

REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF CAMEROON

EXECUTIVE SUMMARY

The report for the Working Group on the Universal Periodic Review (UPR) presents information and data on the use of the death penalty in the Republic of Cameroon since the last session of the UPR (2013), for the 3rd examination cycle (May 2018). This report also presents several recommendations to address the ongoing violations of human rights in Cameroon.

FACTS AND FIGURES

- De facto abolitionist country: no executions carried out since 1997; however, the moratorium is not official and many death sentences continue to be handed down each year.
- 160 death sentences in 2016 (compared to 91 in 2015 and none in 2014 and 2013):
 - Cameroon is one of the 10 countries handing down the most death sentences in the world;
 - Cameroon is the francophone African country imposing the highest number of death sentences.
- About 212 people are currently detained on death row.

Recommendations

- *Ask from magistrates to put in place a moratorium on death sentences until the abolition or formalization of the moratorium on executions.*
- *Annually publish specific information on the use of the death penalty (number of people sentenced to death and executed, information about the nature of the offenses and the reasons why these people were convicted, on the implementation and identity of executed prisoners, the number of death sentences reported or commuted on appeal and the number of pardoned convicts, as well as information on the extent to which the above guarantees are incorporated into national legislation).*
- *Abolish the death penalty de jure and/or announce an official moratorium on the death penalty until its abolition.*

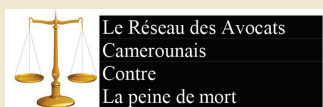
CONTEXT AND LEGAL FRAMEWORK

National legal framework

- The right to life is enshrined in the Constitution (article 65).
- 16 crimes are punishable by death in Cameroonian law:
 - 9 cases in the 2016 Criminal Code (political crimes, blood crimes, treason and espionage);
 - 4 cases in the Anti-Terrorism Act of 2014; only military courts are authorized to judge terrorism cases;
 - 3 cases in the 2017 Code of Military Justice.
- The right of pardon is a prerogative of the President of the Republic and is possible for anyone who has been sentenced to death.

Recommendations

- *Amend the 2016 Penal Code, the 2014 Anti-Terrorism Act and the 2017 Military Justice Code to eliminate the death penalty for any crime that does not involve intentional murder.*



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International instruments

- Cameroon is 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 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT).
- The country has signed the Optional Protocol to the Convention against Torture (OPCAT).
- Cameroon has not acceded to the Second Optional Protocol (OP2) to the ICCPR aiming at the abolition of the death penalty, despite its commitments to start moving in this direction.
- Since 2007, the country has abstained in the vote on the UN resolution for a universal moratorium on executions (including in the recent 2014 and 2016 votes).
- During the Universal Periodic Review (UPR) of Cameroon in 2013, Cameroon received 13 recommendations on capital punishment from 12 different countries, all of which were rejected.

Recommendations

- **Deposit the ratification instruments of the OPCAT with the United Nations.**
- **Fully implement the Robben Island Guidelines by adopting implementing regulations and providing comprehensive training to all stakeholders.**
- **Make the moratorium on capital executions official by supporting the UN General Assembly resolution seeking application of a universal moratorium on executions.**

NATIONAL CONTEXT

- Many death sentences are being handed down by military courts under the Anti-Terrorism Law, mainly in the fight against Boko Haram in the far north of the country, including to civilians or those outside the scope of this law (especially in the context of the Anglophone crisis).
- Minors are being sentenced to death through legal subterfuges, such as an apparent age certificate.
- Several procedural rights are regularly being violated, such as the right to a fair trial, to consular assistance and interpretation for foreigners, to the filing of a pardon petition, or the visit by lawyer(s).
- There have been many cases of torture of death row prisoners, especially by those convicted of terrorism.
- It is particularly difficult to obtain reliable information on death sentences and conditions of detention on death row because of a lack of transparency by the public authorities on this issue.

Recommendations

- **Amend the law on terrorism and rewrite it in non-equivocal terms.**
- **Ensure that military magistrates do not hand down death sentences in cases where the age of the accused has been determined by a certificate of apparent age.**
- **Ensure that all persons facing a death sentence are questioned in the presence of a lawyer or legal counsel, in accordance with criminal procedure.**
- **Ensure that the hearing or examination of foreign nationals or nationals who do not understand the official languages is imperatively conducted in the presence of an interpreter.**
- **Ensure that, prior to the hearing or questioning of foreign nationals involved in a case punishable by death, they are informed of their right to consular assistance.**
- **Take concrete measures to inform those facing the death penalty of their right to petition for pardon.**
- **Ensure that the commutations of sentences by the President of the Republic benefit all death row convicts.**
- **Ensure respect for human rights, including in the fight against terrorism.**
- **Observe transparency in cases of death sentence commutation, to allow death row prisoners to be informed about their fate.**

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