

A Legal Appraisal of the Application of the Principle of Humanity in the Criminal Justice System of Cameroon

PASCAL EDIE DIABE*

Abstract: This article appraises the application of the principle of humanity in the criminal justice system of Cameroon. This principle prohibits torture and inhuman or degrading punishment, promotes the rehabilitation and resocialisation of offenders, and protects the rights of victims. It does not prevent punishment but rather shapes it to be fairer, ensuring that the criminal justice system maintains its legitimacy. In essence, it ensures that justice is served in a humane manner that aligns with proportionality. Cameroon has ratified several international and regional normative frameworks demanding that suspects be treated with dignity and informed of their rights. At the national level, this principle is enshrined in the Constitution, the Criminal Procedure Code and the Penal Code, guaranteeing rights like freedom from torture and humane treatment for suspects. Through the use of relevant primary sources of data collection such as the constitution, court cases, statutes, conventions and secondary sources of data collection such as journal articles, reviews, academic books and compiled statistics, this article establishes that the practical application of this principle faces major challenges. Some of which include; continuous widespread allegations of torture and inhuman or degrading punishment and treatment, inhumane prison conditions, limited resources to meet international rehabilitation standards, and insufficient mechanisms to guarantee compensation for victims of crimes. This leads to significant gaps between legal provisions and reality, despite international commitments and domestic laws. Ultimately, the article advocates principally for a review of the legal and judicial safeguards, for

instance to provide death penalty procedural safeguards, amend Section 277-3 of the Penal Code so that the penalties for the offence of torture are proportionate to the gravity of the acts. It is also argued that the State needs to allocate enough resources especially financial and infrastructural to curb the deplorable prison conditions.

Keywords: Principle of humanity; Cameroonian criminal justice; Prohibition of torture; Rehabilitation of offenders; Victims' rights.

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1. *Introduction*

The principle of humanity in the criminal justice system is a fundamental axiom requiring that both criminal and legal relationships including investigation, prosecution and punishment must be based on respect for human dignity and the protection of basic rights¹. It acts as a fundamental limit on the State's power to punish², requiring that penalties respect human dignity, prohibit torture and avoid degrading treatment. This serves as a moral baseline, ensuring that legal processes respect human dignity without promoting impunity, but rather aligning with proportional sanctions. Consequently, torture, degrading punishment, and excessive sentences are prohibited, favouring rehabilitation. It acts as a barrier against death penalty, life imprisonment, and very long punishments³.

* Dr Edie Diabe Pascal is Senior lecturer in law in the Department of English Law, under the Faculty of Law and Political Science at the University of Douala-Cameroon. He is author of several publications and his research interests are Land Law, Law of Arbitration, Air Law, Law of Succession, Company Law, Criminal Law, OHADA Law and Cybercrime Law.

¹ Marcelo Ignacio Ovalle Bazán "La dignidad humana como límite al ius puniendi", *La jurisprudencia del tribunal constitucional de Chile*. *Dikaion*, vol.28, at 35-68. (2019) available at <http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0120-89422019000100035&lng=en&nrm=iso>. ISSN 0120-8942. <https://doi.org/10.5294/dika.2019.28.1.2> (Last visited 22 September 2025).

² (ius puniendi) It forces criminal systems to avoid "brutalizing" offenders, emphasizing that punishments should not strip individuals of their inherent value.

³ It forces criminal law to focus on rehabilitation rather than mere retribution, limiting harsh measures like the death penalty or excessive imprisonment.

Humanitarian action and international law promote the prevention and alleviation of human suffering and protect life and dignity wherever found⁴. Philosophically, particularly in Kantian ethics, it means treating all individuals, including oneself, as ends in themselves and never merely as means, recognising their inherent dignity and autonomy⁵. The State, in its power to enforce laws, must still respect the supreme value of the human personality, guiding the entire justice process from arrest to imprisonment and emphasising the need for a fair and humane system that protects fundamental rights⁶.

This principle in the Cameroonian criminal justice system is enshrined in the Constitution by Law No. 96/06 of January 18, 1996, revising the Constitution of June 2, 1972, as amended by Law No. 2008/001 of April 14, 2008⁷, affirming the right to life, physical and moral integrity, and protection from torture, cruel, or degrading treatment⁸. It ensures that individuals are treated humanely in all circumstances, a right supported by international human rights treaties to which Cameroon is bound. Cameroon has signed and ratified several international human rights instruments prohibiting torture and other ill-treatment, including the Universal Declaration on Human Rights (1948)⁹, the International Covenant on Civil

⁴ See Reidy Aisling, *Prohibition of torture, implementation of Article 3 of the European Convention on Human Rights*, at 11-19 (Guide. Transl., Chelidze, L., Bokhashvili, B., Mamukelashvili, T. Council of Europe., Human rights handbooks, No. 6, 2003).

⁵ See José Luis De La Cuesta, "The principle of humanity in penal law", *International Review of Penal Law*, Vol 82, at 458 (2011).

⁶ Human Rights are fundamental rights of every person. These rights are enshrined in Human Rights Instruments ratified by Cameroon and expressly acknowledged in the Preamble of the Cameroon Constitution of 18th of January 1996.

⁷ Gildas Pefela Nyugha, "Constitutional and statutory safeguards for fair trial and justice under Cameroonian legal system: A legal appraisal", *International Journal of Law, Justice and Jurisprudence*, 2(1), at 83(2022).

⁸The preamble provides that «every person has the right to life, physical and moral integrity and to humane treatment in every circumstance. That under no circumstances shall someone be subject to torture, inhumane and degrading treatment». Article 65 of this Constitution is to the effect that the preamble is an integral part of the constitution.

⁹ Hereinafter referred to as the UDHR.

and Political Rights (1966)¹⁰, the International Covenant on Economic, Social and Cultural Rights (1966)¹¹, the African Charter on Human and Peoples' Rights (1981)¹², the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)¹³, the Optional Protocol on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)¹⁴, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by General Assembly Resolution 40/34 (1985)¹⁵ and several other legal instruments.

By virtue of the Constitution of Cameroon, the country operates a monist legal system where ratified treaties and international agreements override national laws¹⁶. As such, these international human rights instruments, once ratified, become operational in the country without the need for an instrument of domestication and also allow for the international instruments to take prominence where there is a conflict of laws¹⁷. Cameroon has taken further measures at the domestic level to implement this principle through its Penal Code¹⁸, Criminal Procedure Code¹⁹, courts and other institutions²⁰. For instance, Section 122 of the CPC embodies the

¹⁰ Hereinafter referred to as the ICCPR.

¹¹ Hereinafter referred to as the ICESCR.

¹² Hereinafter referred to as the African Charter.

¹³ Hereinafter referred to as the CAT.

¹⁴ Hereinafter referred to as the OPCAT.

¹⁵ The UN 1985 Declaration.

¹⁶ Article 45.

¹⁷ See Smith Naseri Edumbong, "Victims of Torture and the Search for Legal Redress in Cameroon", at 36 (LLM Diss in Human Rights and Democratisation in Africa, Centre for Human Rights, University of Pretoria, 2023).

¹⁸ Hereinafter referred to as PC.

¹⁹ Hereinafter referred to as CPC.

²⁰ See for example: *Le Réseau Camerounais des organisations des droits de l'Homme* (ONG RECODH), the Centre for Human Rights and Democracy in Africa (CHRDA), the Trauma Centre Cameroon (TCC), *L'Organisation Mondiale Contre la Torture* (OMCT), the International Rehabilitation Council for Torture victims (IRCT) and *L'institution Nationale des Droits de l'Homme du Cameroun* (CDHC).

principle of humanity, requiring immediate notification of rights, humane treatment during arrest, and the presumption of innocence.

Despite these strong legal and institutional frameworks, human rights violations by law enforcement within the system - particularly regarding fair trials and cruel treatment - continue to occur, highlighting a gap between law and practice. This article therefore examines the application of the principle of humanity under the Cameroonian criminal justice system at three main levels; the prohibition of torture and all inhuman or degrading punishments or treatments, the focus on rehabilitation and resocialisation, especially in case of imprisonment, and the protection of victims of crimes.

2. Prohibition of Torture and of Any Inhuman or Degrading Punishment and Treatment

The prohibition of torture and of any inhuman or degrading punishment and treatment is undoubtedly the first practical corollary to the affirmation of the principle of humanity both in the definition of specific offences and in the execution of sentences. This prohibition is recognised internationally, not only in the UDHR²¹ and in the ICCPR²², but in the totality of international human rights texts and instruments like the African

²¹ UDHR, *supra* note 7, art. 5 (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”).

²² ICCPR, *supra* note 8, art. 7 (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”).

Charter²³. The most detailed regulation of the prohibition of torture is provided for in the CAT²⁴. Article 1 of the CAT states that:

“For the purposes of this Convention the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent or incidental to lawful sanctions”.

Today, this represents the *locus classicus* definition for torture, which has been used by international tribunals, regional judicial and quasi-judicial bodies, as well as by academics. This has been so despite the article itself stating that it is to be referred to the Convention at issue, i.e., CAT. In the case of *Prosecutor v. Furundzija*²⁵, the International Criminal Tribunal for the Former Yugoslavia noted, while referring to previous judgements of the International Criminal Tribunal for Rwanda, that the CAT definition of torture represents a consensus representative of customary international law²⁶.

This research, therefore, considers Article 1 of the CAT as the basis of the definition of torture. Stating the prohibition of torture at the constitutional level is fundamental to ensure that it does not take place within

²³ African Charter, *supra* note 10, art. 5 (“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”)

²⁴ See Reidy Aisling, *Collection of main international legal acts in the field of human rights*, at 5 (First part. Public Defender’s Library, 2001).

²⁵ Case No.: IT-95-17/1-T ICTY (10 December 1998) at para 160.

²⁶ Smith Naseri Edumebong, *supra* note 17, at 6.

the jurisdiction of a Member State²⁷. The constitutional definition of torture is the basis of defining torture as established in the criminal law²⁸, within the framework of which it should be interpreted and, as a hierarchically supreme normative act, be consistent and not contradict.

The government of Cameroon has made significant efforts and demonstrated commitment to put an end to torture and other serious human rights violations over the last two decades. These efforts are reflected in the country's commitment to procedural guarantees to combat prolonged pre-trial detention, to increase the number of courts and legal personnel, to address prison overcrowding, and to improve detention conditions.

Cameroon has equally ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000), the African Union Convention on the Prevention and Fight against Terrorism (1999) and has acceded to the African Union Convention on the Protection of and Assistance to Displaced Persons in Africa (2009)²⁹.

As for the national level, Cameroon amended the Penal Code (PC) in 2016 to reinforce the criminalisation of certain serious violations, such as female genital mutilation, breast ironing, sexual harassment, forced and early marriages, trafficking in persons, and torture. In 2017, it adopted Law No. 2017/012 of July 12, 2017, known as the Code of Military Justice, which gives competence to military courts to try cases of serious war crimes, crimes against humanity and genocide. Cameroon also set up a commission for compensation as part of the Supreme Court in 2016 and established the Ad Hoc Inter-Ministerial Committee for the Management of Urgent Refugee Situations in Cameroon³⁰. As a result of this political

²⁷ Aisling, *supra* note 4, at 52.

²⁸ PC, *supra* note 18, § 277-3(5).

²⁹ Joint Submission to the 4th Cycle of the UN Human Rights Council's Universal Periodic Review, Cameroon: Torture, Detention, and the Fight Against Terrorism, UPR 2023 Submission 3 (2023).

³⁰ See *Id*

will, serious human rights violations such as the open and generalised infliction of intense pain (as from burning, crushing, or wounding) to punish, coerce, or afford sadistic pleasure, have reduced drastically in Cameroon.

However, Cameroonian authorities are continuously seen to tacitly operate accounts of torture and abuse. Unfortunately, there are numerous arbitrary arrests and detentions incommunicado and torture in detention facilities in the country³¹. Special services and units act as a parallel system in practicing torture in Cameroon. It is on the basis of Law No. 2014/028 of December 23, 2014, concerning the repression of acts of terrorism, that the Cameroonian authorities have established a second system allowing them to circumvent the fundamental guarantees recognised in the CPC. Numerous cases of individuals being abducted and tortured by unidentified persons claiming to be from the intelligence services and other special units of the Cameroonian police, gendarmerie and army are constantly recorded³². Between 2018 and 2024 at least twenty cases of individuals subjected to abduction, incommunicado detention and torture by state military and general intelligence services. In no fewer than five cases, the victims were arrested by SEMIL (Military Security), they were tortured and subsequently handed over to the BIR (The Rapid Intervention Battalion) or the SED (State Secretariat for Defence).

The Human Rights Committee raised its concern in 2017 regarding allegations of numerous cases of torture and cruel, inhuman or degrading treatment perpetrated in the detention facilities of the Rapid Intervention

³¹ Amnesty International, "Cameroon: Rampant atrocities amid Anglophone regions must be stopped and investigated July 4, 2023, available <https://www.amnesty.org/en/latest/news/2023/07/cameroon-rampant-atrocities-amid-anglophoneregions-must-be-stopped/> (Last visited July 10, 2025).

³² Rapport de la société civile à l'examen de l'Etat du Cameroun par le Comité des nations unies contre la torture au cours de sa 81e session, en application à l'article 19 de la Convention, "CAMEROUN: Un État, deux systèmes parallèles. Contradictions dans la prévention et la lutte contre la torture, les autres peines ou traitements cruels, inhumains ou dégradants", at 28 (2024), available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FCSS%2FCMR%2F60284&Lang=en (Last visited 15 February 2026).

Brigade and the Directorate General of External Research, as well as the existence of secret detention centres operating outside any oversight. In this regard, the Committee reminded the State of its duty to prohibit and suppress secret detention or unofficial places of detention³³. These concerns were also raised by the Committee against Torture in 2017, which noted widespread use of torture in secret detention centres and called on the State to end the practice of incommunicado detention and ensure that no one is detained in a secret or unregistered location, including unregistered military detention centres³⁴.

Recently for instance, the Bar Association's Rights Commission condemned the circumstances surrounding the tragic death on December 1, 2025, of Anicet Georges Ekane, President of the African Movement for New Independence and Democracy, one of Cameroon's opposition political party³⁵. According to the Commission, the President was illegally arrested and detained for thirty-eight days constituting an unacceptable violation of the deceased's rights to a fair trial, liberty and security, and human dignity, as enshrined in international and legal basis for arrest and detention and prohibit abusive police custody³⁶. The Commission also faulted the government for violation of the right to health of the deceased

³³ See *Id.*

³⁴ See *Id.*

³⁵ Available at <https://theguardianpostcameroon.com/post/6270/fr/homebar-associations-rights-commission-condemns-circumstances-surrounding-anicet-ekanes-death-homehome> (Last visited January 13, 2026).

³⁶ There were glaring elements surrounding the arrest and detention of the deceased that highlights the likelihood of serious human rights violations. The first being, what the Commission said is illegal arrest of Ekane in Douala by unidentified individuals without a warrant. Ekane was then taken away in a vehicle and driven to the Central Judicial Investigation Service (SED) premises in Yaoundé. He was reported to have only been notified of reasons for his arrest on the 29th of October 2025 during his hearing, accused of incitement to revolt, hostility against the homeland, and calls for insurrection. Without any previous case file establishing the facts under which he was being prosecuted and allowing the deceased to defend himself, the Bar said the President was kept in custody until he died 38 days later as claimed in a statement issued thereafter by the Ministry of Defense.

and violation of his right to access to lawyers. It urges the government to conduct an independent, prompt and transparent investigation into the exact causes of Anicet Ekane's death and the conditions of his police custody³⁷.

2.1. Importance of the Specific Part of Criminal Law

The commitments stemming from the signing and ratification of international human rights instruments, oblige States to criminalise and punish the acts constituting torture and other internationally prohibited treatments in domestic law. To this effect, the preamble of the Cameroonian Constitution declares the right of everybody to "life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment"³⁸. Despite being a preambular provision³⁹, it is important to note that the Constitution provides that its 'preamble shall be part and parcel of this Constitution'⁴⁰. The inclusion of this provision can be seen as an attempt to fulfill its obligation under Article 2(1) of the CAT, which Cameroon ratified in 1986. The preamble of the Cameroon Constitution considers human dignity as inviolable, and it is protected by the State. The presented constitutional norm is imperative, which makes dignity an absolute right.

This right is enforced, inter alia, by the provision of Section 277-3(5) of the PC of Cameroon. It defines torture as:

"any act by which acute pain or suffering, either physical, mental or psychological, is intentionally inflicted to a person by a public servant, a traditional leader or any other person acting in the

³⁷ The commission referred the government to the provision at the preamble of the Constitution of Cameroon; Article 9 of the UDHR; Article 9 of the ICCPR which was ratified by Cameroon on June, 27, 1984; Article 6 of the African Charter ratified by Cameroon on December 29, 1987 and Articles 119 and 121 of CPC.

³⁸ Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972

³⁹ Cameroon Constitution, preamble, para 5 (12).

⁴⁰ Cameroon const Article 65.

course of duties either at his own instigation or with his express or implied consent, in order to obtain information or confessions from that person or from another, to punish her for an act that she or any other person has committed, or is presumed to have committed, to intimidate or overawe her or any other person, or for any other motive based on any discrimination".

The word "torture" as so defined does not apply to pain or suffering resulting from legitimate punishments, inherent to or caused by them.

In implementing its obligation under Articles 4 and 7 of the CAT, read together with Article 2 of the ICCPR, Cameroon has incorporated the right to freedom from torture within its PC. Torture is defined in the PC, similar to that provided in Article 1 of the CAT, and just like the CAT, refers to "*severe pain or suffering*"; *the PC does not provide what could be considered to be within the threshold for "acute pain or suffering"*. However, the CAT Committee has adopted very liberal definitions for the term within their decisions to show the inviolability and non-derogable nature of the right⁴¹.

Adopting the wording of Article 2(2) of the CAT, the PC further provides that there shall not be any exceptional circumstances where torture is allowed, including during a state of war or threat of war, internal political stability or state of exception⁴². Obedience to the order of a superior or a public authority does not constitute a justification for torture. The perpetrator of torture is therefore criminally liable⁴³. In line with this and in order to uphold its international commitments, Cameroon has through Circular Letter No. 190256/DV/MINDEF/1 of January 18, 2019 of the Minister of Defence, (communicated by Note No. 153/MRP/GN/244 of January 23, 2019 of the Secretary of State to the Minister of Defence in charge of the National Gendarmerie), reminded the Defence and Security Forces of

⁴¹ Reidy Aisling, at 52-53(cited in note 4). See also Article 2(2) of the CAT.

⁴² PC, *supra* note 18, § 277-3(6).

⁴³ See *Id.* § 277-3(7).

the absolute prohibition of torture and warned that any public official who acts contrary shall be held personally liable⁴⁴.

Section 277-3 of the PC disciplines extensively the criminalisation of torture. It prescribes life imprisonment, where torture leads to the death of the victim⁴⁵. In the case where an act of torture causes a permanent deprivation of the use of all or part of a limb, organ or sense, the penalty is imprisonment from ten to twenty years⁴⁶. Furthermore, the penalty shall be imprisonment from five to ten years with a fine of 100,000 CFAF to 1,000,000 CFAF where torture leads to illness or incapacity to work for more than thirty days⁴⁷. Finally, the penalty shall be imprisonment from two to five years with a fine of from 50,000 CFAF to 200,000 CFAF where torture leads to illness or incapacity to work of up to 30 days, pain or mental or psychological injury⁴⁸.

From the above, the author takes note of the preamble of the Constitution, under which torture and ill-treatment are prohibited and is of the view that Section 277-3 of the PC contains a definition of torture compatible with that of Article 1 of the CAT. The author remains concerned however about the fact that, under the scale of penalties provided for in Section 277-3 of the PC, the penalty for acts of torture not causing the death of the victim, permanent deprivation of the use of all or part of a limb, organ or sense, or illness or incapacity to work of more than thirty

⁴⁴ Committee against Torture, "Sixth periodic report submitted by Cameroon under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2021", (CAT/C/CMR/6), para 6, at 3 (2022).

⁴⁵ PC, *supra* note 16, § 277-3(1).

⁴⁶ *Ild.* § 277-3(2).

⁴⁷ *Ild.* § 277-3(3).

⁴⁸ See *Id.* § 277-3(4).

days⁴⁹, can in breach of Article 4 (2) of the CAT⁵⁰ under which acts of torture are to be made punishable by appropriate penalties which take into account their grave nature be as little as two years imprisonment⁵¹.

Unfortunately, it can be seen that in many cases, including that of Mr. Ibrahim Bello⁵², the perpetrators received lenient sentences, sometimes even suspended, in contrast with the provisions of the CAT. This case concerned a 16-year-old who lost both legs and a left arm due to severe torture while in detention, which should have resulted in a sentence of ten to twenty years of imprisonment, as stipulated in Article 277-3 (2) of the PC. In a judgment of 6 May 2020, the Mbam and Inoubou High Court found the two police officers guilty of torture and grievous harm. In the case, Police Inspector Joseph Désiré Sack received a prison sentence of four years, whereas Judicial Police Officer Joël Cyrille Bikouo Nzie was given three years suspended jail term. Both were ordered to pay the sum of CFAF 50,000,000 to the victim as damages.⁵³ Mr. Ibrahim Bello died two years later due to the inadequacy of the reparation and rehabilitation measures. He never received the compensation awarded by the court. The

⁴⁹ Regarding this last provision, the CAT had already recommended its revision during the 5th review of Cameroon in 2017 in order to make the penalty proportionate to the gravity of the crime of torture. As it stands, it favours a criminal liability for perpetrators of torture, which does not sufficiently deter them.

⁵⁰ CAT, *supra* note 11, art. 4(2) (“Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”).

⁵¹ In Cameroon, torture is defined by a combination of its Constitution and PC, but is often interpreted narrowly by the law, with a lack of comprehensive provisions covering all acts that constitute torture under international standards. While the Constitution prohibits torture as a cruel, inhuman, or degrading treatment, the PC criminalises it primarily when used to elicit a confession or information. Concerns remain that the law may not adequately punish torture and that mitigating circumstances could lead to reduced penalties.

⁵² *The People v. Ibrahim BELLO*, Mbam and Inoubou High Court Judgment of May 6, 2020, cited in Committee Against Torture, Sixth Periodic Report, *supra* note 42, ¶ 10, at 4. See also the B.B.L.W. case of Feb. 6, 2019, Garoua Military Court (the perpetrator was sentenced to only one year in prison while the victim died from injuries caused by the whippings he received).

⁵³ See *Id.*

court, in this case, failed to sentence the individuals in line with the provisions of Article 277-3(2) PC. This case is an indication of impunity that exists within the Defence and Security Forces in Cameroon. Surprisingly, this decision was appealed by the State of Cameroon through the state counsel office requesting the court to reduce the damages ordered in the case.

In the same vein of inadequate sanctions, the Yaoundé Military Tribunal sentenced Lazare Leroy to thirty months in prison for acts of torture inflicted on Moussa Moupain in a cell at the Central Service of Judicial Research of the Gendarmerie in Yaoundé in March 2016. The victim later died due to these acts of torture. The State of Cameroon was required to pay the sum of CFAF 10,000,000 as damages to the rightful claimants of the deceased⁵⁴.

Although several cases of torture have been prosecuted, the two examples above paint a rather bleak picture of the prosecution of torture in Cameroon. As shown in several of these cases, torture led to the death of the victim and, in other circumstances, to the loss of limbs. Despite that, the sentences are not even remotely close to those provided for in the PC. In other cases, suspended sentences were handed down, all of which show a failure of the obligation, not only to prosecute and punish acts of torture properly, but also to provide adequate redress to the victims of torture⁵⁵.

⁵⁴ *The People v. D.M. Lazare Leroy* -Military Tribunal Yaoundé Judgement of 20 September 2018 cited in CAT/C/CMR/6 (n 202) para 22. See also the Cyrille TCHOUMI case of December 6, 2021, demonstrates the lack of severity attributed to penalties for acts of torture. Indeed, Mr. TCHOUMI was tortured with a machete by five police officers at the Ngoussou police station in Yaoundé, but they were sentenced to only one to three months in prison by the Yaoundé Court of First Instance.

⁵⁵ Smith Naseri Edumebong, *supra* note 17, at 40.

The author further remains concerned about the possible reduction, in accordance with Sections 90⁵⁶ and 91⁵⁷ of the PC, of the penalties for torture acts to as little as one year's imprisonment upon a judicial finding of mitigating circumstances. Cameroon should amend Section 277-3 of the PC to ensure that the crime of torture is made punishable, in accordance with Article 4 (2) of the CAT, by appropriate penalties which take into account its grave nature. It should also amend Sections 90 and 91 of the PC to ensure that, in cases of torture, there can be no finding of mitigating circumstances that could lead to reduced penalties or inadequate to the seriousness of the offence.

It should be emphasised that the CAT mandates the imprescriptibility of acts of torture, given the ongoing nature of the effects of this crime and in order to avoid any obstacle to reparations for victims⁵⁸. However, the provisions applicable to the statute of limitations in Cameroonian law stipulate that, in matters of felonies, prosecution is barred after ten years from the day after the crime was committed, while misdemeanours are barred after three years⁵⁹. Thus, acts of torture are likely to be covered by the statute of limitations, in open violation of the CAT.

2.2. Impact on the Field of Punishment

The prohibition of torture and other inhuman or degrading treatment also causes a significant impact in the field of punishment. Article 1

⁵⁶ The benefit of mitigating circumstances may be given, for reasons to be recorded in the judgment, save where they are by law expressly excluded.

⁵⁷ (1) Upon a finding of mitigating circumstances in favour of any person convicted of felony, the sentence may be reduced to not less than 10 (ten) years' loss of liberty if the offence be punishable with death, to not less than 5 (five) years if it be punishable with loss of liberty for life, and to not less than 1 (one) year in any other case. (2) Where the penalty is reduced under the last subsection to 10 (ten) years or less the court may add a fine of up to CFAF 2 000 000 (two million).

⁵⁸ Committee Against Torture, General Comment No. 3, Implementation of Article 14 by States Parties, ¶ 40 (2012).

⁵⁹ Article 65(2) of Law No. 2005/007 of July 27, 2005, establishing the CPC.

of the CAT excludes from the scope of torture those "pain or suffering arising only from, inherent in or incidental to lawful sanctions". Nevertheless, legality should not be a way to legitimise any penalty, which is exclusively directed to cause suffering or humiliation; these will not fall outside the scope of international prohibition if they amount to cruel, inhuman or degrading treatment. This study focuses on criminal punishment such as death penalty, life imprisonment or indeed long terms of imprisonment and an inhuman or degrading prison system.

2.2.1. *Death Penalty*

Death penalty, which is also known as capital punishment, is a criminal punishment that takes the defendant's life as the penalty for the crime committed⁶⁰. Despite the global trend directed towards abolition, Cameroon continues to implement capital punishment, sparking intense debate regarding its alignment with international human rights standards and constitutional guarantees⁶¹. There is continuous questioning on its legitimacy in Cameroon as many scholars are in favour of its complete abolishment because it is not only unconstitutional, but cruel, brutal, and inhumane⁶². This is because it violates the right to life, physical integrity and the prohibition of torture or cruel treatment enshrined in the constitution. Accordingly, death penalty has no place in the twenty-first century as leaders across the globe must boldly step forward in favour of its abolition⁶³.

⁶⁰ Cornell Law School, "Capital punishment", at 1(2002), available at https://www.law.cornell.edu/wex/capital_punishment (Last visited January 20, 2025).

⁶¹ Rene Ntoko Ntonga et al., 3.4 *A Legal Appraisal of the Application of the Death Penalty in Cameroon*, at 39 (Studies in Law and Justice 2024), available at <https://www.pioneerpublisher.com/slj/article/view/1017> (Last visited March 15, 2026).

⁶² See Marcellous Nyiawung Nkwetta et al, Vol. 4 Iss 3, "The Legitimacy of Capital Punishment in Cameroon" at 3765, *The International Journal of Law Management & Humanities* (2021).

⁶³ Words of the United Nations Secretary-General Ban Ki-moon during the OHCHR's global panel: "Moving away from the death penalty wrongful convictions", New York, 28 June 2013 © UN Photo/Evan Schneider.

Cameroon is a de facto abolitionist State, with the last execution in the country dating back to 1997 involving death row inmate Antoine Vandi Tize⁶⁴, yet it remains retentionist in practice by frequently imposing death sentences. The PC adopted in 2016⁶⁵ still upholds the death penalty, especially for terrorism-related offences⁶⁶. A de facto moratorium has been in place ever since, but it has never been formalised, and many death sentences continue to be handed down each year with 160 death sentences in one hundred and sixty (compared to ninety-one in 2015 and none in 2014 and 2013)⁶⁷. While no death sentences were reported in 2018⁶⁸ and 2019⁶⁹, this number has steadily risen to one in 2020⁷⁰, and four in 2021⁷¹. At the end of 2021, more than two hundred and fifty people were under sentence of death⁷². As long as the death penalty remains a lawful punishment, the possibility of an execution is a reality⁷³.

The imposition of the death penalty violates the constitutional guarantee of the right to life. Cameroon is party to the ICCPR and its 1st Optional Protocol, but it has not acceded to the 2nd Optional Protocol for

⁶⁴ Amnesty International, Cameroon: Blatant Disregard for Human Rights at 41(16 September 1997).

⁶⁵ Law No. 2016/007 of 12th July 2016 Relating to the PC.

⁶⁶ Cameroon and the Death Penalty - Campaign for the Abolition of the Death Penalty (ADP) [pgaction.org](https://www.pgaction.org) (Last visited 4 February 2025).

⁶⁷ Report for the Universal Periodic Review of Cameroon, available at https://upr-info.org/sites/default/files/documents/201805/ecpm_upr_cameroon_report_summary.pdf (Last visited February 8, 2025).

⁶⁸ Amnesty International, *Global Report: Death Sentences and Executions 2019*, at 11 (2020).

⁶⁹ Amnesty International, *Global Report: Death Sentences and Executions 2020*, at 12(2021).

⁷⁰ Amnesty International, *Global Report: Death Sentences and Executions 2021*, at 54 (2022).

⁷¹ See *Id.*, at 12.

⁷² Report for the Universal Periodic Review of Cameroon, available at <https://upr-info.org/sites/default/files/documents/2018> (Last visited August 12, 2025).

⁷³ Although no one was sentenced to death in 2018 and no execution was carried out, at least 250 individuals remain on death row, available at <https://www.pgaction.org/ilhr/adp/cmr.html> (Last visited September 16, 2025).

abolition of the death penalty⁷⁴. The Constitution of Cameroon sets out that “*every person has the right to life and physical and moral integrity*”⁷⁵, but it says nothing about the death penalty; despite this omission, the punishment can be found in various domestic laws. Legislations in Cameroon, specifically the 2016 PC, 2014 Anti-Terrorism Law and 2017 Military Justice Code maintain the death penalty for major offenses⁷⁶but in most cases,

⁷⁴ Sentenced To Oblivion Fact-Finding Mission On Death Row Cameroon, at 20 (2019), available at <https://www.ecpm.org/app/uploads/2022/08/mission-enquete-cameroun-2019-GB.pdf> (Last visited October 8, 2024).

⁷⁵ Preamble to the Constitution of Cameroon. Article 65 of the Constitution sets out that the preamble is an integral part of the Constitution.

⁷⁶ There are more than twenty-eight (28) capital offences under Cameroon penal law provided in the Penal Code, the Military Justice Code (2017), the 2014 law on terrorism, Section 4 of the 1989 law on toxic and dangerous waste, the 1983 law regulating police authorities within seaports, Section 9 of the 1995 law on radioprotection, etc. They include, for the main: hostility against fatherland (Section 102 of the PC), treason (Section of the 103 (a) PC), espionage (Section103 (b) of the PC), sabotage (Section103 (c) of the PC), secession (Section 111 (2) of the PC), provocation of civil war (S.112 PC), concert against the security of the state (Section 124 (3) of the PC), assault on public servant (Section 156 (5) of the PC), depredation by band in time of war (Section 236 (3) of the PC), capital murder (Section 276 of the PC), aggravated theft with use of force occasioning death or grievous harm (Section 320 (2)), murder of children under 15 years (Section 350 of the PC), murder of ascendants (Section 351 of the PC), aggravated kidnapping occasioning death of minor (Section 354 (2) of the PC), and under the 2014 terrorism law we have: acts of terrorism (Section 2 (1) and Section 2(2)), financing of acts of terrorism (Section 3), laundering of proceeds of terrorism (Section 4), recruitment and training of terrorists (Section 5), military offenses under Law No. 2017/012 of July 12, 2017 laying down the Military Justice Code include: desertion in war time and/or with conspiracy to join the enemy (Section 34 (4)), abstraction of items in zone of operations from wounded, sick or dead service men and violence (Section 51 (2)), treason (Section 61), collusion with the enemy (Section 62), espionage (Section 63), hiring in enemy force (Section 64), and use of aircrafts to cause death of persons per Section 10 of Law No. 2017/013 of July 12, 2017 relating to sanctions on violations of civil aviation security, etc. It should be noted that the criminal law provides for the punishment of attempts (Section 94 of the PC), conspirators (Section 95 of the PC), co-offenders (Section 98 of the PC), accessories (Sections 97 & 98 of the PC) in like manner as the principal offender(s).

this penalty is discretionary rather than mandatory⁷⁷. Judges have the discretion to impose life imprisonment and even less, instead of the death penalty, for many capital offenses, meaning that the death penalty is not automatically compulsory.

The Cameroonian criminal justice system is riddled with many deficiencies that violate the international and often domestic human rights of those who face the death penalty, putting potentially innocent persons at risk of facing death. The death penalty as a form of torture⁷⁸, fails to respect the dignity of the person, causes severe mental and physical suffering and constitutes a violation of the prohibition of torture or cruel, inhuman or degrading treatment⁷⁹.

This criminal justice system lacks essential safeguards for persons facing the death penalty and is deeply affected by corruption, abuse, torture and inadequate assistance of counsel, in violation of international human rights standards⁸⁰. Under Section 417 of the CPC for example, if a person prosecuted before the High Court is charged with a crime that is eligible for the death penalty and has no counsel, “*the Presiding Judge shall of his own motion assign one to him*”⁸¹. However, many people prosecuted for death-eligible offences have their preliminary hearings at police and

⁷⁷ According to Sections 90 and 91 of the PC, the death penalty can be commuted to a 10-year prison sentence if the court grants attenuating circumstances, unless these conditions are formally excluded by the law. On the compulsory imposition of the death penalty: see *infra*, the section on the orders to combat organised crime.

⁷⁸ Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/67/279 (Aug. 9, 2012), <https://undocs.org/A/67/279>.

⁷⁹ See Ernesto Mindez Juan, *The Death Penalty and the Absolute Prohibition of Torture and Cruel, Inhuman, and Degrading Treatment or Punishment*, 20 HUM. RTS. BRIEF, no. 1, 2012, at 1, 1–6.

⁸⁰ Like Articles 6, 9 and 14 of the ICCPR,

⁸¹ *Death Penalty Worldwide, Death Penalty Database, Cameroon*, 2019 available at <http://www.deathpenaltyworldwide.org/countrySearchPost.cfm?> (Last visited December 8, 2024).

gendarmerie stations, where they do not have access to counsel⁸² and where police officers use a pre-established oral process of obtaining consent by which suspects explicitly waive their right to be assisted by counsel during their interrogations⁸³. This process has resulted in reports of torture and abuse during preliminary investigations and interrogations, and the outcomes of this practice are coerced confessions later used as the basis to convict and sentence people to death⁸⁴.

It is therefore regrettable that torture remains widespread in Cameroon, particularly in detention centres, with forced confessions often utilised in legal proceedings, notwithstanding the explicit provision on the inadmissibility of confessions obtained under duress under the CPC⁸⁵. According to Section 315(2) of the CPC, “A confession shall not be admissible in evidence if it is obtained through duress, violence, or intimidation or in exchange of a promise for any benefit whatsoever or by any other means contrary to the free will of the maker of the confession”.

However, the extortion of confessions is prejudicial to the rights of the defence and shall be sanctioned by the nullity of the proceedings⁸⁶. In

⁸² Nestor Toko Monkam, *L'association Droits et Paix, Cameroun rapport alternatif*, at 9-14, (2012), available at https://www.theadvocatesforhumanrights.org/Res/cameroon_hrc_death_penalty_sept_2012%202.pdf (Last visited June 19, 2025).

⁸³ See *Id.* According to this report, in July 2009, Aboubakar Aoudou alias Hassan and others were prosecuted before the Tribunal de Grande Instance in Douala Wouri for acts of robbery and murder. At the preliminary hearing, it is alleged the Judicial Police of Douala used acts of torture to obtain confessions, and that the accused were not informed of their rights to be assisted by counsel. Despite their protests at the hearing, the minutes of the preliminary investigation indicated that they had waived this right. Confessions thus obtained were the basis for the judgment No. 385/CRIM October 19, 2010, which found them guilty of the offenses with which they were charged and was sentenced to death by firing squad.

⁸⁴ See *Id.*

⁸⁵ U.N. ICCPR Human Rights Committee, Consideration of reports submitted by States parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee, Cameroon, para. 17, U.N. Doc. CCPR/C/CMR/CO/4, August. 4, 2010.

⁸⁶ Section 3 of the CPC.

the case *The People of Cameroon v. K.R Kamdem Robert*⁸⁷, Bafoussam Military Tribunal declared null in the proceedings on the grounds that the confessions of the defendant were obtained through duress.

While official statistics on torture-extracted confessions are often unavailable, courts generally apply legal provisions, such as Section 315 CPC, to exclude evidence when torture is proven. However, the effectiveness of this protection is often limited by a heavy reliance on initial confessions and in some contexts, limited judicial inquiry into allegations of torture.

Another violation of death penalty safeguards is that capital crimes are tried or held in the High Courts before a single judge who determines guilt and imposes a sentence, not before a jury. Thus, there is a heightened risk of potential judicial error or bias, which, combined with lengthy trial delays, long adjournments and allegations of pre-trial misconduct, can significantly compromise the fairness of capital proceedings and defendants' rights. This increases the possibility of convicting innocent people to death as was seen in the case of *The People of Cameroon & Mathias Ngwa v. Ambe Lilian Sirri & Ambe Vitalis Niba*⁸⁸. The decision of the High Court of Mezam for convicting the first and second appellants for attempted capital murder punishable under Section 276(1)(a) as read with Section 94(1) of the PC, was dismissed for lack of common design and no community of purpose. The trial court misdirected itself when it held that both appellants had to bear the brunt simply because they were identified. The Appeal Court held that even if they were identified in the mob, their mere presence there did not suffice. Thus, they had to be present and consenting either expressly or implicitly to the act⁸⁹. The Appeal Court further in clarification held that the evidence adduced at the trial was not such that

⁸⁷ Judgement No. 69/00 of 21st September 2020 (Cameroon).

⁸⁸ Suit No. CANWE/14F/ (2018) (Cameroon).

⁸⁹ Judgment No. 5/F/ (2019) (Cameroon).

could have warranted the conviction of the appellants by a reasonable tribunal. Accordingly, the appeal had merit and both appellants were acquitted⁹⁰.

The case of *The People of Cameroon & Emboat Martin Njenile v. Nyabua Asoh Gabriel*⁹¹ is also illustrative as the non-respect of procedural safeguards and international standards almost led to wrongful convictions for capital crimes. In this case, the appellant was committed to stand trial before the High Court of Mezam Division, charged with the offence of capital murder and punishable under Section 276 (1) (a) of the PC for causing the death of his father, Emboat John Asoh by stabbing him after premeditation. On appeal, it was held by Justice Anne Nyajro Povi that the circumstantial evidence relied upon by the learned trial judge was not strong, compelling and unequivocal enough to lead to the irresistible conclusion that the appellant murdered Emboat John Asoh, his father. Thus, in agreement with the counsel for the appellant, it is clear that the trial judge misconstrued the facts and wrongly inferred the appellant's guilt from them. An essential element of the offence charged, to wit, that it was the appellant that caused the death of the deceased, has not been established to our satisfaction. As a consequence, the conviction, sentence, cost and civil award made against the appellant are hereby set aside and the appellant acquitted⁹².

Additionally, the fees paid to court-appointed lawyers are quite low and discourage participation by experienced lawyers. As a result, many capital cases are taken on by lawyers who lack the requisite experience to handle serious offenses like capital murder⁹³. Cameroonian judges seeking to "liquidate an affair" tend to assign cases on the spot to counsels who have no time to read a case file but are immediately responsible for

⁹⁰ Marcellous Nyiawung Nkwetta et al, "The Legitimacy of Capital Punishment in Cameroon" at 3783 (cited in note 62).

⁹¹ Suit No.CANWR/1C/ (2017) (Cameroon).

⁹² Judgment No. 02/F/ (2019) (Cameroon). See also the case of *Laghai Romanus, Eric Tardzenyuy & Christian Wigfon v. The People of Cameroon*, Suit No.CANWR/MA/2C/ (2014) .

⁹³ Death Penalty Worldwide, *supra* note 81.

the defence of the accused at the hearing during which they are appointed⁹⁴. The legal system is fraught with many delays⁹⁵, such that it is not effective in assisting poor citizens to access justice⁹⁶.

The above situation worsens in the context of the fight against terrorism in the vulnerable regions of Cameroon. 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 civilians or those outside the scope of this law especially in the context of the Anglophone crisis⁹⁷. For instance, in 2020, three women were sentenced to death after fleeing Boko Haram⁹⁸: not only were they minors, but also pregnant or nursing mothers for some. This new trend towards the use of the death sentence to address a security crisis is extremely worrying.

On September 7, 2021, the Buea Military Court in Cameroon sentenced to death four men who had been found guilty of attacking a school, killing at least eight children. They were convicted for several crimes, in-

⁹⁴ Nestor Toko Monkam, *supra* note 82, at 8.

⁹⁵ Death Penalty Worldwide, *supra* note 81.

⁹⁶ Citing Nchunu Justice Sama, "Providing Legal Aid in Criminal Justice in Cameroon: The Role of Lawyers, in Penal Reform Intl. & Bluhm Legal Clinic of the Northwestern University School of Law, Access to Justice in Africa and Beyond, Making the Rule of Law a Reality", Penal Reform International, at 157 (2007).

⁹⁷ Press Release, Centre for Human Rights and Democracy in Africa (CHRDA) & World Organisation Against Torture (OMCT), Geneva, Buea (Oct. 7, 2021) (for the first time since the beginning of the Anglophone Crisis, four men were sentenced to death after a court found them guilty of a deadly shooting at a school in 2020; the CHRDA and OMCT expressed concern that the death penalty might become a new punitive tool of the Cameroonian authorities to address the crisis, and while encouraging the government to provide redress for serious human rights impairment, rights organisations strongly oppose this sentence).

⁹⁸ Cameroun: trois mineures condamnées à mort pour terrorisme après avoir fui Boko Haram font désormais face à un nouveau procès [Communiqué de presse], available at <https://www.ecpm.org/communiquede-presse-cameroun-troismineures-condamnees-a-mort-pour-terrorisme-apres-avoir-fui-boko-haram-font-desormais-face-a-un-nouveau-proces> (Last visited October 29, 2024).

cluding secession, terrorism, murder, possession of illegal arms, and insurrection. Unfortunately, the trial had been tainted with procedural irregularities. The case was heard by a military court with all defendants heard on the same day, in a 'marathon' session, preventing due consideration of individual cases. Furthermore, the prosecution failed to call any witnesses to the hearing and relied on written statements instead. The absence of third-party corroboration or the opportunity to question the witnesses made the trial based on hearsay evidence alone. Another impediment was language, with the trial conducted in French and translated into English, yet most defendants only fully understood pidgin English. An appeal was lodged which suspended the execution of the sentence however, as of the end of 2021, a date for the appeal hearing was yet to be set⁹⁹.

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 of 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 issue¹⁰⁰. This has an equal impact on the deprivation of liberty for lengthy durations as seen below.

2.2.2. Life Imprisonment or Indeed Long Terms of Imprisonment

The death penalty's inconsistency with the principle of humanity noted above, may also apply to certain forms of deprivation of liberty. The ICCPR contains an explicit provision in favour of rehabilitation, namely Articles 10(3) and 10(1). The former which reads: "*The penitentiary system*

⁹⁹ Amnesty International, *supra* note 31, at 55.

¹⁰⁰ The Cameroonian government does not provide transparent data or statistics on the application of the death penalty, including the number of people sentenced to death and the number of individuals currently remaining on death row, as required by ECOSOC Resolution 1989/64. .

shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation”¹⁰¹. From a systematic perspective, this provision seems endowed with very high potential. Article 10(1) solemnly establishes that all prisoners must be treated in accordance with their inherent dignity. The concept of human dignity is a key one, as it surfaces in the UDHR¹⁰², and it is echoed in the very preamble of the ICCPR¹⁰³.

In this sense, the problem of the inhumane character of life imprisonment has negative psychological and social effects generally linked to long-term imprisonment, which are seriously aggravated when combined with the loss of all hope of eventual release¹⁰⁴. The harsh conditions that often accompany such sentences can make them a sort of slow torture and psychological mutilation and therefore constitute a significant argument proving the incompatibility of these penalties with the principle of humanity. Its radical contradiction to the principle of human dignity derives from its disregard of specific characteristics of a human being and deprivation, of his basic right to a second chance in the society after having served the deserved sentence¹⁰⁵.

In spite of what has been said above, the presence of life imprisonment in Cameroon’s legal orders is still considerable, especially taking into account the commutation of death sentence to life imprisonment in

¹⁰¹ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171.

¹⁰² UDHR, *supra* note 7, pmbi., art. 1 (“All human beings are born free and equal in dignity and rights.”), arts. 22–23.

¹⁰³ ICCPR, *supra* note 8, pmbi. (“recognition of the inherent dignity . . . is the foundation of freedom, justice and peace in the world”; “these rights derive from the inherent dignity of the human person”).

¹⁰⁴ Mauri Di Diego, “Life Imprisonment Without Prospect of Release: Comparative Remarks from a Human-Rights Perspective”, *Saggi – DPCE online*, at 2482 (2019), available at https://www.researchgate.net/publication/340023927_Life_Imprisonment_Without_Prospect_of_Release_Comparative_Remarks_from_a_Human-Rights_Perspective (Last visited May 10, 2025)

¹⁰⁵ See *Id* at 2483.

favour of persons initially sentenced to death¹⁰⁶. Life imprisonment is the maximum penalty for felonies such as secession¹⁰⁷, murder¹⁰⁸ and revolution¹⁰⁹.

A life sentence in Cameroon involves forfeiture of rights and assets for the rest of the convict's life. Life imprisonment presents an intolerable threat to the human dignity of the offender because it is a cruel, inhuman and degrading punishment¹¹⁰. At the heart of the prohibition of such penalty lies the concept of proportionality of punishment to the crime¹¹¹. Disproportionate sentences are generally regarded as violations of other human rights¹¹². The indeterminacy of life imprisonment and the potential loss of liberty until the offender dies lend it to criticism that it is a grossly disproportionate and arbitrary sentence¹¹³. Certainty is a crucial element of the rule of law as recognised in the principle of legal certainty¹¹⁴.

It is in the interests of Cameroonian criminal justice to quantify sentences so that a prisoner knows exactly what his punishment is. Life sentences leave the quantification of penalty to death itself; hence they are arbitrary¹¹⁵. Alternatives to life imprisonment, particularly in cases with mitigating circumstances as per Section 91 of the PC, include fixed-term

¹⁰⁶ Decree No. 2020/193 of 15 April 2020 to Commute and Remit Sentences (Cameroon), art. 1(1).

¹⁰⁷ PC, *supra* note 18, § 111.

¹⁰⁸ See *Id.* § 275.

¹⁰⁹ See *Id.* § 114.

¹¹⁰ Dirk Van Zyl Smit, Life Imprisonment as the Ultimate Penalty in International Law: A Human Rights Perspective 9 CRIM. L. F. 5, 29 (1999).

¹¹¹ S v Dodo 2001 1 SACR 594 (CC) para. 37 (S. Afr.).

¹¹² Dirk Van Zyl Smit, Taking Life Imprisonment Seriously in National and International Law 198 (2002), <https://www.nottingham.ac.uk/law/people/dirk.van-zyl-smit>.

¹¹³ Dirk Van Zyl Smit & Andrew Ashworth, Disproportionate Sentences as Human Rights Violations, 67 MOD. L. REV. 541, 541 (2004).

¹¹⁴ Dirk Van Zyl Smit, *supra* note 110, at 30.

¹¹⁵ Esther Gumboh, The Penalty of Life Imprisonment under International Criminal Law, 11 AFR. HUM. RTS. L.J. 77, 77 (2011).

imprisonment (often reduced to not less than five years for life-term offences), community service, and reparatory sentences. These options focus on rehabilitation, particularly for minors, through measures like counselling and vocational training.

2.2.3. *Inhuman or Degrading Prison System*

The principle of humanity is not only encountered by considering the very nature of certain penalties, but it must also have an important impact on the prison system, which has to respect the human being and therefore, avoid any inhuman or degrading treatment. Despite some recent attempts by the Cameroonian government to improve prison conditions¹¹⁶, the standard of treatment accorded prisoners within Cameroon's State penitentiaries is reprehensible. There are still existing challenges faced by the prison system of Cameroon in the implementation of international standards within the Cameroonian judicial system. These standards are provided in international treaties¹¹⁷, norms and principles¹¹⁸ as applicable under Article 65 of the Cameroonian Constitution of 1996.

Cameroon is a member of the United Nations and a party to the UN Charter, the Statute of the International Court of Justice, and the UDHR. It is also a member of the African Union and its human rights mechanisms. Consequently, all declarations and principles originating from African forums promoting the better treatment of prisoners are binding on the Cameroonian government. In other words, the careful and effective applications of these standards as secured within international treaties, norms and principles are supposed to create a very good condition for

¹¹⁶ Committee Against Torture, Sixth Periodic Report, *supra* note 44, at 17.

¹¹⁷ Cameroon is a member of the United Nations and the United Nations Charter, the Statute of the International Court of Justice, the UDHR, the ICCPR and the ICESCR.

¹¹⁸ United Nations Basic Principles for the Treatment of Prisoners, G.A. Res. 45/111, principle 4 (Dec. 14, 1990). United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, G.A. Res. 43/173 (Dec. 9, 1988).

persons incarcerated or imprisoned within the Cameroonian judicial system to serve their terms of sentence¹¹⁹. Articles 10(1) and 10(3) of the IC-CPR, as discussed above, provide a comprehensive idea of the standard of treatment to be given to incarcerated persons. Various international recommendations, like, for example, Principle 4 of the United Nations Basic Principles for the Treatment of Prisoners¹²⁰ constitute in this sense an important development of the principle of humanity¹²¹.

Unfortunately for the most part, Cameroon has failed to meet these standards¹²². Cameroonian prisons suffer from chronic overcrowding, a problem widely criticised by several observers (an average occupancy rate of 173%). The prisons in Garoua and Douala have occupancy rates of 372% and 494%, respectively¹²³. This occurs in a context where living conditions are often difficult due to dilapidated infrastructure, poor hygiene, insufficient food, drinking water, and access to medical care. Prison overcrowding is primarily due to the fact that most of them were built during the colonial period, and their capacity is now obsolete. Furthermore, this phenomenon is also attributable to shortcomings in the Cameroonian criminal justice system, characterised by high costs of justice and/or legal aid,

¹¹⁹ Valentine Nde-Fru, "International Law and the Upgrading of the State Penitentiary System: The Case of Cameroon", A Publication of International Centre for Environmental Education and Community Development (ICENECDEV) Supported by the Australian Agency for International Development (AusAID), at 7(2013), available at <https://www.icenecdev.org/Nde-Fru-Penitentiary-Human-Rights.pdf>. (Last visited 10 October 2024).

¹²⁰ See *Id.* principle 4 ("The responsibility of persons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a state's other social objectives and its fundamental responsibilities for promoting the wellbeing and development of all members of society.").

¹²¹ Helen Namondo Linonge, *The Dynamics of Prison Administration and Prison Reform in Cameroon*, 4 CJDHR, no. 1, 2010, at 6, 6–8.

¹²² The Advocates for Human Rights, Cameroon, Sixteenth Session of the Working Group on the Universal Periodic Review, United Nations Human Rights Council 5 (Apr. 22–May 3, 2013).

¹²³ Rapport de la société civile 2024, *supra* note 32, at 44.

staff shortages, endemic corruption that plagues the administration of justice, late trial proceedings and numerous postponements. But above all, the main cause is the propensity of magistrates to choose pre-trial detention over provisional release, making it the rule rather than the exception. As a result, the rate of pre-trial detainees in detention centres is 55.52%¹²⁴.

Defendants and convicts are therefore systematically incarcerated in detention facilities, even though Sections 18, 18-1, 26 and 26-1 of the PC provide for principal penalties and alternatives to imprisonment and their implementation measures. Section 42 of the PC further authorises courts to impose conditions like mandatory employment, vocational training, medical treatment (for addiction), or financial support for families. Decongesting prisons, promoting local development through community service and improving the State's financial health through the payment of fines are all measures provided for by the legislature to combat prison overcrowding. These are rehabilitative alternatives allowing offenders to serve the community rather than face incarceration. They also focus on restoring damage caused by the offence, aligning with restorative justice principles.

However, these measures remain difficult to execute due to the absence of an implementing Decree. Furthermore, numerous observations have been made regarding the failure to respect the time limits for pre-trial detention of defendants in Cameroonian prisons, in violation of the maximum duration of twelve months stipulated in Article 221 of the CPC. Similarly, release orders are often not signed in a timely manner, and this situation leads to the continued detention of prisoners, further exacerbating the problem of prison overcrowding. This occurs despite the existence in the law of disciplinary proceedings against an investigating judge who fails to immediately order the release of the accused upon the expiration of the deadline, unless they are being held for another reason¹²⁵.

¹²⁴ See *Id.*

¹²⁵ See *Id* at 45

Moreover, conditions of detention and treatment of detainees are wanting. Regarding detention conditions, visits conducted in seven Cameroonian prisons in 2022 confirmed the dilapidated, inadequate, and inappropriate nature of the facilities for detainees and prisoners, both in prisons and in police and gendarmerie units. Almost all of the prisons visited do not provide even minimal access to healthy food and acceptable sanitation. More than 50% of detainees and prisoners have no means of sleeping. The penitentiary administration does not provide prisoners with the necessary hygiene supplies. In these facilities, medications intended to be provided free of charge to detainees are sold to them. Corruption and extortion are systematic scourges that plague detention facilities. Detainees without financial means cannot access basic services. The conditions of detention in Cameroonian prisons can therefore constitute inhuman and degrading treatment¹²⁶.

The other striking fact to note concerns the physical abuse and other forms of corporal and psychological punishment to which incarcerated individuals are subjected, sometimes for minor offences such as getting up late or failing to complete their daily chores. In these cases, prison guards take it upon themselves to punish them vehemently. Taken to the infirmary, the medical personnel responsible for documenting the injuries are often another official within the prison administration, a colleague of the perpetrators of said abuse and physical punishment. Since they can be considered both judge and party, the issue of the medical staff's lack of independence and integrity arises¹²⁷.

Several organisations reported¹²⁸ that on May 3, 2021, Jean Louis Tiotso, who was in poor health and awaiting trial for the illegal sale of medication, died in Fombot prison in the Western Region. The prosecutor in the case, Mr. Ombouda, reportedly refused to release him for medical treatment, as permitted by law. According to unconfirmed reports,

¹²⁶ See *Id.* See also Frans Viljoen, *The Special Rapporteur on Prisons and Conditions of Detention in Africa: Achievements and Possibilities*, 27 *HUM. RTS. Q.* 125, 125–171 (2005).

¹²⁷ *Rapport de la société civile 2024*, *supra* note 32, at 45.

¹²⁸ See *Id.* 46.

Mr. Tiotsop had repeatedly appealed to the courts for medical treatment, but to no avail. The prison administration also reportedly supported his request, but to no avail. Upon the announcement of his death, a riot broke out, setting fire to the Foubot courthouse and resulting in at least one other death.

3. *Principle of Humanity, Rehabilitation and Resocialisation*

The consequences of the principle of humanity for penitentiary treatment are not limited to the prohibition of inhuman or degrading treatment in prison. Punishment must focus on reforming the offenders and facilitating their reintegration into society, rather than inflicting suffering. Rehabilitation involves achieving a specific outcome through a specific program¹²⁹. Resocialisation means reintegration of convicted individuals into society¹³⁰.

This purpose of the punishment implies the transformation of the offender's personality in a way that it no longer violates criminal law and respects the rules of human co-existence¹³¹. Moreover, it aims to gradually integrate the person into society through pedagogy, healthcare and psychotherapy¹³². In line with Article 10(3) of the ICCPR¹³³ (and in the preamble of the Cameroonian Constitution), it is widely accepted that orientation of imprisonment to rehabilitation is a corollary of the principle

¹²⁹ Wilson Wabi Wakai, "The Role of Non-Governmental Organizations in the Rehabilitation and Reintegration of Detainees in Cameroon: Implications on Communities and Prisons", *Commonwealth Law Review Journal*, Annual Volume 10, at 8 (2024).

¹³⁰ BVerfGE 35, 202, 235 (Ger.).

¹³¹ Giorgi Arsoshvili, *Resocialisation of the Offender*, Tbilisi, at 6 (2009).

¹³² Thomas Lüth, *Resozialisierung von Ausländern im Strafvollzug: Gesetzliche Grundlagen der Resozialisierung im Strafvollzug und deren Verwirklichung in der Praxis unter Berücksichtigung von ausländerrechtlichen Beschränkungen* 8 (Diplomarbeit, 2009).

¹³³ ICCPR, *supra* note 8, art. 10(3) ("The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.").

of humanity, at least at the execution level. Article 14 of the CAT also provides for the rehabilitation of victims of torture.

The rehabilitation and resocialisation of former prisoners represent one of the priority areas of the Ministry of Justice in Cameroon¹³⁴. Cameroon has made major steps and developed significant programs for rehabilitation of detainees over the years by applying both national and international standards¹³⁵ like centres where victims of torture can receive care. Cameroon has integrated the provision of these services into the Cardinal Paul Emile LEGER National Centre for Rehabilitation of Persons with Disabilities, which provides care not only for persons with disabilities but also for other vulnerable individuals, including victims of torture. For example, in the case of Ibrahim Bello above, who was a victim of torture, he was provided care by the centre, which implements government policy on rehabilitation and offers psychosocial services¹³⁶.

Penitentiary establishments have been providing education, vocational training and work, as well as other forms of appropriate educational, moral, spiritual, social, healthcare, and sports activities and assistance, and the relationship with prisoners shall aim at their social integration through rehabilitation¹³⁷. Because of the need to instil inmates with skills and entrepreneurial capacities aimed at facilitating their re-insertion into society, the correctional institutions moved away from a punitive approach to rehabilitation¹³⁸. The implementation of rehabilitation

¹³⁴ Decree No. 92/052 of 27 March 1992 which organised the penitentiary system in Cameroon.

¹³⁵ United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), G.A. Res. 70/175, rule 4 (Dec. 17, 2015) (persons deprived of liberty shall be treated with full respect of their rights, and “the purposes of a sentence of imprisonment or similar measures deprivative of a person’s liberty are primarily to protect society against crime and to reduce recidivism, which can be achieved, if the time spent in prison ensures, to the extent possible, the reintegration of these individuals into society after release”).

¹³⁶ Committee Against Torture, Sixth Periodic Report, *supra* note 42, at 22.

¹³⁷ Wilson Wabi Wakai, *supra* note 129, at 6–8.

¹³⁸ See *Id* at 8–9.

programmes in prisons across Cameroon ameliorates the welfare of prisoners and transforms them in ways that ease their reintegration into the community¹³⁹.

Equally, the State gives room for Non-governmental Organisations (NGOs) and other groups like the International Red Cross Committee (CRC)¹⁴⁰, the National Commission for Human Rights and Freedom (NCHRF), judicial professionals such as Lawyers and Jurists to be involved in the welfare of inmates. Social networking is encouraged within the prison's environment among inmates especially during socio-cultural events and it promotes and consolidates unity¹⁴¹. The collective engagements of NGOs¹⁴² and other humanitarian organisations modestly contributed into reducing the challenges that most of the inmates encountered as far as their socio-economic and psychological transformation and resocialisation are concerned.

However, significant challenges remain, such as the lack of necessary infrastructure, the low motivation of beneficiaries, and a pervasive criminal subculture. Addressing these issues requires improving legislation, expanding access to these initiatives, boosting their budgets, and enhancing the involvement of psychologists and social workers.

Moreover, the courts have, in limited cases, prescribed rehabilitation and resocialisation as a form of redress for victims of torture; the case of Ibrahim Bello above is instructive. The fact that only this case has been reported as having been forwarded to the rehabilitation centre¹⁴³ points to the level of unpreparedness of the State in terms of offering rehabilitation services for victims of torture. More so, it is not clear whether these ser-

¹³⁹ Kenneth Lukong & Peter Nde, Prisons and Prisoners' Rights and Obligations: An Overview of the Bamenda Central Prison in Cameroon, 8 AFR. J. SOC. SCI., no. 3, 2017, at 23, 23.

¹⁴⁰ Which visited Bamenda Central Prison in 1992.

¹⁴¹ Gustav Enoh, 59-years' ex-convict interviewed at Nkwen, Bayelle III (Oct. 11, 2016).

¹⁴² Wilson Wabi Wakai, *supra* note 129, at 7–8.

¹⁴³ Committee Against Torture, Sixth Periodic Report, *supra* note 44, at 22–23.

vices are available for persons in detention. Nonetheless, civil society organisations have been instrumental in offering psycho-social services to detainees who are victims of torture while in detention¹⁴⁴.

Concerns are also raised about inappropriate discipline and punishment, forced labour, as well as paltry access to medical treatment¹⁴⁵. Another problem often mentioned is that the prison systems fail to separate prisoners sentenced for serious crimes from those convicted of less serious offences¹⁴⁶. These factors have an impact on the mental and physical health of a prisoner and fail to create an environment conducive to rehabilitation and resocialisation¹⁴⁷.

Furthermore, the lack of State-run rehabilitation services remains a serious problem. The legal provisions do not include any mechanism, body or unit to identify victims of the torture and provide them with these services. The State does not consider the rehabilitation of torture victims as a health development issue. In the absence of a national prevention mechanism, victims are left to fend for themselves or depend on civil society organisations for assistance. Moreover, without resocialisation, torture survivors are often unable to participate in the decision-making processes that are central to democratic development. This cycle creates deep distrust of State institutions already weakened by the protracted conflict, leading victims to favour non-State rehabilitation services. Thus, various humanitarian organisations are working to ensure a minimum

¹⁴⁴ See, e.g., Centre for Human Rights and Democracy in Africa (CHRDA), *From Crisis Response to System Change in Times of COVID-19: Strengthening and Sustaining Civil Society Organizations' Action to Improving the Safety of People Deprived of Liberty and Preventing . . .*, <https://www.chrda.org/from-crisis-response-to-system-change-in-times-of-covid-19-strengthening-and-sustaining-civil-society-organizations-csos-action-to-improving-the-safety-of-people-deprived-of-liberty-and-preventing/> (last visited Sept. 27, 2023); the role of Trauma Centre Cameroon has also been indicated in periodic reports by Cameroon.

¹⁴⁵ See *Id.*

¹⁴⁶ The reports of the Special Rapporteur on Prisons and Conditions of Detention in Africa for Benin, The Gambia, Mali, Cameroon, Namibia, South Africa and Ethiopia, available at <http://www.penalreform.org/> (Last visited September 16, 2025).

¹⁴⁷ Wilson Wabi Wakai, *supra* note 129, at 17–18.

level of these services for victims. Multidisciplinary care is made available to identified victims, including psychological support, medical support, subsistence support and social measures to facilitate their reintegration. While the State of Cameroon allows a wide range of national and international organisations to support victims of torture and inhuman treatment, it must respect its obligations under not only Article 14 of the CAT, but also General Comment No. 3 of the Committee against Torture, General Comment No. 4 of the African Commission on Human Rights and the Basic Principles and Guidelines¹⁴⁸.

Indeed, the State should implement procedures that respect the following principles: adequacy, timeliness, non-discrimination and victim-centeredness. Effective rehabilitation services for torture survivors should include community-based assessments, accessible legal, medical, and psychological services and integration into community-based initiatives, which are a vital component of the socio-economic reconstruction of (post-)conflict societies. These services should also be available in rural areas¹⁴⁹. Unfortunately, these challenges continue to hinder victims' access to their rights and more broadly, their full reintegration into society.

4. *Principle of Humanity and Victims of Crimes*

The principle of humanity is integral to justice for victims of crimes, emphasising respect for their dignity and the right to protection. It is expressed through a commitment to treating victims with compassion and providing them with access to fair, swift and inexpensive redress mechanisms, including restitution for harm suffered.

The principle of humanity traditionally has been focused on the perpetrator of the offence, being one of the most important assumptions aiming at the limitation of the punitive power of the State¹⁵⁰. Nevertheless, the influence of victimology resulted in a broader understanding of this principle. It is no longer possible to ignore the needs of the victims of

¹⁴⁸ Rapport de la société civile 2024, *supra* note 32, at 52.

¹⁴⁹ See *Id* at 53.

¹⁵⁰ De La Cuesta, *supra* note 5, at 473.

crimes, but efforts to understand their situation and to bring them satisfaction are nowadays at the centre of criminal justice¹⁵¹.

Once the limited perspective of the victim as a mere object of crime has been overcome, respect for the principle of humanity in criminal law requires a transformation of victims from oblivion to recognition¹⁵². This entails guaranteeing their rights, giving them a full role in the criminal justice system and putting the principle of their protection at the same level as the prohibition of inhuman and degrading treatment, as well as the orientation of penalties towards rehabilitation and resocialisation¹⁵³.

Any criminal system that extends the principle of humanity also in relation to victims, first of all, must guarantee their rights, a task that goes far beyond the issue of civil responsibility derived from the offence. Victims of crimes must be treated in a humane way and with full recognition and respect of their rights as victims. In particular, their rights to information and truth, access to justice, protection, fair trial, dignity, assistance and information, and most especially compensation for damages.

The concept of victimhood is crucial in Cameroonian criminal procedure, particularly in relation to the commencement and conduct of preliminary inquiries and the potential for victims to claim damages. The victim, as a person who has suffered injury resulting from the commission of a crime, has a right to file a civil claim before a trial court for compensation¹⁵⁴.

However, such a victim can be awarded a civil claim only when an offender is found guilty after a trial by a criminal court¹⁵⁵. A civil claim or

¹⁵¹ See Mueller Gerhard, *Compensation for Victims of Crime: Thoughts before Action*, 49 MINN. L. REV. 1385, 1385 (1965).

¹⁵² PC, *supra* note 18, § 26-1 (entailing the obligation for the offender to indemnify the victim within the period and under the conditions laid down by court, limited to offences punishable with imprisonment for not more than two years or with fine only – thus victims of serious offences warranting imprisonment of more than two years cannot benefit from this provision).

¹⁵³ Antonio Beristain Ipiña, "Protagonismo de las víctimas de hoy y mañana, Evolución en el campo jurídico penal", *prisonal y ético*, Valencia, at 33 et seq (2005).

¹⁵⁴ CPC, *supra* note 19, § 157.

¹⁵⁵ See *Id.* § 395(1)(a).

action¹⁵⁶ may be made alongside a criminal action before the same court so long as they arise from the same offence¹⁵⁷. Anyone who alleges that he suffered injury as a result of the commission of an offence may make an oral or written application for damages in court¹⁵⁸. The civil party seeking damages shall indicate which ones they are claiming before the trial court. The discretion to order damages lies with the trial judge depending on the outcome of the matter.

If at the close of the matter the offender is found guilty of the offence, the court shall sentence the convicted offender to the penalties provided by law and, where applicable, decide on the civil claim¹⁵⁹; as was decided by the Supreme Court of Cameroon Judicial Bench-Common Law Division in the case of *The People & Chief David Esombe Nanyowe v. Ekwalla Ngando Joseph*¹⁶⁰.

Although the CPC further provides a civil award in the form of damages to an individual who has suffered an injury, much is not done by the same court to ensure the immediate execution of this order, as is the case with fines¹⁶¹ and costs¹⁶². It is observed that after compensation has been awarded to the victims, the mechanism for the enforcement of this decision is limited. This problem persists in Cameroon today, even with the availability of some measures of protecting the victims available

¹⁵⁶ See *Id.* § 59(3)

¹⁵⁷ See *Id.* § 61.

¹⁵⁸ 158 PC, *supra* note 18, § 385.

¹⁵⁹ CPC, *supra* note 19, § 391.

¹⁶⁰ Judgment No. 32/COM of Dec. 7, 2023 (Cameroon).

¹⁶¹ CPC, *supra* note 19, § 393(1)(a) (“with the exception of civil awards, fines and costs shall be paid immediately by depositing the said sums of money at the court registry”). *Id.* § 393(1)(b) (“the convict shall, if he fails to pay immediately, serve a term of imprisonment in default of payment in accordance with the provisions of sections 564 and following”).

¹⁶² CPC, *supra* note 17, § 389(4) (“the part of the judgment known the verdict shall indicate the nature of the judgment, the level of the court, and whether the accused is guilty or not, if guilty, it shall state the offence for which he has been found guilty, the relevant sections of the law applied, the sentence pronounced and where necessary, the civil award”). See also CPC § 391.

under Sections 365 and 366 of the PC¹⁶³, Section 571 of the CPC and Law No. 2009/004 of the April 14, 2009, on Legal Aid in Cameroon¹⁶⁴. This is so because in the case where the State is held to be directly liable to pay damages to the victims, there is an assurance that these will be paid, either to the victims or their legal heirs or representatives. These processes have been noted to involve several administrative bottlenecks, which tend to discourage the victims¹⁶⁵. It is true that the law makes provisions for compensation schemes, but it is difficult for victims to enforce their rights. Compensation and damages are most often awarded but do victims actually get compensated? Is there a procedure for compensation accessible to the ordinary man?

The right of the victims to compensation, which should at least cover physical and moral damages, as well as the feeling of helplessness, should not be restricted to the financial level. If the aggression affects the most personal and important rights, an integral compensation must always be sought, including measures of assistance and public aid in order to overcome the victimisation process or syndrome that is personal rehabilitation and social reintegration, as discussed above.

¹⁶³ CPC, *supra* note 17, § [reparation enforcement provision] (this section provides that the convict will remain in prison until full payment to the victim has been made — an open window for the victim to be assisted to ensure that compensation or restitution ordered by the judge is complied with; the unanswered question is how frequently these provisions are applied; what if the convict lacks the financial means; will he remain in prison his entire life; what becomes of the compensatory award if he remains in prison; and what legal alternatives exist to address this situation for the benefit of the victim?).

¹⁶⁴ Legal aid is a system or a mechanism that allows the underprivileged to benefit from total or partial procedural fees like registration fees, bailiff, notary or expert fees. It enables persons with insufficient resources to obtain either court judgments or the enforcement of the same with no prior payment of all or part of the costs which he ought to have paid. It concerns all expenses by the courts, procedures or acts for which it is granted.

¹⁶⁵ Smith Naseri Edumebong, *supra* note 17, at 48.

As a signatory to the CAT, Cameroon has a duty to guarantee, within its legal system that victims of torture are equally compensated¹⁶⁶. Currently, there are no specific legal instruments that guarantee reparation for victims of torture. National legislation does not comply with Article 14 of the CAT. Although Cameroon has signed and ratified the Convention, it has not adopted provisions upon which victims can rely to assert their rights. The law does not guarantee access to effective remedies and reparations for proven victims of torture and ill-treatment. Without such an enforceable right, torture survivors in Cameroon have no specific recourse to obtain redress, or compensation and are, therefore, dependent on the principles of redress set forth in general civil law¹⁶⁷.

The provisions within Section 277-3 PC, as examined above are fines, which are paid not to the victims but to the State. Reference to the relevant dispositions of the PC and CPC, as discussed earlier, equally apply to these categories of victims. Of particular note is the fact that the CAT Committee is against the joinder of civil and criminal actions arising from the same offence, because it limits the ability of the victim to seek redress, especially considering the often-fraught investigation process relating to torture in detention facilities¹⁶⁸.

However, in a bid to protect victims, the law on the enforcement of court decisions provides that a court may order provisional execution on behalf of a civil party, despite any appeal, regarding compensation for damage resulting from injury to the physical integrity of a person, for justified costs and expenses required for emergency care, limited exclusively to transport or transfer, pharmaceutical, medical and hospitalisation

¹⁶⁶ CAT, *supra* note 13, art. 14 (1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation. 2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.).

¹⁶⁷ Rapport de la société civile 2024, *supra* note 32, at 52.

¹⁶⁸ Committee Against Torture, Sixth Periodic Report, *supra* note 44, at 8.

costs¹⁶⁹. This urgent measure is especially important to the situation of victims of torture who sometimes need urgent care to ameliorate their condition. Additionally, the CPC provides that: “if the court is not yet in a position to assess the quantum of damages due to the civil party, it may, subject to the conditions provided by law, make an award to him which should be enforced notwithstanding any object or appeal”¹⁷⁰. The provision further indicates that such an award shall bear interest in case of non-payment¹⁷¹.

The relative absence of other forms of substantive redress measures, such as guarantees of non-repetition, satisfaction and right to truth and the limited access to rehabilitation, points to the fact that although redress mechanisms are available for victims of torture, they are ineffective to meet international standards¹⁷². Annual statistics on compensation measures are not available¹⁷³.

5. Conclusion

This article has all along appraised the application of the principle of humanity in the criminal justice system of Cameroon. The first corollary of the principle of humanity in criminal law is the prohibition of torture and all inhuman or degrading punishment or treatment. This produces its effects not only on the definition and criminalisation of torture but also causes considerable impact in the field of punishment, putting barriers against death penalty, life imprisonment or indeed long terms of imprisonment, inhuman or degrading prison systems, and maintaining rehabilitation as the main focus of the penitentiary intervention. Respect for the principle of humanity in criminal law should also apply in the field of

¹⁶⁹ Loi No. 92/008 du 14 Août 1992 fixant certaines dispositions relatives à l'exécution des décisions de justice (Cameroon), as amended by Loi No. 97/018 du 7 Août 1997, art. 3(b).

¹⁷⁰ CPC, *supra* note 19, § 392(1).

¹⁷¹ Section 392(2) of the CPC.

¹⁷² Smith Naseri Edumebong, *supra* note 17, at 50. :

¹⁷³ Committee Against Torture, Sixth Periodic Report, *supra* note 44, at 22.

victims of crimes, guaranteeing their rights and giving them a full role in the criminal justice system.

It is obvious from the above analysis that the application of the principle of humanity is fundamentally guaranteed by international human rights treaties ratified by the State. These treaties are subsequently domesticated by virtue of Article 45 of the Constitution and enshrined into national legal instruments, particularly the PC and the CPC. While acknowledging the progress made so far by the State at the strategic, normative, institutional and operational levels in incorporating this principle as an intrinsic condition of the human being in its legal and institutional frameworks, there are still several challenges as demonstrated throughout this research.

Thus, there is an absolute need to review the legal and judicial processes surrounding this principle. The government should *inter alia* introduce a moratorium on executions of death penalty or at least provide death penalty procedural safeguards, explore alternative sentencing options and strengthen the legal safeguards for those facing severe penalties.

A revision of Article 277-3 of the PC is highly recommended so that the penalties for the offence of torture are proportionate to the gravity of the acts and that any act of torture is punishable by a sentence of at least 10 years, in accordance with Article 4(2) of the CAT. The CPC needs to be amended to make acts of torture imprescriptible, so that the perpetrators and accomplices of such acts can be investigated, prosecuted and punished without limitation.

Also, the criminal justice system should guarantee the strict enforcement of the CPC, specifically regarding prohibitions against torture, the right to legal counsel and the requirement of judicial oversight during detention. This includes ensuring the right to physical and moral integrity, preventing inhumane treatment and upholding the presumption of innocence. This requires strict enforcement of the CPC, ensuring judicial independence and combating corruption to protect suspects from torture, illegal detention and inhuman treatment.

Main necessities for a fair criminal justice system include training law enforcement on human rights to ensure lawful, proportional and respectful policing, improving prison conditions to meet international humane standards and guaranteeing prompt, fair trials by independent courts. These measures foster public trust, reduce recidivism and uphold dignity.

Furthermore, faster and more efficient access to justice for victims of torture should be ensured and enable the most disadvantaged victims to access financial legal aid throughout the proceedings. The adoption of national legislation consistent with Article 14, which will guarantee the identification, rehabilitation and resocialisation of victims, respecting the principles of non-discrimination, accessibility, accountability and victim-centeredness should not be left out. State-led mechanisms at the relevant levels to ensure victims have access to holistic reparations need to be established.

Moreover, the government needs to improve material conditions in all places of deprivation of liberty by ensuring that prisoners receive, in a timely manner and free of charge, the medical care and medication required by their condition, have access to nutritious and sufficient food and have adequate sanitary conditions and sufficient ventilation in the cells, taking into account the climatic conditions in the country.

Finally, the State needs to allocate enough resources, especially financial and infrastructural, to curb the deplorable prison conditions which represents a major obstacle in the rehabilitation of the offenders. This will contribute enormously to a fairer and humane criminal justice system in line with the various international law standards applicable in Cameroon.