



## COI QUERY

Country of Origin	Cameroon
Main subject	Treatment of deserters in Cameroon
Question(s)	<ol style="list-style-type: none"><li>1. Information on the treatment of deserters after a hearing before a military court/judge (2008 to 2018)</li><li>2. Information on the current conditions of detention in military prisons for military inmates, and in particular for deserters</li></ol>
Date of completion	16 August 2018
Query Code	Q110
Contributing EU+ COI units (if applicable)	

### Disclaimer

*This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).*

*The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither 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.*

*The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.*

*The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 16 August 2018. Any event taking place after this date is not included in this answer.*



## COI QUERY RESPONSE

### 1. Information on the treatment of deserters after a hearing before a military court/judge (2008 to 2018)

Among all sources consulted and within the timeframe allocated to respond to this query, no specific information could be found on the situation of deserters brought before a military court/judge for the period from 2008 to 2018.

However, the below information could be of relevance to the question.

According to the World Factbook page on the military and security in Cameroon, updated on 7 August 2018, military service is voluntary and the government has periodically call for volunteers<sup>1</sup>.

Military justice is regulated by the Law No. 2017/012 of 12 July 2017 on the Code of Military Justice which provides for the procedure in military tribunals and punishments for military offences<sup>2</sup>.

Desertion in peacetime and wartime is specified in Chapter II of the aforementioned Law. Concerning desertion in peacetime, Subsection (1) of Section 32 reads:

‘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.

However, any serviceman who following training has not yet completed 3 (three) months of effective service shall be declared a deserter only after 30 (thirty) days of absence’<sup>3</sup>.

The penalty for desertion in peacetime with aggravating circumstances shall be doubled. As stated in Subsection (2) of the same Section 32, the aggravating circumstances are as follows:

- ‘- being a regular officer;
- taking away a weapon or any other service equipment;
- desertion of duty;
- confinement to barracks’<sup>4</sup>.

Under 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’<sup>5</sup>.

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<sup>1</sup> CIA, World Factbook, *The World Factbook – Cameroon*, updated 7 August 2018 ([url](#)).

<sup>2</sup> Republic of Cameroon, *Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice*, 12 July 2017 ([url](#)).

<sup>3</sup> Republic of Cameroon, *Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice*, 12 July 2017 ([url](#)).

<sup>4</sup> Republic of Cameroon, *Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice*, 12 July 2017 ([url](#)).

<sup>5</sup> Republic of Cameroon, *Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice*, 12 July 2017 ([url](#)).

As stated in Section 34, desertion in wartime ‘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’<sup>6</sup>.

Criminal offences, which the military tribunal has exclusive jurisdiction to hear and determine, are specified in Section 8 of the Code of Military Justice <sup>7</sup>.

The 2017 report on human rights practices by the US Department of State (US DoS) indicates the following:

‘Military courts may exercise jurisdiction over civilians for offenses including: offenses committed by civilians in military establishments; offenses relating to acts of terrorism and other threats to the security of the state including piracy; unlawful acts against the safety of maritime navigation and oil platforms; offenses relating to the purchase, importation, sale, production, distribution, or possession of military effects or insignia as defined by regulations in force; cases involving civil unrest or organized armed violence; and crimes committed with firearms, including gang crimes, banditry, and highway robbery’<sup>8</sup>.

As stated in the 2017 report on human rights practices by the US DoS, ‘Sentences by military courts could be and were appealed to civilian courts’<sup>9</sup>.

A report by the Committee against Torture (CAT) on Cameroon, dated 18 December 2017, states that ‘at least 362 persons were tried for terrorism before military courts’ and notes that ‘the competence of the military courts to try civilians was further broadened by Act No. 2017/12 of 12 July 2017 on the Code of Military Justice (arts. 2 and 12)’<sup>10</sup>.

Amnesty International annual report for the year 2017 mentions that ‘Unfair trials continued before military courts, which were often marred by irregularities’<sup>11</sup>.

Alerting on the case of ten Anglophone leaders from Cameroon, arrested in Nigeria, and at risk of deportation from Nigeria, Amnesty International notes: ‘In Cameroon, those charged with crimes related to national security are prosecuted by military courts without respect for due process, and Amnesty International has documented a widespread pattern of torture by security forces and intelligence agencies’<sup>12</sup>.

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<sup>6</sup> Republic of Cameroon, *Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice*, 12 July 2017 ([url](#)).

<sup>7</sup> Republic of Cameroon, *Law No.2017/012 of 12 July 2017 to lay down the Code of Military Justice*, 12 July 2017 ([url](#)).

<sup>8</sup> US DoS, *Country Report on Human Rights Practices 2017 - Cameroon*, 20 April 2018 ([url](#)).

<sup>9</sup> US DoS, *Country Report on Human Rights Practices 2017 - Cameroon*, 20 April 2018 ([url](#)).

<sup>10</sup> UN CAT, *Concluding observations on the fifth periodic report of Cameroon*, CAT/C/CMR/CO/5, 18 December 2017 ([url](#)).

<sup>11</sup> AI, *Amnesty International Report 2017/18 - The State of the World's Human Rights – Cameroon*, 22 February 2018 ([url](#)).

<sup>12</sup> AI, *Cameroon: Ten arrested Anglophone leaders at risk of unfair trial and torture if deported from Nigeria*, 12 January 2018 ([url](#)).



Few media articles mention cases of desertion from the Cameroonian military in the context of the Anglophone crisis (for more information on the Anglophone crisis, see previous EASO responses to COI queries dated [30 January 2018](#) and [13 June 2018](#))<sup>13</sup><sup>14</sup>.

In an article, dated 29 December 2017, the Cameroon Intelligence Report, an online news portal founded by exiled Cameroonian journalists<sup>15</sup>, claims that Donatien Melingui Nouma, a military commander of operations in the Anglophone regions, 'revealed that several Cameroonian soldiers have deserted the army to join the Southern Cameroons Defense Force'<sup>16</sup>.

Camer.be, an online news portal<sup>17</sup>, publishes a letter, dated 23 July 2018, by an anonymous deserter who participated in military operations in the Anglophone regions. In the letter, the anonymous deserter explains his motivation for desertion and his objections to the military operations in the region<sup>18</sup>.

On 26 July 2018, an article by the Cameroon Daily Journal, an online news portal<sup>19</sup>, informs that, as the result of desertion, the military high command allegedly recorded 'a constant lack of staff in the formations and units' and decided to 'prohibit[s] all missions to outside of the country for the defense staff'<sup>20</sup>. According to the article, 'Numerous cases of desertions have been recorded since 2014, as evidenced by the many cases included in the role in military courts, like that of Yaoundé'<sup>21</sup>.

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<sup>13</sup> EASO, COI Query Response (Q53), *Cameroon: Background information on the Anglophone crisis; Information on the situation for Anglophones in Cameroon's Francophone regions and in Northwest/Southwest Cameroon; Information on the recent security situation in the city of Bamenda; Information on the availability of state protection for Anglophones in Cameroon*, 30 January 2018, ([url](#)); EASO, COI Query Response (Q83), *Information on the Anglophone crisis and the current situation for the Francophone population in Cameroon's Francophone regions, in particular in Yaoundé (2017-2018)*, 13 June 2018, ([url](#)).

<sup>14</sup> Camer.be, *Crise anglophone: Des militaires désertent le front: Cameroon*, 26 December 2017 ([url](#)); Cameroun Web, *Exclusif: désertion de masse dans l'armée [Fax du Ministre Assomo]*, 25 July 2018 ([url](#)). Cameroun Web is an online news portal launched in 2014. For further information, see: Cameroun Web, *Facebook profile – Cameroun Web: About*, n.d. ([url](#)).

<sup>15</sup> The Cameroon Intelligence Report is an online news portal whose Chairman and Editor-in-Chief is an exiled Cameroonian journalist Soter Tarh Agbaw-Ebai. The portal is part of the 'Cameroon Concord News Group' founded in Essen, Germany, in 2000. For further information, see: Cameroon Intelligence Report, *Us*, n.d. ([url](#)).

<sup>16</sup> Cameroon Intelligence Report, *Anglophone Crisis: Army general says European mercenaries, deserters 'Helping Ambazonians Strike Gov't Targets'*, 29 December 2017 ([url](#)).

<sup>17</sup> Camer.be is an online portal of the Cameroonian diaspora. For further information, see: Camer.be, *Facebook profile – Camer.be: About*, n.d. ([url](#)).

<sup>18</sup> Camer.be, *Cameroon: Letter from a deserter soldier to his comrades in the disputed area of SW and NW*, 23 July 2018 ([url](#)).

<sup>19</sup> The Cameroon Daily Journal claims to 'focus on the Anglophone problem in Cameroon'. For further information, see: ABYZ News Links, *Cameroon - Newspapers and News Media Guide*, n.d. ([url](#)); Cameroon Daily Journal, *Facebook page – Cameroondailyjournal.com: About*, n.d. ([url](#)).

<sup>20</sup> Cameroon Daily Journal, *Anglophone Crisis in Cameroon: Top Reasons Behind the Desertion of Cameroon Soldiers*, 26 July 2018 ([url](#)).

<sup>21</sup> Cameroon Daily Journal, *Anglophone Crisis in Cameroon: Top Reasons Behind the Desertion of Cameroon Soldiers*, 26 July 2018 ([url](#)).

## 2. Information on the current conditions of detention in military prisons for military inmates and, in particular, for deserters

Among all sources consulted and within the timeframe allocated to respond to this query, no specific information could be found on the current conditions of detention in military prisons in Cameroon for military inmates, and in particular, for deserters.

However, the below information could be of relevance to the question.

The US DoS report (2017) notes that ‘Observers did not have access to prisoners held in unofficial military detention facilities’<sup>22</sup>. The same source notes that ‘In the Far North region, security forces also were reported responsible for holding incommunicado, torturing, and in at least 10 cases killing suspected Boko Haram and Islamic State (ISIS)-West Africa supporters in detention facilities run by the military and intelligence services,...’<sup>23</sup>

Similarly, in December 2017, the United Nations Committee Against Torture (CAT) informs that ‘between 2013 and 2017 many people from the Far North region [of Cameroon], who were suspected of supporting Boko Haram, were held incommunicado by the regular army and by members of the rapid intervention battalion in at least 20 unofficial detention centres’<sup>24</sup>. The same Committee calls urgently on Cameroon to:

‘...end the use of incommunicado detention and ensure that no one is ever held in a place that is secret or one that is not officially recognized, including ungazetted military detention centres. The State party should conduct an inquiry into the existence of such places and any persons held there should be released or transferred to official detention centres’<sup>25</sup>.

Concerning prison conditions, in general, the US DoS report (2017) mentions that ‘Prison conditions remained harsh and potentially life threatening due to gross overcrowding, inadequate food and medical care, physical abuse, and poor sanitary conditions’<sup>26</sup>. Amnesty International explains that ‘The main factors contributing to overcrowding included the mass arrests since 2014 of people accused of supporting Boko Haram, the large number of detainees held without charge, and the ineffective judicial system’<sup>27</sup>. Based on official state statistics, the World Prison Brief (WPB)<sup>28</sup> indicates that occupancy level of Cameroonian prisons reached 163.8% as of 31 December 2016<sup>29</sup>. A 2018 report by the ‘Bertelsmann Stiftung’ organisation states that ‘Prison conditions in overcrowded cells are often

<sup>22</sup> US DoS, *Country Report on Human Rights Practices 2017 - Cameroon*, 20 April 2018 ([url](#)).

<sup>23</sup> US DoS, *Country Report on Human Rights Practices 2017 - Cameroon*, 20 April 2018 ([url](#)).

<sup>24</sup> UN CAT, *Concluding observations on the fifth periodic report of Cameroon*, CAT/C/CMR/CO/5, 18 December 2017, p. 3 ([url](#)).

<sup>25</sup> UN CAT, *Concluding observations on the fifth periodic report of Cameroon*, CAT/C/CMR/CO/5, 18 December 2017, p. 4 ([url](#)).

<sup>26</sup> US DoS, *Country Report on Human Rights Practices 2017 - Cameroon*, 20 April 2018 ([url](#)).

<sup>27</sup> AI, *Amnesty International Report 2017/18 - The State of the World's Human Rights – Cameroon*, 22 February 2018 ([url](#)).

<sup>28</sup> The World Prison Brief (WPB) is an online database on prison systems worldwide. The database is updated on a monthly basis. For further information, see: WPB, *About the World Prison Brief*, n.d. ([url](#)).

<sup>29</sup> WPB, *Cameroon – Overview*, updated 31 December 2016 ([url](#)).



life-threatening<sup>30</sup>. The organisation adds: ‘Officially, Cameroon’s prisons have a maximum capacity of 17,000 inmates, but the prison population was 26,702 in early 2016’<sup>31</sup>.

The government of Cameroon, in a report submitted to the United Nations Human Rights Committee, dated 5 March 2018, informs about the progress made by the authorities in the area of detention conditions, noting the construction of new detention facilities as well as an increase in the number of health workers<sup>32</sup>.

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<sup>30</sup> Bertelsmann Stiftung, *BTI 2018 Country Report — Cameroon*, 2018, p. 11 ([url](#)).

<sup>31</sup> Bertelsmann Stiftung, *BTI 2018 Country Report — Cameroon*, 2018, p. 11 ([url](#)).

<sup>32</sup> UN HRC, *National report submitted in accordance with paragraph 5 of the annex to resolution 16/21 of the Human Rights Council – Cameroon*, A/HRC/WG.6/30/CMR/1, 5 March 2018, p. 15 ([url](#)).

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