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COI QUERY

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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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COI QUERY RESPONSE – Cameroon

Resignation and desertion from the Armed Forces

1. Resignation from the Armed Forces (February 2022 – May 2023)

For information on resignation from the Armed Forces until February 2022, see the [EUAA COI Query Response on Voluntary resignation from the armed forces](#) published on 17 February 2022.

1.1 Legal framework on resignation from the Armed Forces, particularly during a period of internal armed conflict

Information on the legal framework on resignation from the Armed Forces, particularly during a period of internal armed conflict, could not be found among the sources consulted by EUAA within time constraints. However, the below information could be of relevance to the question.

There is no conscription in Cameroon and recruitment into the defence forces is voluntary.¹ Forced military service does not exist.² Men and women can enlist for military service between 18-23 years of age and the service obligation is four years.³ There has not been legislation in Cameroon enabling conscription.⁴

In Cameroon's code of Military Justice, which was passed in 2017, there is no mention of resignation from the military under peace or wartime.⁵

1.2 Implementation of legal framework

Information on the implementation of legal framework could not be found among the sources consulted by EUAA within time constraints.

1.3 Treatment by the state of former members of the Armed Forces who voluntarily resigned, particularly during a period of internal armed conflict

¹ UN, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000, A/RES/54/263, [url](#), p.7 ; US, CIA, Factbook - Cameroon, last updated 16 May 2023, [url](#)

² UN, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000, A/RES/54/263, [url](#), p.7

³ US, CIA, Factbook - Cameroon, last updated 16 May 2023, [url](#)

⁴ CPTI, Types of Military Recruitment, n.d., [url](#)

⁵ Cameroon, Law no2017/12 of 12 July 2017 to lay down the Code of Military Justice, 12 July 2017, [url](#)

Information on the treatment by the state of former members of the Armed Forces who voluntarily resigned, particularly during a period of internal armed conflict, could not be found among the sources consulted by EUAA within time constraints.

2. Desertion from the Armed Forces (January 2019 – May 2023)

2.1 Legal framework on desertion from the Armed Forces, particularly during a period of internal armed conflict

Law No. 2017/012 of 12 July 2017 on the Code of Military Justice establishes the ‘organisation of military justice and the rules of procedure applicable before the Military Tribunal’.⁶

Desertion in peacetime and wartime is a crime defined in Part III, the section on ‘Military Offences’. Concerning desertion in peacetime, Subsection (1) of Section 32 states: ‘Any servicemen who, without authorization of his superior, is absent from his place of duty for 8 (eight) successive days, or who, while on mission, leave or permission fails to report for duty within 15 (fifteen) days of the set return date shall be punished with imprisonment of from 6 (six) months to 3 (three) years.’⁷

According to Subsection (1) of Section 33, a person convicted of desertion abroad in peacetime ‘shall be punished with imprisonment for from 2 (two) to 5 (five) years’.⁸

Section 34 on ‘Desertion in wartime and/or with conspiracy’ states that:

‘(1) Desertion in the presence of the enemy, whether at home or abroad, shall be punished with the imprisonment for from 10 (ten) to 20 (twenty) years’ and ‘Desertion with conspiracy shall be punishable with imprisonment from 5 (five) to 10 (ten) years’.

Under Subsection (3) of Section 34, every act of desertion with conspiracy at wartimes ‘shall be punished with life sentence’. Subsection 4 further states: ‘Any service man who deserts to join the enemy shall be punished with the death penalty’.⁹

A person convicted of desertion in wartime is tried by a Military Tribunal under special provisions described in Part II, Chapter III. According to Section 27, the military tribunal ‘sit following a simple summons issued by its President, 48 (forty-eight) hours before the hearing’, and ‘rule in first and last instance’; ‘the accused or suspect shall brief counsel within 24 (twenty-four) hours’, and ‘the application for damages shall be inadmissible’.¹⁰

⁶ Cameroon, Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice, 12 July 2017, [url](#), p. 81

⁷ Cameroon, Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice, 12 July 2017, [url](#), p. 90-91

⁸ Cameroon, Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice, 12 July 2017, [url](#), p. 91

⁹ Cameroon, Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice, 12 July 2017, [url](#), p. 92

¹⁰ Cameroon, Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice, 12 July 2017, [url](#), p. 88-89

2.2 Implementation of legal framework

No information on the implementation of provisions on desertion could be found among the sources consulted by EUAA within the time constraints. However, the below information could be of relevance to the question.

In the sixth periodic report submitted by Cameroon under article 19 of the Convention Against Torture (CAT), the government claimed that persons tried before the Military Tribunal, ‘are guaranteed fair trial just as those tried in other criminal courts’.¹¹

However, according to Human Rights Watch (HRW), human rights groups documented ‘substantive and procedural defects’ in proceedings before the military tribunal.¹² In 2021, a military tribunal sentenced four people to death in a shooting attack on a school that killed seven children and wounded 12 others.¹³ On the event, a senior Central Africa researcher at HRW stated:

‘Victims of the Kumba massacre have a right to expect an effective investigation, and for those responsible to be brought to justice in a fair trial.’ ‘Instead, Cameroonian authorities seem to have railroaded people into a sham trial before a military tribunal, with a predetermined outcome, capped with the imposition of the death penalty which is unlawful under international human rights law.’ Irregularities of the trial are related to the accused's right to challenge and defend evidence. Defence lawyers interviewed by HRW confirmed that ‘defendants had to present their cases in one day during a “marathon hearing”’.¹⁴

Amnesty International (AI) interviewed the lawyer representing the four people condemned to death, who claimed that the trial was ‘marred with procedural irregularities’. The defendants were all heard in one day during the same hearing without considering the singular cases; there was no corroboration of evidence, and the trial was not translated into pidgin English, the language understood by all the accused.¹⁵

The Central Africa Director at HRW also raised concerns about the process and violations of fair-trial rights. While commenting on a case regarding the conviction of 10 Anglophone separatist Ambazonia leaders sentenced to life imprisonment by a military court, he noted that ‘this process has been plagued by pretrial abuses and serious allegations of fair-trial breaches that warrant independent and impartial judicial review’. According to HRW, the defendants did not receive appropriate translations during the trial and were victims of several rights violations while in detention.¹⁶

In 2021, the US Department of State (USDOS) pointed out that ‘courts often limited procedural rights in politically sensitive cases’. For instance, 60 lawyer defending members of the Cameroon Renaissance Movement (MRC) withdrew from representation of 124 inmates

¹¹ Cameroon, Sixth periodic report submitted by Cameroon under article 19 of the Convention pursuant to the simplified reporting procedure, CAT/C/CMR/6, 21 March 2022, [url](#), para. 51

¹² HRW, Cameroon: Sham Trial for Kumba School Massacre, 22 October 2021, [url](#)

¹³ Journal du Cameroun, “Cameroon: Four get death sentence over Kumba school massacre”, 8 September 2021, [url](#)

¹⁴ HRW, Cameroon: Sham Trial for Kumba School Massacre, 22 October 2021, [url](#)

¹⁵ AI, Death Sentences and Executions 2021, 24 May 2022, [url](#), p.54

¹⁶ HRW, Cameroon: Separatist Leaders Appeal Conviction, 3 September 2019, [url](#)

because ‘they did not want to be associated with arbitrariness and illegality’. The lawyers claimed that civil, administrative, and military judges handling the cases lacked independence and fairness.¹⁷ In a press release on the resolution on the human rights situation in Cameroon¹⁸, the European Parliament urged the Cameroonian authorities to ‘stop bringing people to trial before a military court in trials with a predetermined outcome, which is often a death sentence’.¹⁹

As of 30 May 2023, Cameroon has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.²⁰ According to Together against the Death Penalty (ECPM), a French association fighting for the universal abolition of the death penalty, ‘Cameroon has one of the largest number of people sentenced to death in French speaking Africa’, and there are no sufficient data to monitor the evolution of death penalty.²¹ Prison Insider, an information platform on prisons in the world, similarly states that official data on death sentences is lacking and ‘is sometimes inconsistent with figures published by civil society organisations’.²²

Following the entry into force of the 2014 Anti-Terrorism Law²³, death penalties imposed by military courts increased.²⁴ However, according to ECPM and World Coalition Against the Death Penalty, no executions were recorded since 1997.²⁵ AI reported that, in 2020, at least 120 people sentenced to death were awaiting their execution.²⁶ The same source reported that those numbers increased to 250 at the end of 2021.²⁷

2.3 Treatment by the state of deserters from the Armed Forces, particularly during a period of internal armed conflict

No specific information on the treatment by the state of deserters from the Armed Forces could be found among the sources consulted by EUAA within the time constraints. However, the below information could be of relevance to the question.

HRW, based on findings from a fact-finding mission on the treatment of the Cameroonians who were denied asylum and were deported from the US to Cameroon between 2019 and

¹⁷ USDOS, 2021 Country Report on Human Rights Practices - Cameroon, 12 April 2022, [url](#)

¹⁸ European Parliament, Resolution on the human rights situation in Cameroon, 25 November 2021, [url](#)

¹⁹ Legislative Observatory of the European Parliament, Resolution on the human rights situation in Cameroon, 25 November 2021, [url](#)

²⁰ UN, Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, 15 December 1989, A/RES/44/128, n.d., [url](#)

²¹ ECPM, Sentenced to Oblivion Fact-Finding Mission on Death Row: Cameroon, October 2022, [url](#), p. 18

²² Prison Insider, Cameroon: detention conditions of people sentenced to death, 18 January 2022, [url](#)

²³ Cameroon, Law n°2014/28 of 23 December 2014 of the suppression of Acts of Terrorism, 26 December 2014, [url](#)

²⁴ ECPM, Sentenced to Oblivion Fact-Finding Mission on Death Row: Cameroon, October 2022, [url](#), p. 18; Prison Insider, Cameroon: detention conditions of people sentenced to death, 18 January 2022, [url](#)

²⁵ ECPM, Cameroon: Barometer, n.d., [url](#); ECPM, Sentenced to Oblivion Fact-Finding Mission on Death Row: Cameroon, October 2022, [url](#), p. 18; World Coalition Against the Death Penalty, Cameroon - Abolitionist in practice, 23 May 2023, [url](#)

²⁶ AI, Death Sentences and Executions 2020, 21 April 2021, [url](#), p. 47

²⁷ AI, Death Sentences and Executions 2021, 24 May 2022, [url](#), p.51

January 2021, claimed that returnees in Cameroon ‘suffered persecution and other serious human rights violations in Cameroon post-return’.²⁸ Media sources mentioned that among these returnees were members of the police and the army.²⁹ In October 2020, local media reported that two police officers who deserted their duty station were arrested and detained while awaiting court-martial.³⁰ In November 2020, the newspaper Voice of America (VOA) reported a statement by the government claiming that three military deserters, deported from the US, were held in custody for investigation upon arrival and that they ‘would face charges in court’.³¹

According to a 2020 article by Actu Cameroun, a local online newspaper, frustration and distrust over ‘a hopeless war’ drove many soldiers to leave the army.³² In December 2020, the newspaper Jeune Afrique reported that the Cameroonian Minister of Defense would proceed to the removal from the payroll of 637 soldiers absent from their posts. The reasons mentioned to explain desertions were related to corruption, the low turnover of personnel on the war fronts and the embezzlement of bonus and equipment budgets.³³ No information could be found on whether this removal took place.

3. Information on the conditions in military prisons, especially for deserters

No information on the conditions in military prisons could be found among the sources consulted by EUAA within the time constraints. However, the below information on general prison conditions could be of relevance to the question.

In a study analysing the detention conditions of prisoners sentenced to death, ECPM claimed that ‘the realities experienced by detainees are a long way from international standards.’ The report examined the issue of overcrowding, and low funding for prisoners’ health and food. There was extreme overcrowding in the prisons of Maroua. The prison ‘with a capacity of 350 detainees, held more than 2,000 people in October 2018. The central prison of Kondengui in Yaoundé, with capacity for 1,500 detainees, housed more than 4,250 at the end

²⁸ HRW, “How Can You Throw Us Back?”; Asylum Seekers Abused in the US and Deported to Harm in Cameroon, 10 February 2022, [url](#), p. 1

²⁹ CamerounWeb, Des officiers déserteurs de l’armée et des ambazoniens parmi les rapatriés des USA au Cameroun [Army deserters and Ambazonians among US returnees in Cameroon], 18 October 2020, [url](#) ; Koaci, Cameroun: Des officiers déserteurs de l’armée et des séparatistes rapatriés par les USA [Cameroon: Deserters from the army and separatists repatriated by the US], 19 October 2020, [url](#) ; VOA News, Cameroon Activists Fear for Fate of Asylum Seekers US Plans to Deport, November 10, 2020, [url](#)

³⁰ CamerounWeb, Des officiers déserteurs de l’armée et des ambazoniens parmi les rapatriés des USA au Cameroun [Army deserters and Ambazonians among US returnees in Cameroon], 18 October 2020, [url](#) ; Koaci, Cameroun: Des officiers déserteurs de l’armée et des séparatistes rapatriés par les USA [Cameroon: Deserters from the army and separatists repatriated by the US], 19 October 2020, [url](#)

³¹ VOA News, Cameroon Activists Fear for Fate of Asylum Seekers US Plans to Deport, November 10, 2020, [url](#)

³² Actu Cameroun, Désertion dans les rangs : 226 soldats décampent [Desertion in the ranks: 226 soldiers decamp], 14 December 2020, [url](#)

³³ Jeune Afrique, Cameroun: après de nombreuses désertions, le ministère de la Défense veut procéder à des radiations [Cameroon: after numerous desertions, the Ministry of Defense wants to carry out write-offs], 12 December 2020, [url](#)

of 2016. Similarly, the central prison of Douala, with capacity for 800 people, had more than 3,000 at the end of 2016. Garoua prison, with capacity for 500, housed 2,000 in June 2017.³⁴

Prison Insider also described the living conditions of prisoners sentenced to death. In Bafoussam, prisoners 'live in cells of four-square metres. At Maroua prison, between 50 and 60 people are imprisoned in cells of 20 square metres. Inmates sleep on planks or boxes instead of mattresses, facilities are regularly flooded during the rainy season, while 'the heat during the dry season is unbearable'.³⁵

ECPM documented that overcrowding has 'very serious repercussions on detainees' as funds provided to feed the inmates are scarce and 'malnutrition is one of the main causes of illness and death'. Besides the lack of food, medical personnel, medical supplies, and sanitation facilities are largely insufficient to meet their needs. Overcrowding contributes to numerous diseases, including tuberculosis, HIV/AIDS, cholera, scabies, diarrhoea, and an 'alarming numbers of deaths'.³⁶

In its report on human rights practises covering 2022, USDOS mentioned significant human rights issues, including credible reports of 'harsh and life-threatening prison conditions'. USDOS referring to a report issued by International Federation of Actions by Christians for the Abolition of Torture (ACAT) stated that 'the six functional prisons in the Littoral Region, with an intake capacity of 1,550, had a total population of approximately 6,000 inmates. The Douala New Bell Central Prison alone, according to ACAT, had 4,000 to 4,500 inmates in the facility, which had a designed capacity of 800.' The same report showed that 'access to food, potable water, sanitation, heating, ventilation, lighting, and medical care was inadequate' for prisoners in the Littoral Region.³⁷ A prisoner held in the same prison interviewed by HRW stated: 'We are 50 squeezed in a 9 square meters cell. There's no drinking water, and the hygienic conditions are deplorable'.³⁸

While discussing detainees' rights, AI noted that the New Bell prison in Douala was affected by two cholera epidemics which caused the deaths of at least 16 prisoners in 2022.³⁹ HRW further commented that the cholera outbreak shows how 'abysmal prison conditions' can be life-threatening for prisoners during epidemics.⁴⁰ World Organization Against Torture (OMCT) described in an online statement of the poor prison conditions in Cameroon, such as overcrowding and inadequate sanitation facilities. According to testimonies from detainees, there is no running water, poor quality food and a lack of drinking water in Douala New Bell Prison. Unsanitary living conditions facilitate the spread of contagious diseases, which are hard to fight given the lack of resources and high concentration of inmates.⁴¹

³⁴ ECPM, Sentenced to Oblivion Fact-Finding Mission on Death Row: Cameroon, October 2022, [url](#), p. 82-83

³⁵ Prison Insider, Cameroon: detention conditions of people sentenced to death, 18 January 2022, [url](#)

³⁶ ECPM, Sentenced to Oblivion Fact-Finding Mission on Death Row: Cameroon, October 2022, [url](#), p. 83-84

³⁷ USDOS, 2022 Country Report on Human Rights Practices - Cameroon, 20 March 2023, [url](#)

³⁸ HRW, Cameroon Needs to Protect Prisoners from Cholera Outbreak, 8 April 2022, [url](#)

³⁹ AI, International Report 2022/23; The State of the World's Human Rights: Cameroon, 27 March 2023, [url](#)

⁴⁰ HRW, Cameroon Needs to Protect Prisoners from Cholera Outbreak, 8 April 2022, [url](#)

⁴¹ OMCT, Cameroon: Unsanitary conditions of detention lead to cholera outbreak in prison, 19 April 2022, [url](#)

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