

# SUMMARY REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF CAMEROON

This report provides updated information and data on the use of the death penalty in the Republic of Cameroon for the country's upcoming review by the Working Group on the Universal Periodic Review (UPR) in November 2023 (4<sup>th</sup> cycle).

## FACTS AND FIGURES

- Cameroon has observed a moratorium on executions since 1997, but continues to hand down death sentences.
- Most death sentences in recent years have been handed down by military courts, mainly within the framework of the fight against terrorism in the Far North and of the "Anglophone crisis".
- In 2021, at least 4 people had their death sentences confirmed. There was no death sentence recorded in 2022.
- Since the last UPR in 2018, an increasing number of death sentences have been overturned on appeal.
- At the beginning of 2023, an estimated 135 prisoners were under sentence of death in Cameroon.
- The lack of transparency and communication on disaggregated data from the authorities hinders any grasp of the real extent of the situation of the death penalty in Cameroon.

### **Recommendations:**

- *Establish a moratorium on the imposition of death sentences;*
- *Formalize the moratorium on executions that has existed de facto since 1997;*
- *Publish data annually on the use of the death penalty, including the number of people sentenced to death, the nature of the offenses for which they have been convicted, their socio-economic profile, their nationality, places of detention, the number of persons sentenced to death who died in prison, the number of persons sentenced to death having benefited from a pardon.*

## LEGAL FRAMEWORK

### **National legal framework:**

- The right to life is enshrined in the Constitution (art. 65). Its Preamble also states that no one may be subjected "to torture or to cruel, inhuman or degrading treatment or punishment".
- Despite these provisions, around 30 offenses are punishable by death under Cameroonian law:
  - in the 2016 Penal Code (blood crimes and political crimes, including hostility against homeland and treason)
  - in the 2014 anti-terrorism law (including laundering of the proceeds of terrorist acts)
  - in the 2017 Military Justice Code (intelligence with the enemy or espionage)
- Many of these offenses do not fall into the category of the most serious crimes under international law.
- The legislation also establishes the exclusive jurisdiction of military courts for all terrorist offences, even for civilians.
- The President has the right to pardon those sentenced to death, according to the Penal Code (art. 22.1).

### **Recommendations:**

- *Abolish the death penalty for all crimes, including acts of terrorism and commute death sentences to terms of imprisonment;*
- *Amend the 2016 Penal Code, the 2014 Anti-Terrorism Law and the 2017 Military Justice Code to remove any mention of the death penalty;*
- *Amend the provisions of the 2014 Anti-Terrorism Act, so as to bring them into line with international law.*



### International instruments:

- Article 45 of the Constitution enshrines the primacy of international law over Cameroonian law, the Republic of Cameroon being a party to:
  - the International Covenant on Civil and Political Rights (ICCPR) and its First Optional Protocol
  - the African Charter on Human and Peoples' Rights (ACHPR)
  - the African Charter on the Rights and Welfare of the Child
  - the United Nations Convention on the Rights of the Child
- Cameroon however refuses to accede to the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty.
- The Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was signed in 2010 by Cameroon, but has still not been ratified.
- Since 2007, the country has continued to abstain from voting the United Nations General Assembly Resolution on a universal moratorium on the application of the death penalty.
- During its last UPR cycle (2018), Cameroon did not accept any of the 16 recommendations relating to the death penalty issued by 13 countries.

### Recommendations:

- ***Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty;***
- ***Deposit the instruments of ratification of the OPCAT alongside the General Secretariat of the United Nations.***

## THE APPLICATION OF THE DEATH PENALTY IN CAMEROON

- People facing the death penalty in Cameroon, including minors, face serious violations of procedural rights, particularly in terms of access to a lawyer, an interpreter or consular assistance.
- Suspects who do not speak French or English are regularly questioned or attend their trial without the assistance of an interpreter.
- Conditions of detention are alarming and characterized by prison overcrowding, lack of systematic separation between prisoners and pre-trial detainees, widespread ill-treatment and torture, and limited access to healthcare.
- The government is using the fight against terrorism and the Anglophone crisis as a pretext to violate human rights, arbitrarily arrest activists, and persecute dissenting voices.
- In April 2020, the president commuted some death sentences to life in prison, but numerous exceptions limited the scope of this measure, by notably excluding terrorism-related offenses.

### Recommendations:

- ***Ensure that all individuals facing the death penalty are questioned at all stages of criminal proceedings in the presence of legal counsel;***
- ***Improve the conditions of detention of people sentenced to death and ensure that Cameroon's prisons comply with international standards;***
- ***Ensure that foreign nationals or nationals who do not understand the official languages are heard or questioned in the presence of an interpreter;***
- ***Ensure that, prior to their hearing or questioning, foreign nationals involved in a case punishable by the death penalty are informed of their right to consular assistance;***
- ***Ensure that all prisoners under a death sentence are entitled to commutations of sentences decreed by the President of the Republic;***
- ***Ensure that those facing the death penalty are informed of their right to seek clemency.***