforcement. The Ministry of Defense, including the gendarmerie, national police, and DGRE, are under an office of the presidency. This results in strong presidential control of security forces. The national police include the public security force, judicial police, territorial security forces, and frontier police.<sup>4</sup>

The interaction between civilian police and the military is concerning. For example, a country report by the US State Department reported a situation in 2005 where police arrested a man on embezzlement charges, placed him in the hands of gendarmes at the Bonanjo station where he was tortured for three days. In response to his refusal to plead guilty, he was transferred to Akwa-Nord, where gendarmes tortured him again. The man died the following week.<sup>5</sup> Although six people were arrested in regard to the death proceedings never took place. When prosecutions do occur, they are before a military court as opposed to the ordinary criminal system. It also appears that police officers are also brought before a military tribunal rather than a criminal court (depending on the nature of the offence). This arguably represents a major flaw in the system of accountability for police officers in Cameroon.


The same report raises concerns about arrest and detention procedures: “The law permits detention without charge by administrative authorities such as governors and senior divisional officers for renewable periods of 15 days ostensibly to combat banditry and maintain public order. Persons taken into detention frequently were denied access to both legal counsel and family members.”<sup>6</sup> Moreover, police may legally detain a person in connection with a common crime for up to 24 hours and may renew the detention three times before bringing charges. Only in the country's two Anglophone provinces does the law provide for the right to judicial review of the legality of detention. In the country's Francophone provinces, judicial authorities are prevented from acting on a case until the authority that ordered the detention turns the case over to the prosecutor, which “in practice... take[s] between 15 days to a month.”<sup>7</sup>

### **3. Relevant Legislation**

It appears from the 2003 UN Human Rights Bodies report that the Cameroonian Criminal Penal Code is flexible enough to allow for prolonged detention and has been used in this way in a number of cases.

There appears to be an office/official called the Delegate for National Security. However, it is unclear as to which piece of legislation gives this delegate a mandate.

Cameroon's 2003 report to the Counter Terrorism Committee (the UN supervisory body of the implementation of Security Council Resolution 1373) states that “criminal legislation for the punishment of terrorism and all its ramifications is being developed” and has reiterated its support for international



cooperation in implementing the requirements of Resolution 1373.<sup>8</sup> No legislation directly addressing either money-laundering or terrorism offences has yet been introduced.

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<sup>1</sup> US Department of State (8 March 2006) *Country Reports on Human Rights Practices - 2005: Cameroon* : <http://www.state.gov/g/drl/rls/hrrpt/2005/61558.htm>.

<sup>2</sup> Ibid.

<sup>3</sup> In the absence of internationally accepted definitions of the terms “terrorism”, “terrorist” and “terrorist act”, in this report these terms refer to either the definition as enshrined in the country’s legislation, or the common use of the term. The use and meaning of these terms is addressed in CHRI’s report “Stamping Out Rights: The impact of anti-terrorism laws on policing” (2007).

<sup>4</sup> US Department of State (8 March 2006) *Country Reports on Human Rights Practices - 2005: Cameroon* <http://www.state.gov/g/drl/rls/hrrpt/2005/61558.htm>.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> See, eg, comments of Iya Tidjani (Cameroon) in Press Release (26 June 2002) “Chairman of Security Council’s Counter-Terrorism Committee Describes Recent Success in Implementing Council’s Anti-Terrorism Strategy” (UN Doc SC/7436): <http://www.un.org/News/Press/docs/2002/sc7436.doc.htm>.