

Insights into the realities of police custody and remand in custody in Cameroon

Eugène Pascal Parfait Nkili Mbida* and Stéphane Zindi**

►Received: 27 July 2025 ►Accepted: 4 November 2025***

Abstract

In practice, police custody and remand in custody are measures that deprive individuals of liberty and human dignity. They are often a means of humiliation and dehumanisation of people; a method that is organised by institutions and actors of a repressive system. Through desktop research, this paper identifies protections that persons in police custody and those remanded in custody have under Cameroonian law. It exposes that, in practice, there is minimal compliance with the state's obligation – the obligation to respect, protect, and fulfil the rights of persons held in police custody and those detained – under the Cameroonian and international law. This paper aims at making Cameroonians aware of their rights in all circumstances and urging them to defend the rights through available legal actions.

Keywords: Cameroon judicial system, human dignity, police custody, remand in custody, public freedoms, personal liberty, human dignity

* Eugène Pascal Parfait Nkili Mbida is a Magistrate at the Judiciary of Cameroon. He holds a PhD in Public Law from the University of Yaounde II. He is also an Arbitrator at the Comoros Court of Arbitration and President of the African Society of Community Law. ORCID iD: 0009-0000-2518-5580 (<https://orcid.org/0009-0000-2518-5580>). All translations are done by the authors.

** Stéphane Zindi is currently a PhD Candidate in human rights and humanitarian action at the Catholic University of Central Africa. He is also an Associate collaborator at Woungwa Law Firm. ORCID iD: 0009-0005-5736-6446 (<https://orcid.org/0009-0005-5736-6446>). All translations are done by the authors.

*** This article has undergone single blind review.

Introduction

After 50 days in police custody, the non-governmental organisation, Mandela Center International, criticised the deprivation of liberty of suspects Jean Bertrand Mboudou and Owoundi Ndong. These two are Cameroonian citizens who have been held in the detention rooms of the Centre Gendarmerie Legion in Yaoundé since 16 March 2025.¹ This critique exposes the tension between the illegal exercise of state authority and the full enjoyment of legally enshrined rights and freedoms. Several administrative acts² and institutional activities³ have deplored such abuses and prescribed the adoption of strategies to put an end to them.

In line with the thinking of Jean Rivero, 'effective protection of public freedoms would, in absolute terms, make it impossible for both public authorities and individuals to violate them. But this radical prevention is a myth: in our society, and no doubt in any human society, men do not hesitate, when they find it to their advantage, to infringe the freedoms of others'.⁴

Mr Luc Ndjodo, *Procureur Général* at the Supreme Court of Cameroon, noted that police and gendarmerie officers, magistrates of the legal department, and examining magistrates 'are sometimes called upon to restrict individual freedoms, in particular, by ordering the arrest and

¹ Mon'Esse, 'Cameroun: 50 jours de garde à vue abusive de 2 citoyens à la légion de gendarmerie', *World Top News*, 5 May 2025.

² Message from the Secretary of State for Defence in charge of the National Gendarmerie dated 13 November 2024 addressed to all commanders of the Gendarmerie legions with the subject, 'Gardes a vue et detentions abusives dans unites gendarmerie nationale', 13 November 2024.

³ Annual meeting of the heads of the Courts of Appeal and the regional delegates of the Prison Service on 10 December 2018, chaired by the Minister of State, Minister of Justice, Keeper of the Seals, on the following topics: 'Gardes à vue et détentions provisoires abusives: état de droit, état des lieux, mesures préventives et curatives envisageables' and 'le rôle de l'Administration pénitentiaire dans la lutte contre les détentions provisoires abusives', 10 December 2018.

⁴ Jean Rivero, 'Preface', in Stavros Tsiklitis, *La protection effective des libertés publiques par le juge judiciaire en droit français*, LGDJ, 1991, 16.

detention of a suspect, or the remand in custody of an accused person'.⁵ However, this 'power remains firmly framed by the law, with the state, the guarantor of all freedoms, ensuring that measures restricting freedom do not exceed the limits set by the legislature. The particular attention paid by the public authorities to the judicious application of measures restricting freedoms stems from the obligation of civil servants to respect the principle of the presumption of innocence, ... and [the obligation] to ensure the protection of human rights in general'.⁶

Remand in custody is 'an exceptional measure which shall not be ordered except in the case of a misdemeanour or a felony. It shall be necessary for the preservation of evidence, the maintenance of public order, protection of life and property, or to ensure the appearance of an accused before the examining magistrate or the court'.⁷ Police custody, for its part, is 'a measure whereby, for purposes of criminal investigation and the establishment of the truth, a suspect is detained in a judicial police cell, wherein he remains for a limited period available to and under the responsibility of a judicial police officer'.⁸ Police custody is not only a judicial measure, it is also an administrative measure under Cameroonian law.⁹

These measures, which deprive people of their liberty, are intended by the legislators to restrict the mobility of individuals. Their misuse significantly undermines the rule of law, and in the process profoundly

⁵ Luc Ndjodo, 'Submissions of the Procureur General at the Supreme Court at the Solemn Opening session of the Supreme Court', Solemn Reopening of the Supreme Court of Cameroon, 21 February 2025, 10.

⁶ Ndjodo, 'Submissions of the Procureur General at the Supreme Court', 10.

⁷ Criminal Procedure Code, Section 218(1).

⁸ Criminal Procedure Code, Section 118(1).

⁹ Law No 90/054 of 19 December 1990 on the maintenance of public order, Section 2.

erodes the credibility of the judicial institution,¹⁰ and reinforces the idea of a police state.¹¹

The purpose of the law – humanity¹² in the sense of ‘*hominum causa omne jus constitutum*’¹³ – constitutes a principle of legal policy. This principle structures our understanding of the criminal justice phenomenon,¹⁴ by promoting a legislative attitude that reveres humanity and calling for rigorous application of the rule of law, while always bearing in mind respect for human dignity.

Putting criminal law and repressive administrative law in the Cameroonian context allows us to appreciate the contours of the empirical complexity of the ideological debate opposing individualism and collectivism. The aim of this doctrinal position is to achieve an objective of allowing ‘the best human development in the individual and the social’.¹⁵ However, the risk lies in the potential legitimisation of inhumanity in the name of protecting society.¹⁶

The situation of detainees in prisons is precarious, unlike those who find themselves there as a result of a final criminal conviction. At the end of 2022, there were 19,054 detainees compared with 18,987 in 2021, and 13,944 convicted prisoners compared with 11,580 in 2021.¹⁷

¹⁰ According to the Chief Justice of the Supreme Court of Cameroon, Daniel Mekobe Sone: ‘[W]e must guarantee the right to justice and offer citizens an image that will reassure them and win back their trust. All those involved in the judicial sector must take the measure of the frustrations of litigants and the resurgence of private justice’. See Daniel Mekobe Sone, ‘Address of the Chief Justice of the Supreme Court’, Solemn Reopening of the Supreme Court, 21 February 2024, 13.

¹¹ Steve Tametong and Pierre-Claver Kamgaing, ‘Cameroun, un État policier? À propos de la garde à vue administrative’, July 2021.

¹² Catherine Le Bris, ‘Esquisse de l’humanité juridique’, 69(2) *Revue interdisciplinaire d’études juridiques* (2012) 2.

¹³ This Latin phrase means: ‘the law is instituted entirely for men’.

¹⁴ Jean Pradel, *Principes de droit criminel, Tome1 : Droit pénal général*, Éditions Cujas, 1999, 20.

¹⁵ Adolphe Minkoa She, *Droits de l’homme et droit pénal au Cameroun*, Economica, 1999, 11.

¹⁶ Bambé Djobélé, ‘Humanité et droit pénal au Cameroun’, 1 *Cahiers juridiques et politiques* (2024) 92.

¹⁷ Ministry of Justice, ‘Report of the Ministry of Justice on Human Rights in Cameroon in 2022’, December 2023, 227.

The daily routine of police custody and remand in custody in Cameroon is a waltz of humiliation and dehumanisation, fuelled by illegality and driven by ignorance of the victims of abuse. Individuals – initially defendants, suspects, or detained persons in relation to a criminal offense or a breach of public order – are often turned into victims of police, judicial, or administrative misconduct. This transformation happens through a tenuous connection established in disregard for the law and driven by the pursuit of power interests.

It has become so common to see the authorities of the judicial and administrative chain of repression trample on individual rights. There is therefore urgency of examining compliance with provisions of national and international instruments regarding rights of persons in custody.

This study is structured in two main parts: the first part examines how the rights of detainees, though formally enshrined, are often trampled under repression. It considers both the guarantees meant to protect defendants and the safeguards of due process, before turning to the ways these rights are systematically violated – whether by the very structure of the repressive system or by its practices. The second part addresses the restoration of these rights through punishment, outlining the remedies available when violations occur. It reviews the role of administrative and judicial sanctions in protecting detainees, and further considers the accountability mechanism of those responsible whether through state liability or penalties imposed on individual officials.

The rights of detainees trampled underfoot by repression

In a state governed by the rule of law, the limitation of freedoms cannot justify the suspension of human dignity.¹⁸ However, in Cameroon, the conditions of police custody and remand in custody are marred

¹⁸ Josette Nguebou, 'La détention provisoire dans l'avant-projet du code camerounais de procédure pénale', Unpublished doctoral thesis in law, University of Yaoundé, 1982, 492.

with a series of serious and systematic violations of fundamental rights.¹⁹ Police, judicial, and administrative repressions tend to overshadow the guarantees provided by national and international legal instruments,²⁰ reducing the person in police custody or remand in custody to an entity devoid of any human consideration.²¹ Although these rights are enshrined in several legal instruments, they are consistently violated. The first section of this part will discuss the rights of detained persons and the second section will expound on how these rights are consistently violated.

Rights of persons held in police custody and detainees

According to the provisions of the Cameroonian Criminal Procedure Code (CPC), police custody should not exceed 48 hours.²² This period is renewable only once, and may be exceptionally extended twice with authorisation made in writing by the state counsel.²³ Reasons for extending police custody include: the need to hear new witnesses for the prosecution or defence, the production by experts of evidence such

¹⁹ Statement of the Cameroon Human Rights Commission on the occasion of the seventh edition of the Africa pre-trial detention day, 25 April 2022; Report of the Ministry of Justice on Human Rights in Cameroon in 2019, June 2021; Report of the Ministry of Justice on Human Rights in Cameroon in 2020, February 2022; Report of the Ministry of Justice on Human Rights in Cameroon in 2021, February 2023, Report of the Ministry of Justice on Human Rights in Cameroon in 2022, December 2023.

²⁰ Universal Declaration of Human Rights, A/RES/217 A(III), 10 December 1948; International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966; African Charter on Human and Peoples' Rights, CAB/LEG/67/3, 21 October 1981; Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, 1465 UNTS 85, 10 December 1984.

²¹ Cameroon's prison system faces numerous challenges, including chronic overcrowding (173% on average). Alarming rates reach as high as 500% in some facilities. This critical situation is primarily due to a high rate of remand in custody, affecting 58% of inmates, some of whom wait several years for their trial. Judicial delays, exacerbated by an overburdened and underfunded administration, compound this problem. Armand Ougock, 'Cameroon: Prison overcrowding, remand in custody and corruption in Cameroonian prisons, at the heart of civil society challenges', *Koaci*, 27 September 2024.

²² Criminal Procedure Code Section 119(2)(a).

²³ Criminal Procedure Code Section 119(2)(a) and (b).

as forensic certificates, autopsy results, ballistic analysis results, and the production of results from cybernetic data processing. It should be noted that, administrative police authorities may at any time order administrative police custody for a renewable period of 15 days as part of the fight against organised crime.²⁴

The period of remand in police custody shall not be extended solely for the purpose of recording the statement of a witness. Also, except in cases of felonies or misdemeanours committed *flagrante delicto*,²⁵ remand in police custody shall not be ordered on Saturdays, Sundays, or public holidays. Where the remand in police custody has commenced on a Friday or on the eve of a public holiday, it may be extended as provided for in the law. Moreover, the period of remand in police custody shall be extended, where applicable, having regard to the distance between the place of arrest and the police station or the gendarmerie brigade where such remand has to be effected. The extension shall be 24 hours for every 50 kilometres.²⁶

The CPC also provides for special custody,²⁷ which should not exceed 24 hours. Judicial police officers shall check the identity and situation of any suspected person, in accordance with the provisions of Section 32,²⁸ and where necessary, may detain him in special police custody. Upon the expiry of this period, the detained person shall be released, unless further detention is justified on other legal grounds. A judicial police officer who fails to adhere to this may be prosecuted under the provisions of Section 291 of the Penal Code.²⁹

²⁴ Law No 90/54 of 19 December 1990 on the Maintenance of Public Order Section 2.

²⁵ This translates to, 'in the act of committing the offence' or 'in blazing offence'.

²⁶ Criminal Procedure Code Section 120.

²⁷ Criminal Procedure Code Section 86, 'Judicial police officers shall be empowered to check the identity and situation of any suspected person, in accordance with the provisions of Section 32, and where necessary, may detain him in a special police custody for not longer than 24 hours'.

²⁸ 'Any officer or agent of the judicial police may, in a public place or a place open to the public, and subject to the provisions of Section 83(3), arrest the author of a simple offence who either refuses to disclose his identity or discloses an identity suspected to be false and, where necessary, detain him for not longer than twenty-four hours'.

²⁹ Section 291 of the Penal Code provides that '(1) Whoever in any manner deprives an

A state counsel or examining magistrate may order remand in custody, which can last up to six months. This period may be extended by reasoned order for a maximum period of 12 months in the case of a felony and six months in the case of a misdemeanour.³⁰ In practice, however, these time limits are very widely exceeded without the authorisation of the state counsel, illustrating a worrying tolerance for arbitrariness, disregard for rights of the defendant and the requisite procedure.

A detained person is entitled to both substantive and procedural rights. These rights will be discussed in the next two subsections.

Detainees' substantive rights

The defendant benefits from certain legal guarantees aimed at preserving his fundamental rights. Under Cameroonian law, the presumption of innocence is the starting point for this protection.³¹ The Cameroonian Constitution, the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights and the Criminal Procedure Code guarantee this presumption.³² The presumption of innocence means that any person accused of an offence must be considered innocent until proven guilty according to law,³³ thereby structuring all other procedural rights. It also implies that the person being prosecuted must be treated with dignity, without prejudice or discrimination.

other of his liberty shall be punished with imprisonment for from 5 to 10 years and with fine of from CFAF 20,000 (twenty thousand) to CFAF 1,000,000 (one million); (2) The punishment shall be imprisonment for from 10 to 20 years in any of the following cases: a) where the deprivation of liberty lasts for more than a month; b) where it is accompanied with physical or mental torture; or c) where the arrest is effected with the aid of a forged order from a public authority or of a uniform unlawfully worn, or pretending an appointment not held'.

³⁰ Criminal Procedure Code, Section 221(1).

³¹ Supreme Court, Judgment No 13/P of 1 March 1979, BACS, No 40, 6011.

³² Law No 96/06 of 18 January 1996 revising the Constitution of 2 June 1972, amended and supplemented by Law No 2008/001 of 14 April 2008, Preamble; International Covenant on Civil and Political Rights, Article 11; African Charter on Human and Peoples' Rights, Article 7(1)(b); Criminal Procedure Code, Section 8.

³³ Léon Chantal Ambassa, 'La présomption d'innocence en matière pénale', 58 *Juridis périodique* (2004) 43-51.

Once admitted to police custody, the detained person has the right to be examined by a medical doctor. The exercise of this right is at the discretion of the state counsel. It may however be effected upon request of the person in police custody. Such medical examination shall be carried out within 24 hours after the request.³⁴ It should be noted that, if the detained person himself, his counsel, or his family members requests to have medical examination conducted at the end of the police custody, the medical examination must be done but at his expense and by a doctor of his choice.³⁵ In all cases he shall be informed of this discretion. The report of the commissioned medical officer shall be put in the suspect's case file and a copy thereof given to him. It may be counter-signed by the medical officer chosen by the person so remanded, who may, where necessary, endorse it with his views.³⁶

Detained persons also have the right to receive visits from their lawyer and members of his family or any other person during working hours.³⁷ Such persons may provide the detained persons with the means of subsistence and other necessities.³⁸ This is notwithstanding the state's responsibility of feeding persons remanded in police custody.

At the same time, the state has an obligation to guarantee the detained persons the right to human dignity and to physical and moral integrity throughout the proceedings. The Cameroon Constitution, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the African Charter on Human and Peoples' Rights prohibit the use of torture and inhuman and degrading

³⁴ Criminal Procedure Code, Section 123(1) and (2). The importance of the medical examination for at least two reasons: a) on the one hand, the conditions of the arrest, which require that the health of the person in custody be assessed and monitored, in their own interest and in the event that the judicial police officers are subsequently implicated; b) on the other hand, the apparent or known state of health of the person placed in police custody, in particular when they have apparent injuries or report physical suffering or poor health, or when they have significant mental disorders.

³⁵ Criminal Procedure Code, Section 123(3).

³⁶ Criminal Procedure Code, Section 123(3) and (4).

³⁷ Criminal Procedure Code, Section 122(3).

³⁸ Criminal Procedure Code, Section 122(4).

treatment.³⁹ Suspects must therefore be treated humanely, both materially and morally.⁴⁰

Suspects should not be subjected to any physical or mental constraints, or to torture, violence, threats or any pressure whatsoever, or to deceit, insidious manoeuvres, false proposals, prolonged questioning, hypnosis, the administration of drugs or to any other method which is likely to compromise or limit his freedom of action or decision, or his memory or sense of judgment.⁴¹ Therefore, police officers are prohibited from forcefully extracting confessions from suspects, which can also be denounced before the judge.⁴²

³⁹ African Charter on Human and Peoples' Rights, Article 5.

⁴⁰ Criminal Procedure Code, Section 122(1)(a).

⁴¹ Criminal Procedure Code, Section 122(2). The following circulars from the Minister of Justice are worth mentioning: Circular No 0026/03/032/AP/DAPG of 15 April 2022, prescribing the protection of the physical integrity and image of suspects; Circular No 39/CD of 28 May 2002, requesting state counsels to submit to the Minister of Justice all decisions concerning torture.

⁴² The case of *The People v Julienne Tonfack and Robert Kamdem* (Judgment No 69/00 of 21 September 2000) illustrates the fact that Cameroonian judges cancel legal proceedings when it is established that they are based on confessions obtained under torture. In this land dispute between Robert Kamdem and Julienne Tonfack, the latter complained to the Dschang investigation brigade, where her brother-in-law, Brigadier Richard Djutio, served as second-in-command, claiming that Kamdem had threatened her and her child with a locally made pistol, firing into the air to intimidate her. Richard Djutio arrested Robert Kamdem. The evidence presented during the trial showed that Richard Djutio subjected Robert Kamdem to inhuman treatment because of his relationship with Ms Julienne Tonfack. The accused was held in police custody for 20 days. This was longer than the legal limits. The accused was beaten several times in a fit to force him to confess. Injured, he eventually confessed. The conditions under which these confessions were obtained constitute a blatant example of a clear and manifest violation of human rights. The court ordered the cancellation of the proceedings against Robert Kamdem pursuant to Instruction Order No 073/MINDEF/062, issued in July 1999 by the Minister Delegate at the Presidency in charge of Defence, and the immediate release of the accused.

In *The People v Mengue Junette and Djessa Jean Dennis* case, the defendants were held in remand in custody for eight days for a theft. During their detention, Ms Mengue was tortured and confessed to committing the offense. The Court of first instance of Abong-Mbang, citing Cameroon's international commitments and domestic law, cancelled the proceedings in a Judgment (No 182/COR) issued on 24 February 2005.

In the case of *The People v Ava Gabriel* (Police Inspector), the defendant was accused of torture. At the hearing on 18 April 2006, he was found guilty by the Court of first

The Cameroonian Criminal Procedure Code also recognises the right to be tried without undue delay.⁴³ What is regrettable is that detention is becoming the norm⁴⁴ and tends to become an early sentence.⁴⁵ The CPC specifies the time limits for renewing remand in custody orders, however, it is frequently ignored. This is due to the fact that, the CPC and the other legal texts fail to provide reasonable grounds upon which an examining magistrate may continue to detain a suspect after the expiration of the extended period of detention, thereby leaving the proviso, '... detained for other reasons'⁴⁶ open to arbitrariness.

In conclusion, the rights of the accused are not just abstract principles. They are essential safeguards to ensure justice and prevent abuses.

instance of Garoua and sentenced to six months imprisonment, suspended for three years, and ordered to pay 150,000 CFA francs in damages. This judgment was final.

⁴³ Criminal Procedure Code, Section 221.

⁴⁴ *Legal Department and Ngouemeni Brigitte v Yamdjeu Marceline*, (unreported), High Court of Wouri, Refusal Order of the 31 May 2022. Indeed, in this order, the examining magistrate closed the preliminary inquiry by stating the sufficient charges against the accused, of having committed forgery of an official act and aggravated false pretences provided for and punishable by Penal Code, Sections 74, 144, 318 (1) (c) and 321. Further, the examining magistrate ordered her referral to the High Court of Wouri, to be tried in accordance with the law. The complaint raised against this decision is that it was issued with great levity, violating Criminal Procedure Code, Section 257 according to which, the no-case ruling shall state clearly and concisely the reasons for the existence or non-existence of evidence against the defendant, as it is provided by Section 7 of Law No 2006/015 of 29 December 2006 as amended and supplemented by Law No 2011/027 of 14 December 2011 on the judicial organisation. Also, nowhere in this decision is it possible to find a reasoning which alludes to the characteristics of the offences retained.

⁴⁵ The following cases are relevant: Chukwuemeka Nwaoudou Augustine (Nigerian), Remand warrant ordered on 20 April 2023 by the state counsel of the Court of First Instance of Douala-Bonanjo (the trial was still ongoing as of 31 March 2024); Danra Dieu Béni Héritier (Central African), Remand warrant ordered on 22 March 2023 by the state counsel of the Court of First Instance of Douala-Bonanjo (the trial was still ongoing as of 31 March 2024); Mohamed Diallo (Central African), Remand warrant ordered on 28 June 2023 by the state counsel of the Court of First Instance of Douala-Bonassama-Bonaberi (the trial was still ongoing as of 31 March 2024). In this last specific case, it is difficult to understand the remand in custody in a case of illegal immigration for a Central African in Cameroon. This is because there is a free movement of persons instituted by the modified Treaty of the Economic and Monetary Community of Central Africa of 30 January 2009, the Additional Act No 08/CEMAC-CEE-SE of 29 June 2005 relating to the free movement of persons in the EMCCA zone.

⁴⁶ Criminal Procedure Code, Section 221(2).

However, their effectiveness depends on a political and administrative will, a tight institutional framework and a human rights culture to be developed within the judicial police units⁴⁷ and courthouses.

Detainees' procedural rights

Once a person is placed in police custody, they must be informed immediately of the charges against them,⁴⁸ and of their fundamental rights. The detained person must be informed of the reason for arrest, their right to remain silent, to legal counsel, and to communicate with family. This obligation to be informed of the charges is a guarantee against arbitrary arrest. The charges shall be given in a language the defendant understands and within a reasonable time to organise their defence. Without legal assistance, the defendant is very vulnerable, exposed to abuse of all kinds, coercion, and unjust judicial decisions.

Judicial police officers must, under the penalty of nullity, note on the police report⁴⁹ that these procedural rights have been made known. Additionally, the police report should ensure that both the investigator and the suspect adhere to certain formalities.⁵⁰ The same applies to searches.⁵¹ The failure to comply with these formalities shall render the search and seizure null and void.

A person in detention must be brought before the state counsel or the judge within a fairly short timeframe. This right is often not adhered to. There have been instances of persons spending a week or more in police custody without being brought before the state counsel, nor the latter visiting police cells within their jurisdiction to ensure no irregularities are taking place.⁵²

⁴⁷ Félix Onana Etoundi, 'La responsabilité des membres de la police judiciaire depuis le nouvel Article 132 (bis) du Code de procédure sur la torture', 1 *CADH Intégrité physique et dignité humaine* (1998) 135-148.

⁴⁸ Criminal Procedure Code, Sections 119(1)(a) and 122(1)(a).

⁴⁹ Criminal Procedure Code, Section 116.

⁵⁰ Criminal Procedure Code, Section 90.

⁵¹ Criminal Procedure Code, Section 100.

⁵² Complaint of Mr Lucien Watou addressed to the procureur general to the Court of Appeal of Littoral on the 29 January 2018. Complaint of Mr Hermann Djomo Njanpa

Once detained, the person concerned has the right to appeal against the remand order. They may introduce an appeal before the Inquiry Control Chamber of a competent Court of Appeal⁵³ or apply for release.⁵⁴ This right encourages an objective review of the legality and appropriateness of the custodial measure.⁵⁵ In some cases, the Supreme Court even goes so far as to review the decisions of the courts or the judicial investigation. For example, in *Pierre Fabo v Legal Department and Ernest Kontchou* (unreported), after having quashed and annulled the judgment of the trial court, the Supreme Court annulled the order of dismissal of the investigating magistrate, and ordered the resumption of the judicial investigation.⁵⁶

Violation of the rights of persons held in police custody and detainees

Police custody and remand in custody are generally practised in flagrant violation of the fundamental rights of those detained. They are part of a pattern made possible and even encouraged by the configuration of a repressive system. A system is marked by an imbalance between law enforcement powers and jurisdictional guarantees, which creates fertile ground for violations. These two aspects are discussed in turn.

addressed to the procureur general to the Court of Appeal of Littoral Province on the 16 May 2018.

⁵³ Criminal Procedure Code, Sections 267 to 287.

⁵⁴ François Anoukaha, 'Droit pénal et démocratie en Afrique francophone: L'expérience camerounaise', 22 *Juridis infos* (1995) 71-86.

⁵⁵ *Ngos Ngos Jacques v Mbadi Banack Luc Destin*, (unreported), Court of Appeal of Centre, Judgment No 36/CI of 11 June 2015; *Succession Mboudou v Ekani Ferdinand and Others*, (unreported), Court of Appeal of Centre, Judgment No 26/CI of 4 June 2015; *Legal Department v Bikie Estelle and Kim Chang Deck*, (unreported), Court of Appeal of Centre, Judgment No 01/CI of 9 January 2014; *General Hospital of Yaounde v Awono Awono*, (unreported), Court of Appeal of Centre, Judgment No 21/CI of 10 August 2010.

⁵⁶ Supreme Court, Judgment No 30/P of 16 July 2009.

Violations occasioned by the structure of the repressive system

Violations of the rights of people in police custody and remand in custody are not just isolated acts or individual abuses, they are systemic.

The centralised and hierarchical organisation of the criminal justice system⁵⁷ concentrates considerable power in the hands of judicial police officers⁵⁸ and state counsel,⁵⁹ without offering sufficient checks and balances. The state counsel, who is supposed to guarantee the legality of proceedings, often acts as an unjustified accuser rather than a defender of society's interests. This complicity with the judicial police officer⁶⁰ fosters a form of connivance that weakens the mechanisms for controlling police custody and remand in custody.⁶¹

Furthermore, the weakness of jurisdictional guarantees is reflected in the marginal role given to the liberty and custody judge, whose powers are limited and sometimes non-existent in practice. The absence of effective and independent control over decisions to detain or keep in custody prevents a balanced regulation between the imperatives of public order and the protection of individual freedoms. As a result, remand in custody becomes a penal measure, applied systematically, despite the judicial supervision enshrined in the CPC.⁶²

⁵⁷ The repressive system is made up of all the actors involved in the punishment of criminal offences and the related procedures. Among the actors, we have civil or military courts (bench and legal department, magistrates and court registrars), and the auxiliaries of justice (bailiffs, lawyers, public notaries, judicial police officers). In fact, the repressive system is 'a real theatre where everyone is called upon to play their role properly', N Messanga Atangana, *Pratique des greffes*, Edition MINOS, 2002, 60. See also, LD Ntimba, *Le greffe dans le système répressif camerounais*, Editions Universitaires Européennes, 2011.

⁵⁸ Criminal Procedure Code, Sections 116-117.

⁵⁹ Criminal Procedure Code, Section 127.

⁶⁰ This is an observation based on the lived reality of the authors' respective experiences.

⁶¹ *Legal Department v Ngo Dikam Jeanne spouse Mbock Massoda*, (unreported), High Court of Sanaga-Maritime, Refusal Order of 14 June 2023; *Legal Department v Lowe Ngatchou Valmi*, (unreported), Holding Charge of the state counsel of the High Court of Wouri, 13 August 2025. These cases speak to the mechanisms for controlling police study or remand in custody.

⁶² Criminal Procedure Code, Sections 246-250.

The allocation of budgetary funds to the Ministry of Justice also deserves to be questioned. The funds are often insufficient to enable the various public legal department offices to carry out their supervisory roles effectively.⁶³ In rural areas, the deputy state counsels are asked to sacrifice this prerogative on the authority of their limited financial and material resources. For the most dedicated, they organise this control at irregular periods, then, the head of the judicial police unit becomes automatically a master of individual freedoms.

In addition, the structure of prison institutions has inherited the martial law logic of the colonial administration. The prison system was conceived not as a system for rehabilitating and preserving the dignity of people who had not yet been found guilty, but as anticipated punishment.⁶⁴

As a result of the treatment meted out by the repressive system, the accused person is socially perceived as guilty. In practice, this means that they are socially marginalised, which justifies denying them their rights when entering and leaving prison. Detainees are not distinguished from convicts, either by the places where they are held or by the treatment they receive. This shift from the presumption of innocence to the presumption of guilt fuels a climate of impunity for the authorities and resignation for those subject to the law. The 2005 Criminal Procedure Code heavily relies on common law elements, notably incorporating *habeas corpus* and an accusatory justice system instead of the predominant French civil law inquisitorial framework, which shifts the burden

⁶³ Law No 2024/013 of 23 December 2024 to lay down the finance law of the Republic of Cameroon for the financial year 2025 Section 78, Chapter 8, provides for a budget of XAF 88,377,782,000 to be divided between the Ministry of Justice and all the national civil courts with the exception of the Supreme Court of Cameroon.

⁶⁴ Nanfack Cyril Kenfack, 'Le maintien de l'ordre public au Cameroun: Une continuité de la doctrine française de maintien de l'ordre 1955-1971', *Revue d'Études Décoloniales* (2019); J Kingue Mbang Bang 'L'Algérie et le Cameroun dans les guerres de libération nationale de 1954 à 1971: Circulation des hommes, des idées et soutiens logistiques', Unpublished Ph.D Thesis, University of Yaounde I, 2014; E Mvié-Meka, 'La politique camerounaise de défense et de sécurité nationale, 1920-1991: Conceptualisation et dynamique d'un système africain', Unpublished Ph.D Thesis, University Paul-Valéry Montpellier III, 1992.

of proof from the accused to the accuser. We have a good illustration in Sections 8,⁶⁵ and 584⁶⁶ of the Code.

As the bedrock of fair trial criminal proceedings, the principle of presumption of innocence, holds that the prosecution must prove the accused's guilt before a conviction can occur. While the general principle holds that the burden of proof for the accused's guilt lies with the prosecution, there are instances in which the law may require the accused to prove specific facts, as recognised by common law and integrated into Cameroon's harmonised Criminal Procedure Code.

In the case of *Tajuoleen Alabic v State*,⁶⁷ for instance, the appellant was convicted of armed robbery by a trial judge who found the evidence insufficient to establish their innocence; however, the Supreme Court later overturned the conviction, emphasising that the presumption of innocence is a fundamental right that does not require the accused to prove their innocence, unlike the previous inquisitorial approach used in the francophone regions of Cameroon.

Notwithstanding the existence of the concept of presumption of innocence, the Law No 97-19 of 7 August 1997 relating to the Control of Narcotic Drugs, Psychotropic Substances and Precursors and to Extradition and Mutual Legal Assistance in Matters of Illicit Traffic in Narcotic Drugs, Psychotropic Substances and Precursors – in flagrant violation of the Constitution and relevant international conventions – establishes presumption of guilt.⁶⁸

⁶⁵ '(1) Any person suspected of having committed an offence shall be presumed innocent until his guilt has been legally established in the course of a trial where he shall be given all necessary guarantees for his defence. (2) The presumption of innocence shall apply to every suspect, defendant and accused'.

⁶⁶ '(1) The President of the High Court of the place of arrest or detention of a person or any other judge of the said court shall have jurisdiction to hear applications for immediate release based on grounds of illegality of arrest or detention or failure to observe the formalities as provided by law. (2) He shall also have jurisdiction to deal with applications filed against administrative remand measures. (3) The application shall be filed either by the person arrested or detained or on his behalf by anyone else. Such application shall be unstamped'.

⁶⁷ (1993) NWLR (pl 307) 511 and 531.

⁶⁸ Section 102(1) provides: '[n]otwithstanding the provisions of Articles 91 and 93, those

The lack of independence of certain courts, coupled with the absence of any real popular or parliamentary control over law enforcement agencies, reinforces this tendency towards systemic and systematic violation of individual rights.⁶⁹ Appeal mechanisms remain inaccessible, poorly known and often ineffective.⁷⁰

The laws themselves are often vaguely worded, leaving room for a liberal interpretation by the public authorities, allowing arrests on vague grounds such as 'insulting an official', 'undermining state security', or 'apology for terrorism'. This ambiguity reinforces the discretionary power of the administrative authority, which can arbitrarily decide to take people into custody, sometimes for reasons that have nothing to do with organised crime.⁷¹ All of which considerably weakens the ability of citizens to challenge their deprivation of liberty.

Furthermore, there is duplication of offences in existing laws. Such duplication often causes confusion since the different laws give differ-

who unlawfully possess, purchase or cultivate plants or substances classified as narcotic drugs or psychotropic substances which, due to their small quantity, can be considered to have been intended for personal consumption, shall be punished [...].

⁶⁹ Annie Minko Ella, 'Le contrôle de privation de liberté des mineurs dans la phase préliminaire du procès pénal au Cameroun', 4(8) *Les Cahiers de l'ACAREF* (2022) 153-167; JB Dikongue, 'Les privations de la liberté individuelle au cours du procès pénal en droit camerounais', Unpublished Ph.D Thesis, University of Poitiers, 2000; United Nations Information Service in Geneva, 'Experts of the Committee against Torture Praise Cameroon's Efforts to Prevent Gender-Based Violence, Ask about Alleged Violations of Rights of Journalists and Human Rights Defenders and Prison Overcrowding', United Nations, 14 November 2024.

⁷⁰ Cameroon second periodic report due on 1992 (Additive), 'Committee against Torture, Consideration of reports submitted by States parties under Article 19 of the Convention, Cameroon, UN Doc CAT/C/17/Add.22 (2000)', 20 November 1999; Marc Stéphane José Mgba Ndjie, 'De l'application du principe du double degré de juridiction en procédure pénale camerounaise', 10(13) *Revista Misión Jurídica* (2017) 93-108; Dominique Junior Zambo Zambo, 'Le nouveau Code de procédure pénale et la victime de l'infraction: À propos de l'enrichissement du «parent pauvre» du procès pénal camerounais', 63(1), *Revue internationale de droit comparé* (2011) 69-108.

⁷¹ 'The legislator gives no precise definition of organised crime. This begs the question of whether 'organised crime' is the same as 'petty crime'. What is the criterion for differentiating and assessing such a concept? Does banditry become 'large' because of the seriousness of the offences committed, the size of the gang of alleged bandits, or the repetition over time of offences of the same nature?' Tametong and Kamgaing, 'Cameroun, un État policier?', 2.

ent punishments for similar offences. The Law No 2014/28 of 23 December 2014 of the Suppression of Acts of Terrorism,⁷² for example, duplicates offence of ‘non-denunciation of terrorism’ which is already in the Penal Code.⁷³ In the Penal Code, the penalty for the offence is one to five years imprisonment and/or a fine of between CFA francs 50,000 and 5,000,000. In the Law No 2014/28 of 23 December 2014, the punishment is 20 years imprisonment.⁷⁴

The violations of rights in relation to police custody and remand in custody cannot be understood without analysing the violations orchestrated by a repressive system.

Violations orchestrated by the repressive system

Violations of the rights of persons in police custody or remand in custody are not isolated malfunctions of the judicial system. They reveal a deeper reality: the use of the criminal justice system as an instrument of social and political control. Far from being aberrations, these infringements appear to be structural in the operation of the judicial system, which is used to serve the stability of power and the maintenance of the established order. These measures are also manipulated to satisfy the hegemonic fantasies of certain public or private figures.⁷⁵

⁷² Law No 2014/28 of 23 December 2014, Sections 7, 9, and 16.

⁷³ Penal Code, Section 107.

⁷⁴ Ahmed Abba, a Hausa-language journalist at *Radio France International*, was arrested on 30 July 2015, in Maroua while investigating the conflict with Boko Haram in the far north of Cameroon. He was held incommunicado for three months. His trial began on 29 February 2016, before the Military Court of Yaoundé. He was found guilty on 20 April 2016, and sentenced to 10 years of imprisonment on 24 April, under 2014 Cameroon’s anti-terror law (‘non-denunciation of terrorism’ and ‘laundering of proceeds of terrorism’) and, after nearly two years in custody. After the trial in appeal, the Court of Appel of Centre (in Yaoundé) seating in the military chamber on 21 December 2017, overturned the 10 years’ sentence. It reduced his sentence to 24 months, which he has already served. The Court acquitted him of the charge of ‘laundering of proceeds of terrorism’ but upheld the charge of ‘failure to report acts of terrorism’.

⁷⁵ Criminal Procedure Code, Section 118(2) provides that: ‘[a]ny person with a known residence may *not*, except in the case of a flagrant crime or offence and where there is serious and corroborating evidence against him, be held in police custody’.

Police custody, an exceptional investigative measure in principle, is deployed in Cameroonian practice as a weapon for neutralising, muzzling, and intimidating any form of dissent. The arrests of protesters, political activists, journalists, or ordinary citizens expressing discontent, illustrate the preventive and punitive but illegal use of this measure. People are usually arrested without a warrant, in complete contravention of the CPC and violation of individual rights.⁷⁶

Police violence often goes unpunished. In the 2008 fuel-price protests, the 2016 strikes by lawyers in Bamenda and Buea, the 2016-2017 anglophone demonstrations, and the 2018 protests by members of the Cameroon Renaissance Movement (CRM), mass arrests and reports of *incommunicado* detentions were documented. Thousands of individuals were detained without any information regarding their whereabouts being disclosed. Some were eventually released weeks, months, and even years later without undergoing any proper trial process, while others continue to suffer in prison.⁷⁷

Numerous young individuals have been apprehended by law enforcement, even from the safety of their own homes, and taken to undisclosed locations. Families have invested significant amounts of money in efforts to locate their loved ones, whose detentions appear to be politically driven.⁷⁸

Judicial police officers, state counsels, and some upper-class citizens often use detention as a tool to settle personal scores. For example, if a young man engages in consensual sex with the upper-class citizens' daughters – both of them being above the age of majority – and she becomes pregnant, the young man is placed in police custody. There are also cases of people⁷⁹ being held in police custody without any com-

⁷⁶ Amnesty International, 'Cameroon: Des voix réduites au silence', 2023.

⁷⁷ Harvey Awah Ambe, 'The trial process under Cameroon criminal law: A critical analysis of constitutional and statutory rights', 8(1) *National Journal of Criminal Law* (2025) 56-73.

⁷⁸ Ambe, 'The trial process under Cameroon criminal law: A critical analysis of constitutional and statutory rights', 56-73.

⁷⁹ See the cases of Mr Happi Happi Faustin at the Regional Judicial Police Unit of Littoral in March 2023; Mr Bayebeck Jean Baptiste at the 2nd Region of Gendarmerie in July 2024.

plaint or denunciation, and even more so in the absence of a hearing for the complainant.

Remand in custody has been transformed into a silent burial mechanism, making it possible to keep anyone deemed to be a 'nuisance' out of the public sphere. Individuals are thus held in detention for months, even years, before a court finally renders a judgment. A case in point is the one of 'Operation Epervier' detainees where the detainees were held for years without trial.⁸⁰ This was contrary to the provisions of the 2011 law,⁸¹ which states that the Special Criminal Court has a maximum of six months to render its decision and may extend by a maximum of three months by order of the President of the Court.⁸²

In the case of *The People v Hermann Djiagam*, the High Court of Wouri gave an order for extension of the remand warrant of 13 August 2025. In this case, the examining magistrate in his order reasoned as follows: 'in this case, the preliminary inquiry has not come to an end; that certain inquiry acts necessary to reveal the truth still remain to be carried out; that there is reason to order the extension of the remand warrant order of the above-mentioned person for a period of six months'.⁸³

Magistrates of the legal department, judges, and ministers of justice and military justice⁸⁴ as well as police and gendarmerie commanders

⁸⁰ Gervais Mendo Ze, prosecuted for embezzlement of public funds, was sentenced the 19 March 2019 in Yaoundé by the Special Criminal Court to 20 years in prison and a fine of 15 billion CFA francs to be paid to the public treasury. He was arrested in November 2014 and held in remand in custody at Kondengui Central Prison in Yaoundé. He was found guilty of embezzling 18 billion CFA francs from the National Television Station's operating budgets in 2004 and 2005. Arrested on 29 July 2016, for embezzlement of public funds, the former General Manager of the Cameroon Radio Television (CRTV), Amadou Vamoullé had spent 2 000 days in remand in custody as of 19 January 2022. This situation gave rise to, Opinion No 1/2020 of 29 April 2020 of the Working Group on Arbitrary Detention of the Human Rights Council.

⁸¹ Law No 2011/028 of 14 December 2011 establishing the Special Criminal Court, amended and supplemented by Law No 2012/011 of 16 July 2012.

⁸² Law No 2011/028 of 14 December 2011 establishing the Special Criminal Court, Section 10(6).

⁸³ *The People v Hermann Djiagam*, High Court of Wouri, 13 August 2025.

⁸⁴ Interview of Mr Jean de Dieu Momo, Minister Delegate to the Minister of Justice, Keeper of the Seals, on Canal 2 International, Médiatude CMR.

and heads of judicial police departments with special jurisdiction, are often lax or passively complicit in practices that violate the rights of people in police custody⁸⁵ or remand in custody. Very few investigations are opened into cases of torture, illegal detention, or police violence. Sometimes, they are insignificant and result in ineffective sanctions.⁸⁶

While repression tends to erode the fundamental rights of detainees, it does not exhaust the legal framework that is supposed to protect them. In response to transgressions, the judicial system and institutional control mechanisms are a determining factor. In this way, violations of fundamental rights and freedoms call, by a mirror effect, for a concrete normative and judicial response. It is from this perspective that the question of restoring rights through sanctions arises, with the aim of not only repairing the damage suffered but also consolidating the rule of law.

Legal sanctions for violation of the rights of detainees and persons held in police custody

Even when detained, the human person enjoys rights.⁸⁷ This is what obligates the judicial and administrative police authorities to protect the rights and freedoms of all citizens and not just those of the complainant to the detriment of those of the defendant.

In Cameroon's criminal law, certain reparations are available for violations of the rights of persons in police custody and detainees, thus

⁸⁵ Circular No 00708/SESI/S of 21 June 1993 relating to abuse and inhuman treatment in police stations; Service note No 01958/SESI/DPJ/S of 1 November 1993 relating to abuse of persons in police custody.

⁸⁶ Law No 2011/028 of 14 December 2011 establishing the Special Criminal Court Section 10(6).

⁸⁷ 'All life is life,
Any harm caused to a life requires reparation.
Therefore,
Let no one harm his neighbour gratuitously,
Let no one harm his neighbour,
Let no one martyr his fellow man', JAGA (Agence pour la Gouvernance en Afrique), 'La Charte du Mandén'.

giving full meaning to the matrix idea of the rule of law. The next two sections will discuss the punishment for the acts and for the actors, respectively, of violations of rights of persons in police custody and detainees.

Penalties for violations of the rights of persons held in police custody and detainees

The judicial and administrative police operate according to the hierarchical model that structures the centralisation of the Cameroonian administration. The public authorities who exercise these powers must carry out their general supervision, coordination, and control of the activities of staff placed under their authority. The judicial and administrative courts have powers to put an end to arbitrary police custody and remand in custody.⁸⁸ These two points are discussed below.

Reparations through the administrative authorities

Under the terms of Section 133 of the CPC, the *Procureur Général* at the Court of Appeal is the Director of Criminal Investigations within their jurisdiction. They report directly to the Minister of Justice. They supervise the work of both judicial procedure officers and state counsels.

In practice, there has been a notable increase in the number of requests for intervention before the legal department, to condemn persistent cases of abusive police custody. As a result, when the defendant or their counsel finds that their rights have been violated by the investigating officers, and in the face of inertia on the part of the state counsel, the defendant may refer the matter to the *Procureur Général*, who issues instructions, pursuant to Sections 133 and 134 of the CPC, to release the applicant. In some offices of the *Procureur Général*, such as those in the Central and Littoral regions, a second reading of the transfer proceedings is carried out to ensure that the state counsel and their judicial police officers are complying with criminal law.

⁸⁸ Circular No 90/62 of 18 October 1989 from the Minister of Justice relating to remand in custody.

The *Procureur Général* and state counsels also instruct their deputies and their non-magistrate colleagues to make a positive discrimination in favour of urgent requests concerning the preservation of individual freedoms and complaints of abuses of police custody and remand in custody. In the same vein, prison inspections are carried out by the *Procureur Général* accompanied by the state counsel, to check on the state of detention conditions.⁸⁹

It is also common for various offices of the *Procureur Général* to receive correspondences from the Minister of Justice, whose attention has been drawn to the situation of rights in detention facilities, with instructions to put an end to any violations.

As far as the administrative police are concerned, the governor is the regional director of the administrative police, under whose authority the senior divisional and the sub-divisional officers fall, and whose hierarchy is the minister in charge of territorial administration. In the event of a violation by the authorities under their authority, the governor may issue an order to amend a decision ordering the administrative custody of persons, either issued by a senior divisional officer or a sub-divisional officer.

If the authorities with hierarchical power fail to act, judicial sanction should be considered.

Reparations through the courts

Deprivation of liberty before trial may be sanctioned by judicial or quasi-judicial bodies.

In Cameroon, *habeas corpus* proceedings are instituted before the president of the High Court with territorial jurisdiction or any other judge designated by them. This is done on the basis of a petition lodged by an arrested or detained person alleging that the arrest or detention was unlawful or that the formalities prescribed by law were not observed.⁹⁰ The president of the High Court also has jurisdiction to hear

⁸⁹ Report of the Ministry of Justice on Human Rights in Cameroon in 2022, 236-238.

⁹⁰ Law No 2006/015 of 29 December 2006 on Judicial organisation, amended and supplemented by Law No 2011/027 of 14 December 2011, Section 18(2)(b).

appeals against administrative custody orders.⁹¹ Administrative action also appears to be a legal means available before the judicial courts to punish the violation described.⁹²

The administrative court may hear actions for cancellation of an administrative custody orders on the grounds of violation of a legal provision or regulation and abuse of authority.⁹³ It may also hear actions for compensation for damage resulting from the illegality of such individual administrative decisions.⁹⁴

The reality on the ground is that the administrative authority interferes in the management of the judicial police in breach of Section 135(3) of the CPC,⁹⁵ and leads to reprehensible abuses. For example, by Order No 001480/AP/JO6/SP of 6 August 2025, the Senior Divisional Officer of Mfoundi (seat of the Institutions of Cameroon), ordered administrative custody for 15 days, renewable, for 29 Cameroonian citizens, starting from 4 August 2025, on the grounds that ‘the persons concerned are liable to be prosecuted for disturbing public order; gathering; rebellion and incitement to revolt (Monday, 4 August 2025 in Yaoundé)’.

This Order is all the more remarkable in that it is founded upon a mere contingency rather than a legal or factual certainty. According to the Senior Divisional Officer, ‘the parties concerned are liable to be prosecuted for ...’. Such language amounts to a tacit admission by the administrative authority that it lacks the legal competence to adopt such a measure in the circumstances of the case.

One must further contemplate the scenario where the state counsel – who alone holds the prerogative to exercise prosecutorial discretion – were to conclude that these individuals cannot be prosecuted for any

⁹¹ The *habeas corpus* procedure is set out in Criminal Procedure Code, Sections 584 to 588.

⁹² Republic of Cameroon, ‘Government responses to the Committee against Torture, March 2010’, 7; Law No 2006/022 of 29 December 2006 to lay down the organisation and functioning of the Administrative Courts, Section 3(2).

⁹³ Law No 2006/022 of 29 December 2006, Section 2(3)(a).

⁹⁴ Law No 2006/022 of 29 December 2006, Section 2(3)(b).

⁹⁵ ‘Any administrative authority so informed shall be bound to bring such information to the knowledge of the nearest State Counsel or judicial police officer’.

criminal offence whatsoever (whether by reason of a total absence or insufficiency of evidence). In such a situation, what lawful purpose would have been served by this measure of administrative detention?

By so formulating such a decision, the senior divisional officer effectively conditions the legitimacy of his Order upon the mere possibility that the state counsel may, at some later stage, elect to institute criminal proceedings. This reading is confirmed by Article 2 of the Order in question, pursuant to which the Senior Divisional Officer directed the Central Commissioner No 1 of the city of Yaoundé to transmit the file arising from the execution of this measure to the competent state counsel.⁹⁶

In any event, the punishment of acts of violation of the conditions of deprivation of liberty before trial goes hand in hand with that of the different actors.

Punishment of the authors of violations of the rights of persons held in police custody and detainees

Through the misconduct of its agents, the state of Cameroon may be held liable at national and international levels. This liability does not prevent the state from taking action against its agents. It can do this through penalising civil servants. In the next two subsections, this paper will expound on state sanctioning and the state penalising civil servants for violations committed.

Sanctioning the state

The Commission for Compensation of Victims of Illegal Detention,⁹⁷ housed at the Supreme Court, hears claims against the state for compensation for the harmful consequences resulting from the misconduct of

⁹⁶ Eugène Pascal Parfait Nkili Mbida, 'Et si c'était l'autorité préfectorale qui trouble l'ordre public?', Nk Blog, 18 September 2025.

⁹⁷ Criminal Procedure Code, Section 237, the procedure to be followed before it is set out in Sections 236 and 237 of the same Code.

civil servants to whom the law has entrusted the power to order police custody and remand in custody.⁹⁸

At the international level, bodies such as the African Commission on Human and Peoples' Rights, the United Nations Human Rights Committee,⁹⁹ are competent to sanction the aforementioned violations. These institutions call into question Cameroon's state responsibility within the relevant human rights instruments.

Penalties for civil servants

Where the state of Cameroon has been held liable by an administrative judge or an international body, it may take action. This allows the state, which has made good the damage in the place of its agent, to take action against the latter in order to obtain reimbursement of the sums paid.

Police officers,¹⁰⁰ gendarmes,¹⁰¹ forestry and wildlife officers,¹⁰² mining officers,¹⁰³ water officers,¹⁰⁴ and environmental officers¹⁰⁵ are considered civil servants. They are subject to the disciplinary regime set out in the General Statute of the Civil Service.¹⁰⁶ Civil servants who exceed

⁹⁸ These cases are insightful: *Abate Thomas Magloire v State of Cameroon (Ministry of Justice)*, Application No 07/CI/CS/2020; *Assoulaye Elias v State of Cameroon (Ministry of Defence)*, Application No 31/CI/CS/2020; *Ndode Jeremiah Ebong v State of Cameroon (Ministry of Justice)*, Application No 23/CI/CS/2019; *Boukar Adirtimi v State of Cameroon (Military Justice)*, Application No 42/CI/CS/2020; *Mahamat Bichara v State of Cameroon (Ministry of Defence)*, Application No 35/CI/CS/2020; *Alhadji Tchari Blama Oumate v State of Cameroon (Ministry of Defence)*, Application No 30/CI/CS/2020; *Yakubu Oumar v State of Cameroon (Ministry of Defence)*, Application No 39/CI/CS/2020; *Elongo Joseph v State of Cameroon*, Application No 08/CI/CS/2021.

⁹⁹ *Albert Womah Mukong v Cameroon* (decision on merits), 458/1991, CCPR (1994).

¹⁰⁰ Decree No 2012/539 of 19 November 2012 on the Special Status of the National Police, Sections 89 to 129.

¹⁰¹ Decree No 2001/181 of 25 July 2001 on the Organisation of the National Gendarmerie.

¹⁰² Law No 2024/008 of 24 July 2024 Governing Forests and Wildlife, Sections 154 to 162.

¹⁰³ Law No 2023/014 of 19 December 2023 on the Mining Code, Sections 159 to 164.

¹⁰⁴ Law No 98-005 of 14 April 1998 on the Water Regime, Sections 19 to 21.

¹⁰⁵ Law No 96/12 of 5 August 1996 on the Framework Law for Environmental Management, Sections 88 to 90.

¹⁰⁶ Decree No 94/199 of 07 October 1994 on the General Status of the State Civil Service, with all its amendments, Sections 92 to 110, 121 and 122.

the legal conditions and procedures for remand in custody are liable to disciplinary,¹⁰⁷ financial¹⁰⁸ and criminal sanctions.¹⁰⁹

With regard to the discipline of magistrates, they are subject to the following sanctions: warning, reprimand, removal from the promotion list, delay in advancement to a higher step for a maximum period of two years, removal from office, demotion in group or grade, temporary exclusion from service for a maximum period of six months, dismissal without suspension or forfeiture of pension rights, and dismissal with suspension or forfeiture of pension rights.¹¹⁰ State counsels at times, after warning police unit heads on several occasions about their errant ways, decide not to entrust them with investigations.

In criminal law, civil servants who violate the conditions and forms of police custody and remand in custody are liable to imprisonment and fines for aggravation for public servants, false arrest, active corruption and passive corruption, abuse of function, favouritism, refusal of service, murder, grievous harm, torture, assault occasioning death, assault occasioning grievous harm, simple harm, slight harm, constructive force, unintentional killing and harm, forced labour, extortion of disposition or signature, and professional confidence.¹¹¹

Conclusion

The practice of police custody and remand in custody in Cameroon is far removed from the legal requirements of respect for human dignity. It is often observed that these measures to prevent pre-trial detention are used in humiliating and dehumanising ways, compromising the rule of law and social equilibrium. However, there are national and

¹⁰⁷ Law No 2017/012 of 12 July 2017 to lay down the Code of Military Justice, Section 12.

¹⁰⁸ Criminal Procedure Code, Section 236(3).

¹⁰⁹ Criminal Procedure Code, Section 137.

¹¹⁰ Decree No 95/048 of 8 March 1995 on the Status of the Judiciary, with different amendments, Sections 46 to 62.

¹¹¹ Penal Code, Sections 132(1), 291(1), 134, 134(1), 140, 143, 148, 277, 277(3), 278, 279, 280, 281, 285, 289, 292, 308, and 310 respectively.

international mechanisms for sanctioning the state and civil servants in their actions that inhibit the rights of persons in police custody and detainees. It is therefore imperative for them to take ownership of the repressive and reverential legal framework of human rights, in order to ensure that they are respected.¹¹² Cameroonians have in their hands the tools to humanise themselves.

¹¹² *Legal department v DJIAGAM Hermann*, (unreported), High Court of Wouri, Order for extension of the Remand warrant of 13 August 2025. In this case, what is regrettable is that, the detainee, despite the examining magistrate's laconic motivation, did not introduce an appeal request before the Inquiry Control Chamber of the Court of Appeal of Littoral (Douala) in the forms and time-limits provided for in Sections 271 (the time-limit for appeal is 48 hours with effect from the following date of service of the said ruling, which was carried out on 14 August 2025) and 274 of the Criminal Procedure Code, in order to have the possibility to sanction this decision and see his right to freedom restored.