Wildlife crime in Cameroon

Analysis of selected legislation and court cases

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<th>Full Form</th>
</tr>
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<tbody>
<tr>
<td>ANAFORE</td>
<td>National Forest Development Support Agency</td>
</tr>
<tr>
<td>APVCC</td>
<td>Anti-Poaching Vigilance Committee</td>
</tr>
<tr>
<td>AUCCPC</td>
<td>African Union Convention on Preventing and Combating Corruption</td>
</tr>
<tr>
<td>CBD</td>
<td>Convention on Biological Diversity</td>
</tr>
<tr>
<td>CEMAC</td>
<td>Communauté Économique et Monétaire de l’Afrique Centrale (Economic and Monetary Community of Central Africa)</td>
</tr>
<tr>
<td>CHZ</td>
<td>Community Hunting Zone</td>
</tr>
<tr>
<td>CITES</td>
<td>Convention on International Trade in Endangered Species of Wild Fauna and Flora</td>
</tr>
<tr>
<td>CPC</td>
<td>Criminal Procedure Code</td>
</tr>
<tr>
<td>COMIFAC</td>
<td>Commission des Forêts d’Afrique Centrale (Central African Forest Commission)</td>
</tr>
<tr>
<td>CONAC</td>
<td>Commission Nationale Anti-Corruption (National Anti-Corruption Commission)</td>
</tr>
<tr>
<td>COP</td>
<td>Conference of the Parties</td>
</tr>
<tr>
<td>ECCAS</td>
<td>Economic Community of Central African States</td>
</tr>
<tr>
<td>ELC</td>
<td>Environmental Law Centre</td>
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<tr>
<td>ETIS</td>
<td>Elephant Trade Information System</td>
</tr>
<tr>
<td>FESP</td>
<td>Forest Environment Sectoral Programme</td>
</tr>
<tr>
<td>JPO</td>
<td>Judicial Police Officer</td>
</tr>
<tr>
<td>LAGA</td>
<td>Last Great Ape Organization</td>
</tr>
<tr>
<td>LATF</td>
<td>Lusaka Agreement Task Force</td>
</tr>
<tr>
<td>NBSAP</td>
<td>National Biodiversity Strategy and Action Plan</td>
</tr>
<tr>
<td>NIAP</td>
<td>National Ivory Action Plan</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental Organisation</td>
</tr>
<tr>
<td>MIKE</td>
<td>Monitoring of Illegal Killing of Elephants</td>
</tr>
<tr>
<td>MINOF</td>
<td>Ministère des Forêts et de la Faune (Ministry of Forestry and Wildlife)</td>
</tr>
<tr>
<td>NEMP</td>
<td>National Environmental Management Plan</td>
</tr>
<tr>
<td>PAPECALF</td>
<td>Central African Wildlife Trade Law Enforcement Action Plan</td>
</tr>
<tr>
<td>UNCA</td>
<td>United Nations Convention Against Corruption</td>
</tr>
<tr>
<td>UNTOC</td>
<td>United Nations Convention on Transnational Organized Crime</td>
</tr>
<tr>
<td>USD</td>
<td>United States Dollars</td>
</tr>
<tr>
<td>SC</td>
<td>Standing Committee</td>
</tr>
<tr>
<td>TRIDOM</td>
<td>Tri-National Dja-Odzala-Minkébé</td>
</tr>
<tr>
<td>WWF</td>
<td>World Wide Fund for Nature</td>
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<tr>
<td>XAF</td>
<td>Central African Franc</td>
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FOREWORD

The significant decline in wildlife during the last decades is the result of habitat loss and the increase of poaching and illegal wildlife trade. Indeed, the latter is a growing business that contributes to a multi-billion-dollar illegal industry involving unlawful harvesting and trade in live animals and plants or their products.

The complexity and multi-dimensional aspects of these crimes make them difficult to prosecute and entirely unsustainable within the context of the current biodiversity crisis. They contribute to driving endangered species towards extinction and depriving current and future generations of this heritage.

Illegal trade not only threatens biodiversity but also affects negatively the environment, global economy and society. For this reason, it calls for urgent attention and action at local, regional and international level.

Since 1970, the IUCN Environmental Law Centre has been at the forefront of developing the legal arrangements and providing tools to practitioners from around the world to protect and conserve biodiversity and thus helping to address poaching and illegal wildlife trade.

Born out of the “Partnership against Poaching and Illegal Wildlife Trade (in Africa and Asia)”, this is a series of reports relating to wildlife crime case analysis in countries involved in the supply, transit, and demand sides of the wildlife trafficking chain. All the cases that served to prepared the reports are available on www.wildlex.org.

We do hope these reports will help to improve resources and tools available to policy makers, and the judiciary to address the various and complex matters relating to poaching and illegal wildlife trade, as well as disseminate information, and experiences to sensitize other stakeholders to find solutions to address the wide spectrum of problems associated with illegal wildlife trade and crime.

Special thanks to the Government of the Federal Republic of Germany alongside the GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) for the financial contribution.

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INTRODUCTION

Biodiversity in Cameroon is considered as among the most diverse in Africa, in terms of variety, quantity, ecosystems and genetic resources\(^1\). The country is home to more than 1,500 species of mammals, fish and birds, including a wide range of endemic and endangered species (e.g. forest elephants, pangolins, lowland and mountain gorillas)\(^2\). Unfortunately, this rich biodiversity is increasingly targeted by poachers and wildlife traffickers, who represent major drivers of decline in animal species. Astronomical prices paid on the black market for animal by-products from high-value species make wildlife crime a particularly lucrative crime, thus attracting a growing number of organised criminal and trafficking networks. It is estimated that more than 62% of forest elephants were slaughtered in Central Africa between 2002 and 2011\(^3\) and according to a 2015 survey\(^4\), three to four elephants were killed daily in the Cameroon part of the TRIDOM\(^5\) landscape. After trafficking in drugs, counterfeit products and people, wildlife crime is considered as the fourth most widespread offence in the world generating an estimated global annual revenue of US$ 9-23 billion\(^6\). The loss of animals also has direct economic consequences on supply countries and their indigenous and local populations, depriving them of vital natural resources and the associated economic value. This can, in turn, severely undermine the economic development of many countries, especially since biodiversity can be a valuable source of tourism revenue\(^7\).

In the context of this assessment, wildlife crime refers to activities of harvesting and trade in wildlife products contrary to national law. Usually, hunting activities can be considered as illegal when they concern animals belonging to a protected species, or if they take place in geographical areas placed under environmental protection, such as national parks\(^8\). Depending on national legislation, poaching can also involve hunting using prohibited methods or without a valid licence. Offences relating to wildlife trafficking involve a range of commercial activities involving specimens of wild fauna and flora and activities relating to their transportation\(^9\).

To put an end to criminal activities against its wildlife heritage, Cameroon has taken several initiatives, including the ratification of international and regional agreements, adoption of national legislation related to wildlife, creation of protected areas, and the establishment of a dedicated department for wildlife and protected areas within the Ministry of Forestry and Wildlife overseeing the investigation and prosecution of wildlife offences. However, there are still significant gaps in the legal framework and a number of shortcomings in judicial proceedings for these offences which undermine Cameroon’s ability to effectively counter wildlife crime. In order to identify these gaps, the IUCN Environmental Law Centre (ELC), in collaboration with local experts, embarked on the selection, collection and analysis of 240 wildlife crime cases brought before courts in Cameroon between 2009 and 2020. These court decisions are accessible on WILDEX\(^10\). This report presents the results of this analysis and provides an overview of the Cameroonian legal system, as well as the national legal framework relating to wildlife.

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\(^2\) Ibid.
\(^5\) Tri-National Dja-Odzala-Minkébé trans-border forest split across northeast Gabon, northwest Republic of Congo and southeast Cameroon.
\(^6\) WWF, Poaching and Illegal Wildlife Trade, 2017.
\(^7\) Ibid.
\(^8\) UNODC, ICCWC Wildlife and Forest Crime Analytic Toolkit, 2012.
\(^9\) Ibid.
\(^10\) WILDEX is an online database of wildlife crime court cases from a wide range of countries, managed by IUCN. Available at www.wildlex.org
offences, and international agreements ratified by Cameroon. It also highlights weaknesses in law enforcement and judicial processes for wildlife offences identified as a result of the court case analysis, as well as offer key recommendations to improve adjudication by courts and deter poaching and wildlife trafficking.

This report is part of a series, which includes wildlife crime court case analysis in countries involved in the supply and demand sides of the wildlife trafficking chain.
1 METHODOLOGY

The case selection, collection and initial analysis were carried out by a team based in Yaoundé, which consisted of regional and national experts. The national expert facilitated case collection while the regional one was in charge of analysing collected judgments.

The methodology used for the selection and collection of cases consisted in the following key steps:

- An initial list of wildlife cases was developed based on the judicial database managed by WWF as part of its support to the Government of Cameroon in wildlife law enforcement. This database contains cases referred to the courts by conservation services from field sites where WWF operates. It enables case tracking from arrest to conviction and sentencing. A total of 127 cases were identified in seven courts covering the following protected areas:
  - In the Southwest: Bakossi, Korup, and Mount Cameroon national parks and Bayang Mbo wildlife sanctuary;
  - In the East: Boumba Bek, Loboke, and Nki national parks, and Ngoya wildlife reserve;
  - In the South: Campo Ma’an national park.

- 86 cases were collected from the judicial database managed by the Last Great Ape Organization Cameroon (LAGA) that supports the government with wildlife court case monitoring. Those cases were handled by eight courts covering small towns close to protected areas, such as Abong Mbang and Yokadouma in the East, Djoum in the South; as well as large trading centers, such as Bafoussam in the West, Douala in Littoral, Kribi in the South, and Limbe in the Southwest;

- Private lawyers, in charge of monitoring wildlife litigation on behalf of the wildlife administration, also contributed by carrying out to several courts in Abong Mbang, Djoum, Edea (Littoral), and Yokadouma in order to identify other wildlife crime cases. At the end of these missions, 27 additional cases were collected, amounting to a total of 240 cases in four regions (East, South, Littoral and Southwest), and eleven courts, as presented in Figures 1 and 2;

- Two criteria were set for selection of cases: (i) facts should be related to either poaching and/or wildlife trafficking; (ii) offences should include the following key words: hunting, killing, trafficking, capture, possession, elephant, protected animal, ivory, weapon, ammunition, protected area, national park, permit, etc. Although courts in northern Cameroon were not included in this analysis due to logistical issues and lack of court case monitoring in the area, the collected judgments are likely to form the majority of wildlife cases handled across the country and the results presented below should therefore be seen as representative of the country as a whole;

- The national expert monitored the judgment formalisation process until they were signed by the court registrar and collected. The judgments were then sent for analysis, either as scanned copies via email or hard copies by post.
Figure 1: Areas of collected cases

Figure 2: Distribution of cases per court
The above locations were specifically selected as most of them are within transboundary areas considered as poaching and illegal wildlife trade hotspots. More than half the cases are concentrated in Yokadouma (East) and Djoum (South). This is in line with findings from recent reports identifying these two areas as major illegal wildlife trade hubs in Cameroon, especially for ivory\textsuperscript{11}. Ivory from these two regions is mainly intended for domestic and Chinese markets\textsuperscript{12}. Elephant tusks harvested in nearby protected areas (Dja Faunal Reserve in the South) are stored in Djoum before being sent to large cities to be sold. Ivory stored in East Cameroon (Yokadouma and Moloundou) is sent to North Cameroon and to Central African Republic\textsuperscript{13}. The East and South regions account for more than 90\% of collected cases (Figures 1 and 2). These two regions are part of TRIDOM, which was identified as the area of origin for more than 85\% of forest elephant ivory seized between 2006 and 2014, following DNA research carried out on the 28 largest ivory seizures made worldwide\textsuperscript{14}. The other selected locations in the Littoral and Southwest regions (Edea, Douala, Tikou, Kumba) are along the trafficking route to Nigeria, a major transit country in Africa for illegal wildlife trade\textsuperscript{15}.

![Flowchart](image)

**Figure 3:** Case selection and collection process

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\textsuperscript{11} La Libre, Dossier L’ivoire de Boko Haram, Chapitre 2: Routes de l’Ivoire, 2016. Available at: https://dossiers.lalibre.be/livoiredebokoharam/routes.php

\textsuperscript{12} Ibid.

\textsuperscript{13} Ibid.


\textsuperscript{15} Environmental Investigation Agency, Out of Africa: How West and Central Africa have become the epicentre of ivory and pangolin scale trafficking to Asia, 2020.
The team conducted an initial analysis of each of the 240 transcripts using a matrix developed by the ELC (Annex I) with the following information, either directly retrieved from the court decisions or based on further legal analysis and research by the experts:

- General information about the case: country, territorial subdivision/state, case title, judgment date, court name, type of court, seat of court, court jurisdiction, Justice(s) who have rendered the judgment, prosecuting authority, representation of accused person, defendants (age, gender, nationality), legal history of the case, original language, reference number, filing number, number of pages;

- Description of the case: subjects covered by the case, keywords (based on those used in ECOLEX\textsuperscript{16}), species, wildlife products involved, monetary value, whether the case was transnational, charge sheet, charge(s), if the seized products were processed, if the case was appealed, facts and an abstract;

- Decision or judgment: a brief summary of the judgment, basis of the decision, penalties, legal issues raised in the decision;

- References: to other court decisions, national legislation, or international agreements and links to full texts online.

This report was drafted following three key steps:

- Compilation and literature review: most documents were accessed online, and some documents were drawn from the WWF legal library;

- Interviews with judicial authorities (judges and prosecutors of Abong Mbang, Djoum and Yokadouma district courts) to identify main challenges encountered by the judiciary in the prosecution and judgment of wildlife crime cases;

- The writing of the report itself.

\textsuperscript{16} ECOLEX is an information service on environmental law, operated jointly by FAO, IUCN and UNEP. Available at: https://www.ecolex.org/result/?q
The majority of cases (88%) were collected from first instance courts, including military courts, while the remaining 12% of them were collected from appellate courts (Table 1). This could mean that the relevant parties, the State Counsel, the wildlife administration and the defendant(s), were generally satisfied with the outcome of the case, or that the request for an appeal was not submitted in time, although it does not necessarily mean that the first instance judgment was adjudicated correctly. The fact that most defendants did not have access to legal representation, which will be discussed further below, could also be linked to the low proportion of appeals.

Table 1: Distribution of cases by type of court

<table>
<thead>
<tr>
<th>COURTS</th>
<th>ALL</th>
<th>FIRST INSTANCE (INCL: MILITARY COURT)</th>
<th>APPELATE COURT</th>
<th>MILITARY COURT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of cases</td>
<td>240</td>
<td>211</td>
<td>29</td>
<td>18</td>
</tr>
<tr>
<td>Percentage</td>
<td></td>
<td>88%</td>
<td>12%</td>
<td>8%</td>
</tr>
</tbody>
</table>

The cases were selected, collected and analysed during the course of 2020 and span a period of 11 years, from 2009 and 2020 (Figure 6). This enabled a diversified analysis, as magistrates in the courts changed in that period\(^\text{17}\). The analysis was also made based on generally uniform criteria, as there was no significant legislative reform related to wildlife matters during this period, except for the new Criminal Code adopted in 2016\(^\text{18}\).

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\(^{17}\) Magistrate turnover in Cameroon is between three to five years.  
\(^{18}\) Law No 2016/007 of 12\(^{th}\) July 2016 on the Criminal Code.
Figure 6: Distribution of cases by year
2 LEGAL SYSTEM AND CRIMINAL PROCEDURE

2.1 Legal system

The legal system in Cameroon is rather unique in that it is one of the few examples of a bi-jural system, in which both English common law and French civil law coexist in the same country. Theoretically, while civil law applies in the eight French-speaking regions, common law applies in the two English-speaking regions. However, in practice, recent legislation is mostly based on French legal concepts. These two systems also coexist with elements of customary law, including tribal traditions and Islamic law.

Legislative, executive and judicial powers are guaranteed and regulated by the Constitution. There are different types of legal norms applicable in Cameroon and recognised by the Constitution:

- Treaties and international agreements, which are acts negotiated and ratified by the President of the Republic or submitted to the Parliament for authorisation to ratify, if they fall within the area of competence of the legislative power;

- Laws adopted by the Parliament, enacted by the President of the Republic and published in the Official Gazette in English and French. Parliament has jurisdiction to legislate on the following matters: fundamental rights, guarantees and obligations of citizens; status of persons and property ownership system; political, administrative and judicial organisation; some financial and patrimonial matters; programming the objectives of economic and social action and the education system;

- Ordinances, which are decrees issued by the President of the Republic. Parliament may empower the President to legislate by way of ordinances for limited and for given purposes. In such cases, the President has competence to legislate in matters usually reserved to legislative power, as presented above.

The judicial system is organised and governed by Law 2006/015 of 29 December 2006 on judicial organisation, as amended and supplemented by Law 2011/027 of 14 December 2011. It establishes that justice is administered in the territory of the Republic on behalf of the people of Cameroon and that judicial power is exercised by the Supreme Court, Courts of Appeal and courts.

Judicial organisation comprises the following courts:

- The Supreme Court;

- Courts of Appeal;

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19 Charles Manga Fombad, Researching Cameroonian Law, Globalex 2015
Available at: https://www.nyulawglobal.org/globalex/Cameroon1.html
20 Ibid.
21 Ibid.
22 Section 43, Cameroon Constitution with amendments through 2008
Available at: https://constitutionproject.org/constitution/Cameroon_2008.pdf?lang=en
23 Section 26, 1996 Constitution.
24 Section 31, 1996 Constitution.
25 Section 26, 1996 Constitution.
26 Section 28.1, 1996 Constitution.
28 Section 3 (new), Law 2006/015.
• The Special Criminal Court;
• Lower courts for administrative litigation;
• Lower audit courts;
• Military courts;
• High Courts;
• District Courts;
• Customary law courts.

The Supreme Court

It is the highest court of the State in judicial, administrative and auditing matters. The Supreme Court is the supervisory body of the Cameroonian judicial system. It is located in the capital city Yaoundé, and has jurisdiction over the entire Republic of Cameroon. The Supreme Court comprises judicial, administrative and audit benches and has jurisdiction over appeals from the ten Courts of Appeal in the country. The judicial bench rules on appeals against final rulings given by the various courts and tribunals and on final judgments passed by lower courts in cases where the application of the law is challenged.

District Courts

A District Court or Court of First Instance is established in each subdivision. In criminal matters, it has jurisdiction to try all offences classified as misdemeanours or simple offences. In civil matters, it has jurisdiction to hear matters where the amount of damages claimed does not exceed ten million XAF, and to recover all claims where the amount does not exceed ten million XAF.

High Courts

A High Court is established in each division of the country, in the chief town of the division. In criminal matters, it has jurisdiction to try felonies and related misdemeanours. When hearing a criminal matter, the High Court has jurisdiction to entertain claims for damages resulting from the commission of the offences.

Courts of Appeal

A Court of Appeal is established in the chief town of each region. It has jurisdiction to hear appeals against judgments delivered by courts, with the exception of those delivered by the Supreme Court and the Court of Appeal itself.

Military Court

Military courts are established in each region and have exclusive jurisdiction over military offences established in the Code of Military Justice. These are, amongst others, offences of any nature committed by military personnel, either within a military establishment or in the course of service; violations of legislation on weapons of war and defence, and theft while carrying firearms; offences of

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29 Section 38, 1996 Constitution.
30 Section 39, 1996 Constitution.
31 In French: Tribunal de Première Instance.
32 Cameroon is divided into ten semi-autonomous regions (formerly known as provinces); two anglophone regions: Northwest and Southwest; and eight francophone regions: Adamawa, Centre, East, Far North, Littoral, North, South, and West) and sub-divided into 58 divisions or départements.
33 Section 15, 1996 Constitution.
34 In French: Tribunal de Grande Instance.
35 Section 18(3), 1996 Constitution.
any nature involving a member of the armed forces or similar personnel, committed in war time or in a region under a state of emergency; and all related offences\textsuperscript{36}.

**Special Criminal Court**

The Special Criminal Court has jurisdiction over matters of misappropriation and embezzlement of public funds and related offences provided by the Criminal Code and international conventions ratified by Cameroon, where the loss is of minimum 50 million XAF\textsuperscript{37}. Its territorial jurisdiction covers the entire country.

![Diagram of Court System]

Figure 7: Court system

### 2.2 Criminal procedure

Criminal Procedure in Cameroon is regulated by Law 2005/007 of 27 July 2005 on the Criminal Procedure Code (CPC). Generally, matters are brought to justice either through the State Counsel\textsuperscript{38} or direct summons\textsuperscript{39}. Matters are brought to the State Counsel by way of a written information, a written or oral complaint, or a written report by a competent authority. The State Counsel may also act on their own initiative\textsuperscript{40}.

In wildlife crime matters, finding suspects and evidence of their offence generally falls under the responsibility of the Ministry of Forestry and Wildlife (MINOF) and in exceptional cases, the police, gendarmerie and customs officers. Legal proceedings against poachers and other perpetrators are referred to courts by MINOF. The wildlife administration can do so directly or refer the case to the

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\textsuperscript{36} Section 8, Law 2017/012 of 12 July 2017 establishing the Code of military justice.

\textsuperscript{37} Section 2, Law 2011/028 establishing the Special Criminal Court.

\textsuperscript{38} In French: Procureur de la République.

\textsuperscript{39} Alain Bernard Ononino, Lois et procédures en matière faunique au Cameroun : ouvrage destiné à la mise en application de la loi et à la lutte contre la corruption dans le secteur de la faune, LAGA, WWF, 2012.

State Counsel through an offence statement or complaint report\textsuperscript{41}. In turn, the State Counsel, after having received an offence statement, may refer the information or complaint to judicial police officers (JPOs) for investigation, decide to institute criminal proceedings against the suspect, or to close the matter and inform the complainant of the decision \textsuperscript{42}.


\textsuperscript{42} Section 141, CPC.
3 LEGAL FRAMEWORK

3.1 History of wildlife law

The first law on the protection of wildlife in Cameroon was adopted in 1947, when Cameroon was still under French rule. Decree 47-2254 on hunting in French colonies regulated hunting permits for protected species in the category of trophy hunting. The Decree specified that elephant hunting was subject to additional taxes and a permit and limited to maximum four elephants.

Since gaining its independence in 1960, Cameroon has adopted three forestry and wildlife laws:

- Ordinance 73/18 of 22 May 1973, and its implementing instruments;
- Law 81/13 of 27 November 1981 to lay down forestry, fisheries and wildlife regulations and its implementing instruments, including Decree 83/170 on wildlife regulations;
- Law 94/01 of 20 January 1994 on the forest, wildlife and fisheries regime, and its regulatory instruments, especially Decree 95-466-PM establishing conditions for implementing wildlife regulations.

These legal instruments recognise local populations’ customary rights or user rights and enable their active involvement in natural resource management, for example through participation in decision-making committees, the creation of community forests and community hunting zones (CHZ) and equitable sharing of benefits from wildlife exploitation.43

The 1994 wildlife law establishes a special fund for the development and equipment of wildlife conservation and protection areas. The resources of the fund come directly from a portion of hunting licence fee, daily hunting taxes, taxes paid for killing, capturing and harvesting animals, and other sources as established by decree.44 The special fund is meant to cover expenditures such as construction costs, wildlife inventory, the costs of developing protected areas, opening tracks, equipment for management operations, state contributions to international bodies, and others as established by decree.45 However, no evidence was found of what the Fund is currently used for.

3.2 Legal and policy framework applicable to wildlife crime

3.2.1 International agreements

**Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)**

Cameroon became a party to CITES on 5 June 1981. The main objective of CITES is to achieve a sustainable balance between biodiversity conservation and international trade in wildlife resources. It regulates trade in over 38,000 species of wild fauna and flora, which are listed in three Appendices, according to the degree of protection they need. As of 2021, there are 661 species of wild fauna and flora in Cameroon that are listed in the CITES Appendices.46

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43 Innocent Tchigio, Opportunities for Community-based Wildlife Management: A Case Study from the Korup Region, Cameroon, Cuvillier, 2017.
45 Chapter III, Section II, ibid.
46 As listed on Species+. Available at: https://speciesplus.net/species
In accordance with its obligations under the Convention\(^{47}\), Cameroon adopted specific domestic legislation aimed at implementing CITES. This includes:

- Law 94/01 of 20 January 1994 on forestry, wildlife and fisheries regime, which sets the regime for forests, wildlife and fisheries in order to ensure sustainable conservation and use of these resources;
- Decree 95/466 of 20 July 1995 setting the operating procedures of wildlife regulations and implementing Law 94/01 of 20 January 1994. It aims, amongst other things, at ensuring the protection of wildlife and biodiversity, adequate wildlife management and punishment of offences;
- Decree 2005/2869/PM of 29 July 2005 offsetting the operating procedures of certain provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora: the purpose of this decree is to set terms and conditions for the application of certain provisions of CITES, in particular on possession, transport, international and domestic trade for all species of fauna and flora listed in CITES Appendices I, II and III;
- Order 0648/MINFOF of 18 December 2006 establishing the list of animals in protection categories A, B and C: this decree divides animal species living on national territory into three protection classes A (totally protected species), B and C (partially protected species);
- Decision 000857/D/MINFOF of 10 November 2009 on the organisation of bushmeat trade.

MININFO was designated as national management authority for CITES. Management authorities are an essential component of international trade under CITES. They are in charge of ensuring that trade is taking place in accordance with the provisions of the Convention and of granting the relevant permits and certificates to authorise import, export or re-export. The scientific authorities in Cameroon are the Garoua Wildlife School, for fauna, and the National Forestry Development Support Agency, for flora. Their purpose is to work hand in hand with management authorities to ensure that international trade is conducted sustainably, that it is not detrimental to the survival of species of wild fauna and flora, and in line with CITES requirements.

CITES is an essential framework for the regulation of elephant ivory trade in Central Africa, especially in Cameroon, where heavy poaching has taken a toll on the country’s population of savannah and forest elephants\(^{48}\). The remaining number of elephants left in the country is estimated to be about 7,000\(^{48}\). African elephant \(Loxodonta africana\) populations in Cameroon are included in CITES Appendix I, which means that any trade in specimens for commercial purposes is prohibited. The listing of African elephants in Appendix I, adopted at the 7th Conference of the Parties (COP) in 1989, was a way to curb the rapid decline in elephant populations in the region. However, three decades later, African elephant populations continue to face “an immediate threat to their survival from unacceptably high levels of poaching for their ivory, especially in Central and West Africa”\(^{50}\).

To further address this issue, CITES identified 22 countries that are most implicated in illegal trade in ivory and categorises them as ‘most affected’, ‘markedly affected’, and ‘affected\(^{51}\). Nineteen of these

\(^{47}\) CITES, Article VIII (1): The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof.


\(^{49}\) Ibid.

\(^{50}\) CITES, Press release: African elephants still in decline due to high levels of poaching. 3 March 2016. Available at: https://cites.org/eng/node/43167.

\(^{51}\) Category A consists of Parties most affected by the illegal trade in ivory; Category B consists of Parties markedly affected by the illegal trade in ivory and Category C consists of Parties affected by the illegal trade in ivory.
countries were instructed by the CITES Standing Committee<sup>52</sup>, whose responsibility is to oversee the implementation of the Convention, to develop National Ivory Action Plans (NIAPs). These countries were identified following reports from the Elephant Trade Information System (ETIS) that monitors trends in illegal trade in elephant systems based on ivory seizure data.

Cameroon was initially designated as a Category B country<sup>63</sup>, and submitted its NIAP in 2015. The Plan is built on six pillars of action: legislation, legal proceedings, information-gathering and investigation, national and international cooperation on wildlife crime, enforcement operations, and communication and awareness-raising. Some of these actions include ongoing training on combating poaching and illegal trade in the major specialised teaching establishments (ENAM<sup>54</sup>, Police College and Gendarmerie College) and establishing a system for information-gathering and investigation<sup>55</sup>. Based on the latest progress report submitted to the Standing Committee ahead of its 70<sup>th</sup> meeting in 2018, the Committee agreed that, overall, Cameroon had progressed in the implementation of its NIAP but decided to rate it as ‘limited progress’<sup>56</sup>. In 2019, the report on ETIS submitted to the COP presented an assessment of illicit ivory trade data in the period 2015-2017. This analysis led to Cameroon being moved to Category C, based on Cameroon demonstrating relatively efficient law enforcement efforts, even though corruption was still emphasised as a serious issue<sup>57</sup>. According to the report, Cameroon remains one of the major sources of ivory in Central Africa where the threat of poaching is still very serious. The role of Cameroon is generally as a transit country for the ivory moving from Central Africa to West African ports of export and for the ivory carving industry in Nigeria, and until recently, the port of Douala was still a major exit point for large shipments of ivory<sup>58</sup>.

Moreover, two recommendations to suspend trade were issued by the Standing Committee for two species endemic to Cameroon: *Trioceros quadricornis*, since 3 February 2016; and *Trioceros montium*, since 6 May 2019<sup>59</sup>. Recommendations to suspend trade can be issued in cases of trade in Appendix II species that is not compliant with Article IV of the Convention<sup>60</sup>, in that it has a direct impact on the survival of the species. The Review of Significant Trade in Appendix II species is undertaken by the Animals and Plants Committees, who then, in consultation with the Secretariat, make recommendations to the relevant range States. If the recommendations are not implemented by the relevant country in a timely manner, the Standing Committee can then issue recommendations to suspend trade in the concerned species. Such trade suspensions are withdrawn immediately upon a country’s return to compliance, which implies implementing actions recommended by the Secretariat.

CITES has also taken steps to ensure implementation of the Convention through improving Parties’ national legislation. At COP15<sup>61</sup>, the Conference of the Parties directed the Secretariat, within available resources, to identify those Parties whose domestic measures do not provide them with the authority to:

1. designate at least one Management Authority and one Scientific Authority;

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<sup>52</sup> The CITES Standing Committee is composed of Parties representing each of the six major geographical regions (Africa, Asia, Europe, North America, Central and South America and the Caribbean, and Oceania), with the number of representatives weighted according to the number of Parties within the region (Resolution Conf. 18.2 Annex 1).

<sup>53</sup> CITES CoP16 Doc. 53.2.2 (Rev. 1).

<sup>54</sup> École Nationale d’Administration et de Magistrature (National School of Administration and Magistracy).


<sup>56</sup> CITES SC70 Doc.27.4 Annex 1.

<sup>57</sup> CITES COP18 Doc. 69.3 (Rev.1), Report on the Elephant Trade Information System.

<sup>58</sup> Ibid.

<sup>59</sup> CITES SC70 Doc. 29.1 on the Implementation of Recommendations of the Animals and Plants Committees.

<sup>60</sup> CITES, Article IV paragraph 2: the export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met: (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species.

<sup>61</sup> CITES Resolution Conf.8.4 (Rev. CoP15) on National laws for implementation of the Convention.
ii. prohibit trade in specimens in violation of the Convention;
iii. penalize such trade;
iv. confiscate specimens illegally traded or possessed;

Under the National Legislation Project, and in consultation with the concerned Party, national legislation is analysed by the Secretariat in relation to these four minimum requirements and placed in one of three categories, depending on whether it meets the requirements. The national legislation in Cameroon was identified as Category 1, which means that it is believed generally to meet all four requirements for effective implementation of CITES.

In 2013, a report published by TRAFFIC identified some major weaknesses encountered in the implementation of CITES in COMIFAC (Central African Forest Commission) Member States, including Cameroon. The main weakness is the lack of cooperation and communication between national authorities and law enforcement agencies in Central Africa. There is also very little to no collaboration between Cameroon and nearby countries, such as Nigeria, which are heavily affected by illegal trade, or with Asian countries, such as China, one of the main importing countries. There is also a general lack of training for law enforcement officers, especially relating to the identification of CITES-listed species. A specific case study of the airport and port in Douala, Cameroon revealed the many difficulties encountered in enforcing trade regulations: lack of training for security personnel to rapidly identify most commonly traded species and trophies, weak collaboration between border officials and wildlife administration and substantial logistical difficulties such as lack of equipment and human resources.

**Convention on Biological Diversity (CBD)**

Cameroon ratified the Convention on Biological Diversity (CBD) on 19 October 1994. The Convention provides guidelines and an actionable framework to conserve biodiversity. When ratifying the CBD, Cameroon became bound by its provisions and committed to fulfilling obligations like those of Articles 6, 7, 8 and 9. One of these commitments is to develop national strategies for the conservation and sustainable use of biological diversity. Cameroon submitted its second National Biodiversity Strategy and Action Plan (NBSAP) in 2012. The NBSAP recognises “illegal exploitation of wildlife species” as being of “increasing concern” and identifies the excessive poaching for food and commercial purposes as a threat to terrestrial and aquatic mammals and avifauna while also highlighting illegal commercial hunting and bushmeat trade as significant threats to the survival of endangered species, such as gorillas, chimpanzees and elephants. It acknowledges the fact that even though the main national wildlife law, adopted in 1994, does in fact prohibit the sale and trafficking of endangered species, its effectiveness is becoming increasingly limited as “the area and number of people involved in the illegal trade make conventional law enforcement virtually impossible.” Moreover, the NBSAP acknowledges a lack of awareness on the scale of the trade and the consequences of such unsustainable wildlife exploitation.

The national targets established by Cameroon in its NBSAP that are relevant to wildlife crime are Target 5, “by 2020 biodiversity-related laws and regulations are strengthened and made coherent in order to avoid conflicting uses and combat illegal practices”; and Target 7, “by 2020, endemic and threatened species of flora and fauna should be sustainably managed”. Under Target 5, Cameroon committed to

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63 CBD, Section 6.
65 Ibid.
66 Ibid.
67 Ibid.
revising sector policy and laws to ensure coherence with biodiversity policy, laws and regulations and strengthening law enforcement. However, wildlife crime, and in particular poaching or illegal wildlife trade, is not explicitly mentioned in the actions to implement in order to achieve either of these targets. In its 2018 assessment, it was estimated by the CBD Secretariat, based on the sixth national report submitted by Cameroon, that there was progress towards Targets 5 and 7 but at an insufficient rate.\(^{68}\)

**United Nations Convention against Transnational Organized Crime (UNTOC)**

UNTOC is the main international instrument adopted to promote cooperation to prevent and combat transnational organised crime. It was adopted in 2000 and currently has 190 Parties. States that have ratified this Convention commit to taking a series of measures against transnational organised crime, including the creation of domestic criminal offences; the adoption of frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building capacity of national authorities. In the context of the Convention, an organised criminal group is defined as a “structured group of three or more persons, existing for a period of time and acting in concert” with the objective of committing one or more serious crimes\(^{69}\) to obtain, directly or indirectly, a financial or other material benefit\(^{70}\).

Although wildlife trafficking is not mentioned in the Convention text or its Protocols, it is still part of the scope of the Convention as it is one of the most lucrative forms of transnational organised crime. In fact, the relevance of environmental crimes in the context of UNTOC was most recently acknowledged during COP10, in 2020, where Parties passed Resolution 10/6 on *Preventing and combating crimes that affect the environment falling within the scope of the UNTOC*. The Resolution recognises that the Convention is an effective tool and essential part of the legal framework for preventing and combating transnational organised crimes that affect the environment, such as wildlife trafficking. It also calls upon Parties to implement legislation that will enable them to address wildlife crime that falls within the scope of UNTOC as a serious crime\(^{71}\), as defined by the Convention, and to take measures to prevent the abuse of national, regional and global financial systems for the purposes of money laundering, including through the implementation of effective risk based anti-money laundering frameworks.\(^{72}\)

Cameroon ratified the United Nations Convention against Transnational Organized Crime on 6 February 2006. There are several armed groups operating in the Central African sub-region. However, it appears that for Cameroon, the greatest threat, in terms of transnational organised crime, comes from Boko Haram, a Salafist jihadist group from Nigeria operating mostly in northern Cameroon and the Lake Chad Basin. Complex links between poaching, illegal wildlife trade and terrorist organisations, such as Boko Haram, have recently been established. Some evidence shows that there are still illicit trade routes used by traffickers to send ivory from Cameroon to Nigeria, which would contribute to funding the group’s terrorist activities.\(^{73}\) In fact, several ETIS reports show that Cameroon and Nigeria are still actively connected, and especially through cross-border trade.\(^{74}\) The port of Douala in Cameroon has also been identified by INTERPOL as a probable hub for this type of criminal activity, linking Central Africa to Asia while avoiding stricter controls at airports.\(^{75}\) This is why it is essential that

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69 Section 2(b), UNTOC: offences punishable by a maximum deprivation of liberty of at least four years.  
70 Section 2(a), UNTOC.  
71 A serious crime, as defined by UNTOC, is a conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty (Section2(b)).  
72 CITES News,”CITES Secretariat welcomes UNTOC resolution on combatting crimes that affect the environment”, 2020. Available at: https://cites.org/eng/cites-welcomes-UNTOCResolution_WildlifeCrime_environment_28102020  
74 Ibid.  
Cameroon implements and enforces the provisions of the Convention, in order to strengthen its capacity to counter organised crime. Cameroon has not enacted a specific law on transnational organised crime but its Criminal Code criminalises several offences related to organised crime. For example, Article 95 criminalises participation in a conspiracy, in line with Article 5 of UNTOC, which means the agreement to commit a serious crime between two or more persons. In that sense, conspiracy to commit a felony or a misdemeanour shall be considered as the felony or misdemeanour itself\(^7\). Law 2014/028 of 23 December 2014 criminalises the laundering of proceeds of crime, in accordance with Article 6 of UNTOC. Articles 3 and 4 of Law 2014/028 provides for several crimes related to the acquisition, possession, concealment, transfer and use of proceeds of terrorist acts which are punished by death\(^7\). Whoever funds terrorist activities shall also be punished by death.

While Cameroon has enacted legislation pertaining to organised crime, implementation has been categorised as poor mainly because of the ineffectiveness of the country’s criminal justice system\(^8\). In 2018, UNTOC COP9 established a review mechanism for the implementation of the Convention. The mechanism is a peer review process that aims to support Parties with effective implementation of the Convention and help them identify specific needs for technical assistance. The review process for Cameroon will start in November 2021.

**United Nations Convention Against Corruption (UNCAC)**

UNCAC is the only existing legally binding international anti-corruption instrument. It was adopted in 2003 and currently has 187 Parties. Although it does not provide a definition of corruption, it defines specific acts of corruption that should be considered in countries bound by the Convention, including bribery, embezzlement, money laundering, concealment and obstruction of justice. While the Convention text does not contain specific wildlife crime provisions, it applies to all forms of crime that may be facilitated by corrupt actors\(^9\). It does also recognise in its preamble that corruption is particularly linked to organised crime and economic crime, both of which occur in wildlife crime\(^10\).

Corruption exists at different levels and degrees depending on the country but it plays a significant part in facilitating criminal acts against wildlife species. Some examples of corruption in this context are public officials directly involved in the theft and illegal sale of ivory held in government stockpiles, border officials who have offered or sought bribes for clearance of an export or import or government officials providing individuals with blank export permits\(^11\).

The Convention sets a series of minimum standards that are to be met under its framework and overseen by a review process\(^12\). Parties to the Convention commit to adopting coordinated policies that prevent corruption, such as designating an “anti-corruption body or bodies”\(^13\), creating a public procurement system based on transparency, competition, and objective selection criteria with legal recourse for violations\(^14\) and taking measures to prevent corruption among members of the judiciary\(^15\). They also commit taking measures to ensure the criminalisation and prosecution of acts of corruption.

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\(^8\) ENACT Organised Crime Index, Cameroon country profile. Available at [https://ocindex.net/assets/downloads/ocindex_profile_cameroon.pdf](https://ocindex.net/assets/downloads/ocindex_profile_cameroon.pdf)


\(^11\) Ibid.

\(^12\) OECD, 2019.

\(^13\) Section 6, UNCAC.

\(^14\) Section 9, UNCAC.

\(^15\) Section 11, UNCAC.
by, for example, ensuring the protection of whistle-blowers\textsuperscript{86} and establishing procedures to freeze, seize and confiscate the proceeds of corrupt acts\textsuperscript{87}. At its eighth session, in 2019, the COP adopted Resolution 8/12 on Preventing and combating corruption as it relates to crimes that have an impact on the environment, in which it affirms that UNCAC constitutes an effective tool and an important part of the legal framework for preventing and combating corruption as it relates to crimes that have an impact on the environment, thus confirming the relevance of wildlife crime in the scope of the Convention.

UNCAC was ratified by Cameroon on 6 February 2006. Unfortunately, more than a decade later, corruption is still rife in the country, as shown by the most recent report on Corruption Perceptions Index, where Cameroon ranked 143 out of 180, based on the perceived level of public corruption\textsuperscript{88}. As part of the implementation of UNCAC, Cameroon participated in the two review cycles that are the basis of the Implementation Review Mechanism. This Mechanism is a peer review process, that aims to assist Parties in effectively implementing the Convention, in which each Party is revised by two peers. In the context of this process, Cameroon requested and received two country visits by reviewing experts, in 2016 and 2019. Based on the information gathered during the review process and country visits, the UNCAC Secretariat drafted an executive summary on the implementation of the Convention identifying key challenges.

Sections 134 and 134-1 of the Criminal Code are the main provisions which criminalise active and passive bribery\textsuperscript{89}, in line with Article 15 of UNCAC. The penalties for corruption include prison term for five to ten years and a fine of 200 000 to ten million XAF (USD400 to 18,000)\textsuperscript{90}. In addition, there is an automatic exemption for prosecution for persons who solicit bribes who report the offence to the judicial authorities, without necessarily having to assist in the investigation\textsuperscript{91}, which is not in line with Article 37 of the Convention. It is impossible to assess the enforcement of this provision as case statistics are unavailable.

In 2010, Cameroon adopted the National Anti-Corruption Strategy for a period of five years but there is no available information on the implementation of this strategy. The main institution involved in the fight against corruption is the National Anti-Corruption Commission (CONAC), created by decree in 2006\textsuperscript{92}. The tasks of the Commission include monitoring and effective implementation of the government policies to combat corruption; collecting, centralising and acting on reports of corruption; as well as carrying out investigations and proposing measures to prevent or curb corruption\textsuperscript{93}. Alongside CONAC, the National Agency for Financial Investigation, audit division of the Supreme Court of Cameroon, anti-corruption units in all ministries and public institutions as well as the Special Criminal Court also contribute to the prevention of corruption\textsuperscript{94}. The CONAC and the National Agency for Financial Investigation both have functional and financial autonomy but only the Commission offers training for staff to carry out their duties\textsuperscript{95}. However, the CONAC remains under authority of the

\textsuperscript{86} Section 32, UNCAC.
\textsuperscript{87} Section 31, UNCAC.
\textsuperscript{88} Transparency International, Corruption Perceptions Index 2020, 2021.
\textsuperscript{89} “Active bribery refers to the act of promising or giving the bribe, as opposed to the act of receiving a bribe (passive bribery)” from the U4 Anti-Corruption Resource Centre Glossary. Available at: \url{Glossary (U4.org)}
\textsuperscript{90} Section 134, Criminal Code.
\textsuperscript{91} Section 134-2, Criminal Code.
\textsuperscript{92} Decree 2006/088 of 11 March 2006 on the creation, organisation and functions of the National Anti-Corruption Commission.
\textsuperscript{93} Section 2, Decree 2006/088.
\textsuperscript{94} Executive summary, State of implementation of the UNCAC, CAC/COSP/IFG/II/2/1/Add.18. Available at: \url{https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2003421e.pdf}
\textsuperscript{95} Ibid.
executive and therefore is required to submit findings of corruption investigation to the President\textsuperscript{96}, which could undermine its effectiveness.

Overall, although Cameroon seems to have taken some steps towards reducing corruption, there is little information available to the public on actions undertaken by the anti-corruption institutions and thus it can be said that the process lacks transparency in general. According to the UNCAC Implementation Review Group report, CONAC has a website through which it receives complaints and reports but, at the time of writing this report, that website was unavailable. Regarding the judiciary, it was recommended in the latest implementation review that Cameroon should strengthen the integrity of the judiciary, through the adoption of a code of conduct for judges and adequate training\textsuperscript{97}.

Table 2: International conventions relevant to wildlife crime ratified by Cameroon and implementing legislation

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Ratification</th>
<th>Implementing legislation</th>
</tr>
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| CITES      | 5 June 1981  | • Law 96/12 of 05 August 1996 establishing a framework law on environmental management  
• Law 94-01 of 20 January 1994 to lay down forestry, fisheries and wildlife legislation  
• Decree 95-466-PM of 20th July 1995 to lay down conditions for implementation of wildlife regulations  
• Decree 2005-2869-PM of 29 July 2005 fixing the modalities for the application of certain provisions of CITES  
• Order 0053-MINFOF of 1 April 2020 to lay down the procedures for distribution of species into protection classes |
| CBD        | 19 October 1994 | • Law 2003/06 of 21 April to lay down safety regulations governing the appropriation and handling of modern biotechnology in Cameroon  
• Law 98/006 of 14 April 1998 to lay down regulations governing water resources  
• Law 99/013 of 22 December 1999 establishing the Petroleum code  
• Law 2016/017 of 14 December 2016 establishing the Mining Code  
• Decree 2002/648/PM of 26 March 2002 setting the terms of application of Law 001 of 16 April 2001 on the Mining Code (provisions that are not contrary to the 2016 Mining Code)  
• Law 2012/006 of 19 April 2012 laying down a Gas Code  
• Law 008/2011 of 06 May 2011 to lay down guidelines on land use planning and sustainable development in Cameroon |
| UNCAC      | 6 February 2006 | • Constitution of Cameroon: Law 96-06 of 18 January 1996 completing the 1972 Constitution of Cameroon requires the filling of a statement of assets and liabilities for all public officials  
• Declaration of assets and properties: Law 2006/3 of 25 April 2006  
• Criminal Code: Law 2016/007 of 12 July 2016  
• Criminal Procedure Code: Law 2005/007 of 27 July 2005  
• Special Criminal Court: Law 2011/028 of 14 December 2011  
• Bank secrecy: Law 2003/004 of 21 April 2003  
• Financing of political parties and election campaigns: Law 2000/015 of 19 December 2000  
• Decree 94/199 of 7 October 1994 penalises administrative offences  
• National Anti-Corruption Commission: Decree 2008/088 of 11 March 2006 |
| UNTOC      | 6 February 2006 | • Law 2016/007 of 12 July 2016 on the Criminal Code  
• Law 2005/007 of 27 July 2006 on the Criminal Procedure Code  
• Law 2014/028 of 23 December 2014 on repressing acts of terrorism  
• Law 2017/012 of 12 July 2017 on the Military Justice Code  
• Decree 2005-187 of 31 May 2005 on the organisation and functions of the National Agency for Financial Investigation |

\textsuperscript{96} Section 22(2), Decree 2006/088.

\textsuperscript{97} Executive summary, State of implementation of the UNCAC, CAC/COSP/IFG/II/2/1/Add.18.
3.2.2 Regional and sub-regional agreements

Cameroon is part of the Economic Community of Central African States (ECCAS) and a Member State of the Central African Forest Commission (COMIFAC) established in 2000.

COMIFAC actions are based on a 10-year Convergence Plan (2015-2025), which establishes biodiversity conservation and sustainable use of its components as one of the six priority intervention areas with specific operational goals and target indicators, some of which relate directly to wildlife crime:

- Target indicator 3.1 C: by 2025, populations of large mammals and other threatened species of wild fauna and flora in Central Africa are at least stabilised
- Operational goal 3.1.4: strengthen surveillance measures and capacity to counter poaching and wildlife crime

In 2012, COMIFAC adopted a five-year action plan, the Central Africa Wildlife Trade Enforcement Action Plan (PAPECALF), to strengthen enforcement of national wildlife legislation in Central African countries. As part of this plan, the project AFRICA TWIX (Africa – Trade in Wildlife Information Exchange) was launched in 2016 in collaboration with TRAFFIC. This project aims to provide an online platform for information sharing to enhance cooperation between countries and reduce illegal wildlife trade in the sub-region. The action plan also includes the creation of a database of corruption cases at national and sub-regional level.

African Union Convention on Preventing and Combating Corruption (AUCPCC)

The AUCPCC was adopted in 2003 by the African Union. Cameroon signed the Convention on 30 June 2008 but has not ratified it yet. The Convention provides a shared roadmap for States to implement governance and anti-corruption policies at national and regional level. It aims to promote the development of mechanisms to counter corruption and facilitate cooperation among Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption. In the same way as in UNCAC, it does not contain specific wildlife crime provisions but the scope of application still includes acts of corruption and related offences that would occur in wildlife crime. In that sense, ratifying the Convention could be an advantage for Cameroon and enable the country to further regional cooperation to combat corruption.

Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

The Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora is an African regional agreement that aims to reduce and eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for this purpose. It was adopted in December 1992 and came into force in 1996.

The Lusaka Task Force (LATF), established by the Agreement, facilitates cooperative activities in and among Parties and carries out investigations on violations of national laws pertaining to illegal trade in wild fauna and flora. The Task Force cooperates with international organisations involved in wildlife crime, such as INTERPOL and the CITES Secretariat, to promote information sharing, coordination of activities and to conduct operations outside Africa. The cross-border law enforcement activities of the LATF led to the arrest and prosecution of over 30 high-profile wildlife criminals in 2017 and 2018. Nonetheless, its capacities remain rather limited as it struggles to gather additional accession from

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98 Available at: [https://comifac.org/images/documents/Plan%20de%20convergence%202015-2025_Fr.pdf](https://comifac.org/images/documents/Plan%20de%20convergence%202015-2025_Fr.pdf)

99 Available at: [https://comifac.org/images/documents/PAPECALF_Version%20FINALE%2017%20FR%20%C3%A9v%202012.pdf](https://comifac.org/images/documents/PAPECALF_Version%20FINALE%2017%20FR%20%C3%A9v%202012.pdf) (in French only).

100 COMIFAC, Rapport Annuel, 2017.

101 Section 2, Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.
other countries. While Cameroon is not a Party to the Lusaka Agreement, it could benefit from ratifying it as participating in the Task Force would greatly facilitate cooperation with other African countries, especially the neighbouring Republic of Congo, to address illegal wildlife trade.

### 3.2.3 National policy framework

In response to the rise in wildlife crime, complexities of its linkages with other illicit activities and increasing demand in wildlife products, Cameroon adopted the 2020-2030 National Strategy Against Poaching and Wildlife Crime. Its overall objective is to reduce pressures on the survival of animal species and to ensure ecosystem conservation and human well-being. It is based on seven strategic areas: (i) legal and institutional framework; (ii) protection and monitoring; (iii) national, sub-regional and international cooperation; (iv) communication and awareness-raising; (v) involvement of communities and other stakeholders; (vi) training and capacity building; and (vii) sustainable resource mobilisation. These areas are broken down into objectives, expected results and main activities. With regard to the legal framework, the Strategy identifies gaps in the main wildlife law and areas in which it has become obsolete, especially in the most severe wildlife crime cases involving transnational organised criminal networks. In that sense, the first objective of the Strategy is to strengthen the legal and institutional framework to effectively respond to the challenges related to wildlife crime, which is to be achieved through advocacy for integration of all wildlife crime-related aspects in wildlife law.

The revised version of the 1996 National Environmental Management Plan (NEMP), adopted in 2012, provides the national policy framework for environmental protection. NEMP II recognises environmental protection as an integral part of economic development and therefore establishes green economy, greenhouse gas emission reduction and biodiversity conservation as core elements of Cameroon’s strategy for growth. The NEMP II creates four key programmes which include 11 strategic components in response to the current threats to the environment and biodiversity.

In Cameroon, the protection of fauna and forestry are usually connected as the main legislation on wildlife is Law 94/01 which also regulates forestry. The policy framework for the forestry sector therefore includes wildlife as well. The Forest-Environment Sectoral Programme (FESP) is a programme adopted in 1999, the first phase of which ended in 2010, aiming to promote conservation and sustainable management of forest ecosystems by ensuring coherence in the objectives set in forestry and wildlife law and strengthening institutional capacity. Designed in line with the National Forest Action Plan and the National Environmental Management Plan, the FESP has five components: forest production management and optimisation of forest products, conservation of biodiversity and optimisation of wildlife resources, community forests and wildlife management, and a cross-cutting component of capacity building at institutional level, training and research. FESP constitutes a major multi-donor bilateral support programme for forest and wildlife biodiversity with significant achievements in reducing the loss of biodiversity, valorization of forest products and specifically the support in the revision of the NBSAP and its second implementation phase is currently ongoing.

### 3.2.4 National institutional framework

MINOF is the main institution responsible for wildlife management. In this regard, it oversees the implementation of forest and wildlife policies, which also involves the management of protected areas. In 2005, a dedicated unit to counter wildlife crime, the National Brigade for Forest Control and Anti-Poaching Operation, was created within MINOF 102. It is composed of a Head of Brigade and twelve National Controllers. Amongst other duties, the Brigade is mainly responsible for developing and implementing the national strategy against poaching, coordinating activities related to forestry and to counter poaching. It also organises and manages a network of informants, monitors hunting activities.

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centralises and uses information from control units, collects, processes and enforces administrative sanctions related to forestry and wildlife activities\textsuperscript{103}. At the regional and local level, anti-poaching actions are implemented by regional services for wildlife and protected areas, regional brigades, departmental delegations, and local protected area services.

- MINOF has several institutional and non-institutional partners:
  - Institutional partners: ministries in charge of Defence, Customs, Police and Justice;
  - Non-institutional partners: conservation organisations, donor agencies, civil society and the private sector.

### 3.3 Legal provisions applicable in wildlife-related cases

Various legal texts are applicable to wildlife crime cases in Cameroon. This section examines the main legal provisions on the classification of wildlife species, offences, and penalties applicable in wildlife cases\textsuperscript{104}.

#### 3.3.1 Legal provisions on the classification of wildlife species

Law 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations was adopted as an update to repeal the former law, Law 81-13 of 27 November 1981, establishing the legal regime for the three sectors. Law 94/01 is based on an integrated management approach, ensuring conservation and sustainable use of resources and ecosystems\textsuperscript{105}. It sets fundamental provisions, which are to be supplemented by a series of implementing regulations. It remains, to this day, the main piece of legislation on the protection of animal species in Cameroon. In the context of this law, wildlife is defined as “all species belonging to any natural ecosystem as well as all animal species captured from their natural habitat for domestication purposes”\textsuperscript{106}. The protection of the forestry, wildlife and fishery heritage is also “ensured” by the State and genetic resources of this natural heritage belong exclusively to the State as well\textsuperscript{107}.

In order to protect “animal species living in the national territory”\textsuperscript{110}, Law 94/01 establishes a classification of these species in three categories: A, B and C\textsuperscript{109}. The classification is to be updated at least once every five years\textsuperscript{10}. After the adoption of the law in 1994, the classification of species was established first in 1998\textsuperscript{111}, then updated twice in 2006\textsuperscript{112}, and more recently in 2020\textsuperscript{113}.

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\textsuperscript{103} Section 7, Decree 2005/099.

\textsuperscript{104} Cameroon is a bilingual country and has two official languages, French and English. However, not all legal texts are available in both languages. Therefore, legal provisions presented in this report are either cited as they appear in the official English version of the legal text, when available, or translated by the author for legal texts with no official English translation.

\textsuperscript{105} Section 1, Law 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations.

\textsuperscript{106} Section 3, Law 94/01.

\textsuperscript{107} Section 11, Law 94/01.

\textsuperscript{108} Section 78, Law 94/01.

\textsuperscript{109} Ibid.

\textsuperscript{110} Section 14, Decree 95/466/PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations.

\textsuperscript{111} Order 0565/AMINEF/DFAP/SDF/SRC of 14 August 1998 establishing the list of animals in Classes A, B and C, distribution of species authorised for slaughter as slaughtering quotas by type of hunting permit.

\textsuperscript{112} Order 0648/MINFOF of 18 December 2006 establishing the list of animals in Classes A, B and C.

\textsuperscript{113} Order 0053/MINFOF of 1 April 2020 establishing the rules for distribution of animal species in protection classes.
Class A species are totally protected and cannot be killed\textsuperscript{14}, except in exceptional circumstances: where the animal constitutes a danger or causes damage to persons and/or property\textsuperscript{15} and in cases of self-defence\textsuperscript{16}. These exemptions are further developed in Decree 95-466-PM of 20 July 1995.

Hunting, capturing, or holding Class A species in captivity, including gathering their eggs, are strictly prohibited, except for hunting permit holders, authorised persons and for scientific purposes\textsuperscript{17}. Order 0053/MINFOF mentions specifically that species belonging to CITES Appendix I and to the Vulnerable, Endangered, Critically Endangered, Extinct in the Wild and Extinct IUCN Red List categories, benefit from the Class A protection regime\textsuperscript{18}. Class A includes several large and midsize terrestrial mammals, such as gorillas (Gorilla gorilla) and black rhinoceroses (Diceros bicornis); aquatic mammals, like the humpback whale (Megaptera Novaengliae) and the African manatee (Trichechus senegalensis); birds, such as ostriches (Struthio camelus) and tawny eagles (Aquila rapax); and reptiles, such as green turtles (Chelonia mydas) and African sharp-nosed crocodiles (Crocodylus cataphractus)\textsuperscript{19}. The updated classification, adopted in 2020, introduced a noteworthy change as all specimens of elephants and pangolins were moved from partially to totally protected species. In the 2006 Order, only young elephants (i.e. specimens with tusks weighing less than 5 kg) and giant pangolins were totally protected species.

Class B species are partially protected and may only be captured, detainted, killed, including gathering their eggs, upon authorisation after obtaining the corresponding permit\textsuperscript{20}. The young, gestating females and females followed by their young are totally protected\textsuperscript{21}. If a class B species becomes seriously threatened, MINFOF can decide to place it temporarily under the class A regime\textsuperscript{22}. Species included in CITES Appendix II, and in the Least Concern, and Near Threatened IUCN Red List categories are also under class B protection\textsuperscript{23}. Class B includes species of large and midsize terrestrial mammals, such as African buffalos (Syncerus caffer nanus) and several species of duikers; small mammals, such as several species of bats; a few aquatic mammals; a wide variety of birds, such as species of eagles, buzzards and owls; reptiles (chameleons and skins) and amphibians.

Class C includes all other species not listed in class A or B. These species can be hunted, captured, and held captive in accordance with national regulations and provisions of international agreements ratified by Cameroon\textsuperscript{24}.

As established in the regulation, protection of species is subject to provisions of international agreements. This means that it is essential to ensure that law enforcement officials have extensive knowledge of CITES-listed species and how to recognise them.

Hunting quotas were established for class B and C species, depending on the type of hunting permit obtained. These species are divided in three groups, group I (big game hunting)\textsuperscript{25}, II (medium game hunting) and III (small game hunting), and the corresponding quotas per permit are established in Order

\textsuperscript{14} Section 78(2), Law 94/01.
\textsuperscript{15} Section 82, Law 94/01.
\textsuperscript{16} Section 83, Law 94/01.
\textsuperscript{17} Section 2(1), Order 0053/MINFOF.
\textsuperscript{18} Section 2(2), Order 0053/MINFOF.
\textsuperscript{19} Annex I, Order 0053/MINFOF.
\textsuperscript{20} Section 3(1), Order 0053/MINFOF.
\textsuperscript{21} Section 3(2), Order 0053/MINFOF.
\textsuperscript{22} Section 3(3), Order 0053/MINFOF.
\textsuperscript{23} Section 3(4), Order 0053/MINFOF.
\textsuperscript{24} Section 4, Order 0053/MINFOF.
\textsuperscript{25} Order 0056/MINFOF of 15 April 2020 establishing the rules for distribution of class B and C species into slaughter quota groups.
0056/MINFOF of 15 April 2020. Hunting activities can only be carried out in designated areas for game, traditional, and community hunting, as established in Decree 95-466-PM of 20 July 1995.

### 3.3.2 Wildlife offences and penalties established under wildlife law

Minor wildlife-related offences are established in Section 154 of Law 94/01. They include possession of a hunting tool within an area where hunting is prohibited and provoking animals when visiting a wildlife reserve or zoo. The penalties for these offences are either ten days in prison and a fine ranging from 5,000 to 50,000 XAF, or only one of these penalties.

Law 94/01 establishes the main hunting rules (Table 3). Any violation of these provisions is punished with a fine of 50,000 to 200,000 XAF (about USD 90 to 370), imprisonment for minimum twenty days to maximum two months or both fine and imprisonment. The same penalties apply for the offences of hunting without a permit or exceeding killing quotas, absence of proof of self-defence within 72 hours of killing and keeping or circulation of live protected animals, their hides and skins or trophies within national territory without a certificate of origin.

<table>
<thead>
<tr>
<th>Section</th>
<th>Provision</th>
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<tr>
<td>87</td>
<td>Any hunting, except for traditional hunting, shall be subject to the grant of a hunting permit or licence.</td>
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<td>90</td>
<td>Hunting permits and licences may be issued to persons who have complied with the regulations in force concerning the possession of firearms.</td>
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<tr>
<td>91</td>
<td>Killing, capture, or keeping in captivity of certain animals shall be subject to the payment of fees, […] and to the issuance of a certificate of origin.</td>
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| 93      | (1) All professional hunters recognised by the wildlife administration […] shall be considered as professional hunter guides by the present law.  
(2) The practice of the hunter guide profession shall be subject to the obtention of a permit issued by the wildlife administration in accordance with conditions determined by decree.  
It shall be subject to the payment of fees, […] |
| 98      | Holding and trafficking live protected animals, their hides and skins or trophies within the national territory, shall be subject to the obtention of a certificate of origin issued by the wildlife administration.  
The certificate of origin shall specify the characteristics of the animals and registration number of the trophies to enable the identification of the animal product in circulation.  
Exportation of wild animals, their hides and skins or trophies shall be subject to the presentation of a certificate of origin and an export permit issued by the wildlife administration. |

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126 Hunting is defined in the legislation as “any action aimed at pursuing, killing or capturing a wild animal or guiding expeditions for that purpose; photographing and filming wild animals for commercial purposes.” (Section 85, Law 94/01).
127 Section 154, Law 94/01.
128 The exchange rate used is that of 16 June 2021: 1 USD = 541.129 XAF.
129 Section 155, Law 94/01.
130 Ibid.
131 Trophies are defined as “tusks, carcasses, skulls and teeth of animals; tails of elephants or giraffes; skins, hoofs or paws; horns and feathers; as well as any other part of animal which may interest the permit holder.” (Section 97, Law 94/01).
Offences that are considered as slightly more serious are also established in the law. The penalties for these offences are either both a fine of 200 000 to 1 million XAF (USD 370 to 1,850) and a prison sentence of one to six month, or just one of them. This includes hunting using forbidden weapons, such as “war weapons or ammunition which were or are part of the standard weaponry for armed or police forces, firearms capable of firing more than one cartridge with one press on the trigger, projectiles containing explosives, trenches and Dane guns, and chemical weapons”.

The most serious wildlife offences established under Section 158 are punished with a fine of 3 to 10 million XAF (USD 5,550 to 10,000) and imprisonment for one to three years, or just one of these penalties. This includes:

- Falsification or forgery of any document issued by the services in charge of forestry, wildlife and fisheries, as applicable;
- Killing or capturing protected animals, either during the periods when hunting is closed or in areas where hunting is prohibited or closed.

This penalty for the most serious wildlife-related offence is not sufficient for it to be considered as ‘serious crime’ according to the UNTOC definition. Furthermore, it is not clear whether the above offences apply to totally (class A) or partially (class B) protected animals. Since hunting class A species may be allowed in certain circumstances, and class B species can be hunted with a corresponding permit, the offences involving permits could apply to both categories of species. To achieve greater protection for class A species and dis incentivise individuals from harming these endangered animals, the penalty for class A species should be more substantial.

In the case of killing or capturing protected animals during hunting closure periods, it can be assumed that a convicted perpetrator would receive the highest penalty possible for class A animals since the law does not provide a hunting period or area for such category of species. However, it appeared from the analysis that it was not always the case.

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132 Section 156, Law 94/01.
133 Section 106, Law 94/01.
134 Section 158, Law 9401.
135 Ibid.
136 Ibid.
137 See above, footnote 71.
The wording of provisions establishing wildlife offences in Law 94/01 is generally unclear, which could lead to significant differences in interpretation by relevant stakeholders in the criminal justice chain. Decree 95-466-PM that supplements Law 94/01 does not provide additional information to clarify the offences created by the law. The law also fails to encompass many aspects of illegal trade, especially the different individuals involved in the supply chain and particularly intermediaries who can have different roles from facilitator to smuggler or transporter. The wildlife law facilitates prosecution of poachers or guides who are, in most cases, the lowest ranking individuals in the trafficking chain.

The law also provides for aggravating circumstances, e.g. if there has been a previous offence or if the offence was committed by sworn officials of the competent services or by judicial police officers or with their complicity, if hunting was carried out using chemicals or toxic controls, or in case of escape or refusal to obey orders from officials in charge\(^{139}\). In such cases, the penalties are to be doubled\(^{140}\).

### 3.3.3 Relevant offences established under other legislation

**Criminal Code\(^ {141} \)**

There are several crimes against animals established in the Criminal Code, most of which are not strictly relevant in the context of this report, such as leaving an animal on a public road\(^ {142} \), mistreating a domestic, tamed or captive animal\(^ {143} \) and sexual practices on an animal\(^ {144} \).

Some provisions relate directly to hunting and poaching. Under the Criminal Code, it is a crime to forge or falsify a hunting licence which is punished with three months to three years in prison\(^ {145} \). Furthermore, whoever makes, exports, imports, owns, sells or gives a weapon or ammunition without the required authorisation will be sentenced to three months to a year in prison as well as a fine of 50,000 to 300,000 XAF, or just one of those penalties. Anyone who supplies weapons or ammunition to a third party without ensuring that they are properly authorised will be considered an accomplice. The penalties will be doubled in case of a weapon outside the household\(^ {146} \).

The Criminal Code also defines the roles of coprincipal and accomplice to a crime in Sections 96 and 97 and establishes corresponding penalties in Sections 98. According to these provisions, a coprincipal is one of two or more participants in a criminal offence\(^ {147} \) while an accomplice is whoever who knowingly attempts to, or unites with the principal offender in committing a crime\(^ {148} \). Coprincipals and accomplices are subject to the same penalties as the principal offender, unless the law should provide otherwise\(^ {149} \), and aggravating or extenuating circumstances affect only the person concerned\(^ {150} \).

**Law on weapons and ammunition\(^ {151} \)**

There are also important provisions linked to wildlife crime in legislation regulating weapons and ammunition. Criminal offences relating to the unauthorised possession, sale, purchase and carrying of
weapons and ammunition are, in some cases, directly linked to wildlife offences. Prosecuting an offender on the basis of illicit weapon possession can be another way to bring wildlife criminals to justice when other pieces of evidence are missing, unusable or non-existent. Legislation related to weapons and ammunition can be used as a basis for prosecuting more complex cases of wildlife crime, especially since killing and illegal trafficking of animals increasingly involves heavily armed organised criminal networks¹⁵².

In Cameroon, anyone who acquires, possesses, disposes, or sells firearms or weapons, their ammunition or components that are specifically designed for war without adequate authorisation, shall be punished with imprisonment for a minimum of ten to a maximum of thirty years and a fine of one to ten million XAF¹⁵³. In the case of hunting weapons and their ammunition, the prison sentence ranges from one to two years and the fine from 500,000 to two million XAF¹⁵⁴.

The majority of cases analysed refer to the Criminal Code and to Law 94/01. Some cases also refer to the Criminal Procedure Code, Order 0648/MININFO on the classification of animals into Classes A, B, and C and Decree 95/466 PM. Several laws are also cited such as Law 2016/015 of 14 December 2016 on arms and ammunitions in Cameroon; Law 97/12 of 10 January 1997 establishing entry, residence and exit conditions on national territory; Law 90/042 of 19 December 1990 creating the National Identity Card and Law 82/19 of 26 November 1982 on the purchase, sale, manufacture, distribution, circulation and possession of military equipment and insignia.

3.3.4 International law in court decisions

According to the national Constitution, ratified treaties and international agreements override national laws, provided the other party implements the said treaty or agreement¹⁵⁵.

However, judgments collected generally make no mention of international law. This does not undermine the fact that provisions of international conventions ratified by Cameroon are still enforceable, as international law has precedent over national law. Most wildlife-related laws and regulations in Cameroon are adopted to implement and apply recommendations of international conventions, and in the event of a loophole in a national law, reference can be made to international conventions. Nonetheless, it could lead to the conclusion that judges are lacking sufficient knowledge and understanding to adequately apply, or refer to, provisions of international law in their judgments.

¹⁵³ Section 51(1), Law 2016/015.
¹⁵⁴ Section 51(4), Law 2016/015.
¹⁵⁵ Article 45, 1996 Constitution.
4 PROSECUTION OF WILDLIFE CRIME CASES IN CAMEROON

While the prosecution of wildlife cases usually follows the criminal procedure explained above, it still has some specificities (Figure 8).

The key steps of judicial procedure in wildlife matters will be presented in this chapter, followed by an overview of key results deriving from the analysis of the collected cases.

4.1 Judicial procedure applicable to wildlife cases: main steps

In Cameroon, judicial procedure applicable in wildlife cases consists of four main steps: arrest, investigations, prosecution and trial as provided by Law 94/01 and the Criminal Procedure Code (CPC).

4.1.1 Arrest

The arrest is the act of apprehending a person for the purpose of bringing them before the adequate authority, as provided by the law by virtue of which the arrest is made. The arrest can take place once an arrest warrant has been issued. An arrest warrant is the order given to a JPO to search for a defendant, accused or convicted person and to bring them before judicial authorities. In cases of in flagrante delicto, meaning a crime or misdemeanour that is being, or has just been committed, an arrest can be made without a warrant.

Wildlife officers are considered as JPOs with specific competencies in wildlife matters and as such they proceed to the arrest and immediate identification of any offender caught in the act of committing an offence. This provision is confirmed in the CPC, which specifies that public servants, and agents of the public administration to whom judicial police powers have been attributed by law shall exercise these powers in accordance with that law. In that sense, the law recognises officials of the wildlife administration, in most cases MINFOF agents, as JPOs with special competences. In fact, MINFOF agents have priority to conduct judicial police operations in wildlife matters, even when they were not the first agents to report the offence.

In any case, the arrest can be followed by a search of the suspect and seizure of objects found in their possession.

4.1.2 Investigations

An investigation into an offence is conducted by JPOs upon instruction by the State Counsel or on their own initiative. JPOs, MINFOF agents in the case of wildlife matters, who conduct the

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157 Section 18(1), CPC.
158 Section 103(1), CPC.
159 Section 142(3), Law 94/01.
160 Section 80, Criminal Procedure Code.
162 Section 84(2), CPC.
163 Section 35, CPC.
164 Section 116, CPC.
investigation can collect evidence, identify offenders and accomplices and bring them before judicial authorities and execute warrants.\textsuperscript{165}

During the investigation, the JPO may:

- Proceed to search and seizures: officers of the wildlife administration can request the police to search for and seize products fraudulently used, sold or circulated or order to identify the offender.\textsuperscript{166} They can also search any vehicles or means of transportation that could have been used to move the products; and enter (only by day), after consultation with local customary authorities, houses and livestock enclosures, in cases of flagrante delicto.\textsuperscript{167} Any perishables seized are immediately sold in a public auction, unless they are damaged or hazardous.\textsuperscript{168} Non-perishables and equipment are entrusted to the competent authorities or taken, if necessary, to the nearest holding facility.\textsuperscript{169}

- Take individuals into custody; in the context of an investigation, a person or persons can be held in a judicial police station for a limited period of time, under the responsibility of a JPO, for the purpose of ascertaining the truth. Persons with a known residence may not be taken into custody, except in cases of flagrante delicto or should there be serious and consistent evidence against such person. In any other situation, a person can only be taken into custody upon authorisation from the State Counsel.\textsuperscript{170}

- Proceed to questioning: a JPO may, in the course of an investigation, question any persons who may provide information that is likely to lead to revealing the truth.\textsuperscript{171}

Any measures undertaken in the investigation process must be duly set out in reports. These include: the offence report form, offence statement, hearing, seizure, search, and investigation closure reports.

In wildlife-related matters, referral to the judiciary is a prerogative of the wildlife administration. In its position of main victim, it may initiate legal action against persons who have violated wildlife law by bringing the matter before the competent judicial authorities.\textsuperscript{172}

4.1.3 Prosecution

Prosecution of suspects is conducted by the State Counsel who has jurisdiction either of the place where the offence was committed, where the suspect resides or where the suspect was arrested.\textsuperscript{173} Matters are referred to the State Counsel either by way of a written or oral denunciation, a complaint, a formal report drawn up by a competent authority. The State Counsel can also refer itself.\textsuperscript{174} The State Counsel may then decide to:

- Refer the denunciation or complaint to a JPO for investigation;
- Return formal investigation reports back to the judicial police for further investigation;
- Close the matter and inform the complainant of the decision. A copy of the decision closing the file is to be forwarded to the Attorney General\textsuperscript{175} within a month;
- Archive the formal reports on simple offences for which fixed fines have already been paid;
- Prosecute the suspect.\textsuperscript{176}

\textsuperscript{165} Section 117(1), CPC.
\textsuperscript{166} Section 142(3), Law 94/01.
\textsuperscript{167} Ibid.
\textsuperscript{168} Section 144(1), Law 94/01.
\textsuperscript{169} Section 145(1), Law 94/01.
\textsuperscript{170} Section 118, CPC.
\textsuperscript{171} Section 92, CPC.
\textsuperscript{172} Sone Nkoke et al., 2016.
\textsuperscript{173} Section 140, CPC.
\textsuperscript{174} Section 135, CPC.
\textsuperscript{175} In French: Procureur général.
\textsuperscript{176} Section 141, CPC.
In wildlife matters, Law 94-01 provides for the option of a settlement to be requested by the offender. The settlement is defined in Section 2 (18) of Decree 95-466-PM of 20 July 1995 as a procedure, only available in wildlife-related offences committed in a communal or hunting area, according to which an offender demonstrates willingness to repair damages done by paying a pre-determined sum of money. Settlement conditions are established under Sections 146 and 147 of Law 94/01, and Sections 77 and 78 of Degree 95-466-PM. The objective is to reduce costs by quickly settling disputes and, in doing so, relieving congestion in the courts. When a settlement occurs, judicial proceedings are abandoned.

**Cases in which the settlement is forbidden**: a settlement is not authorised in the following cases (Section 78, Decree 95-466-PM):

- for an offence committed in protected areas;
- killing a specimen of totally protected species (class A);
- repeat offenders; and
- water pollution.

**Authorities empowered to conclude settlement** MINFOF and regional representatives.

**Conditions of the settlement**

- Must be solicited by the offender;
- Must be signed by the competent authority representing the service in charge of wildlife, and the offender; and
- It shall be registered at the offender’s expense and shall fix the conditions and deadline for payment which shall not exceed three months.

### 4.1.4 Trial

Minor offences\(^{177}\) and misdemeanours\(^{178}\) are tried before district courts. In accordance with the Criminal Code, an offence is considered as minor if the penalty does not exceed ten days in prison or a 25,000 XAF fine, and as a misdemeanour if the penalty is set between ten days to ten years in prison and the fine exceeds 25,000 XAF\(^{79}\). Wildlife-related offences are all classified as misdemeanours since the penalties, as provided by Law 94/01, range from ten days in prison and a 50,000 XAF fine\(^{80}\) to three years in prison and a 10 million XAF fine\(^{81}\), and as such they are handled by district courts.

The four main steps in a criminal trial are:

- Hearing: it is presided over by a Presiding Magistrate\(^{82}\) and is open to the public except provided otherwise by law\(^{83}\). The Presiding Magistrate verifies the defendant’s identity and reads the charge or charges brought against the defendant, who then chooses whether to plead guilty or not. The Presiding Magistrate also notes, if necessary, whether the plaintiff is present. In wildlife matters, the plaintiff is a wildlife administration representative. Exhibits are then presented; the State Counsel makes oral or written submissions and other parties make their submissions to the court. The burden of proof lies with the party who initiated the

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\(^{177}\) In French: contraventions.

\(^{178}\) In French: délits.

\(^{179}\) Section 21, Criminal Code.

\(^{180}\) Section 154, Law 94/01.

\(^{181}\) Section 158, Law 94/01.

\(^{182}\) Section 303, CPC.

\(^{183}\) Section 302, CPC.
prosecution\textsuperscript{184}. The following means of proof are most often used in wildlife matters: documents, a confession, correspondence, witness testimony (which must be given by a person of at least 14 years of age who saw, heard or perceived the disputed fact), expert testimony and transport to the scene\textsuperscript{185}.

- Civil claim: this can be filed by the plaintiff. In such case, the plaintiff specifies the remedies for each category of damage incurred. The claim must be filed before the proceedings end, otherwise it cannot be admitted by the court, and existence of such claim will be mentioned in the judgment. This claim remains valid in the event of withdrawal of the initial case from the criminal court\textsuperscript{186}.

- Judgment: once debates are closed, the judgment can be delivered immediately or in the following fifteen days. In the latter case, the president informs the parties of the date of adjournment\textsuperscript{187};

- Remedies: the law offers the possibility to parties not satisfied with the outcome of a case to exercise the following remedies:
  - Application to set aside a judgment in default: when an accused is tried in absentia, the judgment given is considered as a judgment in default. With the exception of the Legal Department, any party to the case may file an application for the setting aside of a judgment in default\textsuperscript{188}. In case of such an application being filed, the execution of the judgment is stayed. The time limit for filing an application is ten days from the day of notification of the judgments, if the convict lives in Cameroon, and three months in case they reside abroad\textsuperscript{189};
  - An appeal is filed to the Court of Appeal: every judgment including that delivered by a military court can be subject to appeal, unless otherwise provided by law\textsuperscript{190}. Any party to the case has the right to appeal, including the convict, the State Counsel and the civil party, within ten days from the day following the date the judgment was delivered\textsuperscript{191}.

\textsuperscript{184} Section 307, CPC.
\textsuperscript{185} Alain Bernard Ononino, Lois et procédures en matière faunique au Cameroun: ouvrage destiné à la mise en application de la loi et à la lutte contre la corruption dans le secteur de la faune, LAGA & WWF 2012.
\textsuperscript{186} Ibid.
\textsuperscript{187} Section 388, CPC.
\textsuperscript{188} Section 427, CPC.
\textsuperscript{189} Section 430(1) & (2), CPC.
\textsuperscript{190} Section 436, CPC.
\textsuperscript{191} Section 440(1), CPC.
4.2 Presentation of key results

The majority of court decisions collected (211 out of 240) were from a court of first instance, including 14 from a military court. These decisions were not appealed; thus, they can be considered as final. The remaining 39 decisions were from appellate courts. All these cases were analysed according to the types of charges brought against the defendants, legal texts cited, evidence presented to the court, verdict and penalties.

Once a case is referred to the court for judgment, either by the State Counsel or by direct summons, the defendant is summoned to appear at the trial (Figure 8). A defendant’s attendance in court can determine the length of the trial and is often looked upon favourably by the judge.
Appearing at trial gives defendants a chance to defend themselves, by pleading guilty and by admitting the facts, which happened in many cases, and perhaps even benefit from a lesser sentence. Analysis of the collected judgments shows that out of the 455 defendants prosecuted, 287 appeared in person and for 23 of them, this information was not available (Figure 9).

**Figure 9: Attendance in court**

### 4.2.1 Offences/Charges

The analysis of court decisions reveals two main categories of charges brought against defendants: charges related to poaching or specific to wildlife species and animal by-products.

The first category includes five offences (Figure 10):

- Illegal killing of protected animal species, which is the most frequently committed wildlife offence, all species combined (54%);
- Illegal possession and trafficking of protected species (34%);
- Complicity in illegal killing of protected animal species (7%);
- Complicity in illegal possession and trafficking of protected species (4%);
- Attempted illegal killing of protected species (1%).

**Figure 10: Charges related to wildlife species and animal by-products**
The second category includes a variety of offences that are directly connected to poaching. The majority are charges related to arms and ammunition, while the rest represents offences that can be seen as incidental to poaching, such as evasion or breach of order (Figure 11).

![Figure 11: Other charges](image)

During proceedings, the suspect is invited to plead guilty or not guilty. A guilty plea shortens the proceedings and reduces the prosecution’s workload. If a defendant pleads guilty, the judge may be more favourable to leniency and pronounce mitigating circumstances in favour of the defendant for ‘spontaneous confession’. However, if the defendant pleads not guilty, the principle of presumption of innocence requires the prosecution to present all the evidence, which can considerably extend the duration of the trial.

If the defendant is nevertheless found guilty, pleading not guilty also reduces their chances of obtaining mitigating circumstances. Analysis of collected judgments shows that 41% of defendants pleaded guilty while only 18% pleaded not guilty (Figure 12). For 9% of them, this information was not available while for 32% the information was not specified but could be inferred from the contents of the transcript. This is directly linked to the fact that court decisions are not consistently recorded in writing, which is unfortunate as this data, along with other important information (age of suspects, nationality, whether they appeared or not, etc.) in the judgments, is now lost.
4.2.2 Legal citation

In all collected cases there was at least one specific legal text mentioned which provides the legal basis for the offence that the alleged perpetrator was apprehended for. In the decisions analysed, Law 94/01 on forestry, fisheries and wildlife legislation, the Criminal Code and the CPC were cited the most.

Other pieces of legislation mentioned occasionally include: Decree 95-466-PM to lay down the conditions for the implementation of wildlife regulations; Law 2017/012 on the Military Justice Code; Law 97/012 fixing the conditions of entry, stay and exit of foreigners (for cases involving foreigners) and Law 90-42 on the national identity card.

4.2.3 Evidence

In this context, evidence refers to products, equipment and items seized during the investigation and produced before the court to establish the defendant’s liability. An item submitted to court as evidence is an exhibit.

In the analysed cases, exhibits presented to the court included mostly trophies and animal products such as raw ivory tusks or carved ivory items, pangolin scales, leopard skins, turtle shells and other elephant trophies as well as hunting weapons and ammunition. However, some pieces of evidence like vehicles, live animals (African grey parrots, primates or live turtles), large quantities of products or particularly sensitive products that may be toxic for instance, cannot be presented to the court for practical and safety reasons. In those cases, the seizure report or the document confirming that they have been placed in a zoo, in quarantine or impounded will be shown to the court in lieu of physical evidence.

4.2.4 Judgment

The majority of defendants in the analysed cases (89%) were convicted. This can be explained by the fact that in most wildlife-related cases, the offenders are either caught in the act of committing an offence or they eventually confess to it. One out of ten defendants were acquitted while in a small portion of cases, only the civil liability was established (Figure 13).
4.2.5 Sentences/ Penalties

This section presents the sentences pronounced in the selected cases in Cameroon, which are prison sentences, fines, damages and costs, and their proportion.

Firm and suspended prison sentences

Out of the 395 convicted defendants in the selected cases, in the 2009-2020, 291 received a prison sentence (Figure 14). The majority of them (225), were convicted to firm sentences\textsuperscript{192} while the rest received suspended prison sentences\textsuperscript{193}. In some cases, the judge decided that part of the sentence was to be firm and the other part suspended. Overall, more than half of prison sentences (57%), including both firm and suspended, were for less than a year, while 38% of them were between one to two years and only 5% of all prison sentences were for two to three years.

\textsuperscript{192} The prison sentence is served directly after the judgment.

\textsuperscript{193} A prison sentence that is served only if the person is convicted again within the suspended period.
Furthermore, more than one third of the 225 persons convicted to firm sentences received prison terms of less than 12 months, although they were convicted for offences related to class A species, for which the minimum provided by the law is one year\textsuperscript{194}. This could lead to the conclusion that Cameroonian courts tend to be rather lenient in the application of the law in wildlife offences. In a majority of cases, magistrates justify their decision by arguing that most of the convicted defendants are first-time offenders and that they confessed to their offence.

**Fines**

The court ordered 224 defendants to pay a fine. The amount of these fines ranges from 1,000 (USD 2) to 5,000,000 XAF (USD 9,000). The majority of fines were for less than 1,000,000 XAF (USD 2,000) and none of the defendants were sentenced to the maximum amount, which is 10,000,000 XAF (USD 19,000). Moreover, only 18 defendants prosecuted for offences on class A species were ordered to pay the minimum amount, 3,000,000 XAF (USD 5,400), or above, as provided by Section 158 of Law 94/01. In two occurrences, 3,000,000 XAF fines were ordered for offences on class B species. The analysis of sentencing in the selected cases revealed inconsistencies in the way the law was applied and the amounts of the fines ordered by the court.

**Damages**

Damages were awarded in 158 cases, with amounts ranging from 50,000 (USD 90) to 253,575,000 XAF (USD 460,500) in a landmark ivory trafficking case (Box \textsuperscript{2159}) involving the slaughter of 89 elephants. The total amount of damages awarded to MINOF in the judgments collected is 2,129,424,700 XAF (USD 3,867,578). Unfortunately, little effort is made to recover those damages which could constitute additional funds for wildlife conservation. It was also not possible to obtain data on whether these damages were actually paid and, if so, what proportion of the total amount was actually recovered.

**Box 2: The State Attorney and the Ministry of Forestry and Wildlife vs Zakari Daouda Ayatou, Hayatou and Aboubakar Ibrahim**

In March 2017, Zakari Daouda Ayatou, Hayatou and Aboubakar Ibrahim were arrested in Bertoua (Eastern region) as they were transporting 177 ivory tusks from Yaoundé. In Bertoua, they had contacted a customs officer, Ibrahim Amadou, to offer him money in exchange for safe passage to Northern Cameroon. The customs officer refused and had them arrested.

They were charged with illegal killing of totally protected species (elephants), and illegal detention and circulation of their trophies, and tried before the Bertoua District Court. Zakari Daouda and Aboubakar Ibrahim were found guilty and sentenced to, respectively, four-month and three-month firm imprisonment. The court recognised mitigating circumstances for Zakari Daouda Ayatou spontaneously confessed to the offence and for Aboubakar Ibrahim as a first-time offender. Hayatou was acquitted due to lack of incriminating evidence. The three defendants were ordered to pay 13,981,090 XAF in legal fees, and 253,575,000 XAF in damages.

An appeal was filed by the convicted defendants on the grounds that they were acting under the instructions of the ivory tusk owners, Issiaka Abdouraman, Aboubakar Alasan and Alhadji Ali. The Court of Appeal of the Eastern region upheld the first instance decision and increased the prison term to 15 months for both appellants. It also acknowledged that the three abovementioned ivory tusk owners were part of an ivory trafficking network and were therefore held civilly liable and ordered to pay 2,617,670 XAF in legal fees.

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\textsuperscript{194} Section 158, Law 94/01.

Legal fees

A total of 389 defendants were ordered to pay legal fees, with amounts ranging from 21,000 XAF to 13,967,000 XAF. The total amount of legal fees paid in the collected cases is 128,202,154 XAF (USD 232,850).

4.3 Appellate Court

Amongst the collected cases, only a few were appeals (Figure 15). This could mean that the relevant parties, the State Counsel, the wildlife administration and the defendant(s) were generally satisfied with the outcome of the case, that there were no grounds for appeal or that the request for an appeal was not submitted in time, although this does not necessarily mean that first instance decisions were adjudicated correctly. This relatively low proportion of appeals can also be due to insufficient legal representation in wildlife cases for both defendants and the civil party, which is discussed further in Chapter 5, or to the fact that legal support from conservation NGOs does not usually extend to appeals.

![Figure 15: Proportion of appeals](image)

With regard to the types of appellants, the analysis shows that almost an equal number of appeals were filed by the wildlife administration (MINOF) and the Legal Department (State Counsel’s chambers) (Figures 16 and 17). There are two different, and somewhat contradictory, applicable legal provisions regarding appeals in wildlife matters. According to Law 94/01, an appeal filed by the wildlife administration has the same effect as one filed by the Legal Department\(^{196}\), meaning that in case of appeal by MINOF, the Court of Appeal can rule on all or part of the first instance judgment (including criminal and/or civil penalties)\(^{197}\). However, according to the CPC, in case of an appeal filed solely by the civil party, which would be the wildlife administration, the Court of Appeal can only rule on the civil claim\(^{198}\). In this case, the specific law, Law 94/01, should apply as opposed to the general law, in accordance with the legal principle *specialia generalibus derogant*\(^{199}\). Nonetheless, the CPC repeals

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196 In French: Ministère Public.
197 Section 147, Law 94/01.
198 Section 456(1), CPC.
199 Sone Nkoke et al., 2016.
all previous provisions contrary to it and as such, Section 147 of Law should be considered as no longer applicable. This means that MINOF can only file appeals on the amount of civil damages awarded to them, and not on criminal penalties, while in appeals filed by the Legal Department, the Court of Appeal can rule on any part of the judgment or all of it.\(^\text{200}\)

Figure 16: Distribution of appellants in individual appeals

![Figure 16: Distribution of appellants in individual appeals](image)

Figure 17: Distribution of appellants in joint appeals

![Figure 17: Distribution of appellants in joint appeals](image)

Although only a few appeals were filed, the number of appeals declared admissible is quite high (Figure 18) which shows that the adequate procedure is followed by appellants in most cases.

In more than half of the appeals, the first instance decision was upheld while in only 22% of appeals, it was overturned. However, in most of the upheld decisions, the Court of Appeal upgraded the first instance penalty while, in a small part, the penalty was downgraded.

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\(^{200}\) Ibid.
4.4 Characteristics of defendants

The defendant’s age was not mentioned in 9% of the judgments but based on data from the remaining cases, it can be inferred that the average age of the defendants in the selected cases is 36. Moreover, most of them were male Cameroonian nationals (Figures 20 and 21). In very few cases, the nationality and gender of defendants are unknown as the information did not appear in the judgment, either because the information was unavailable or the registrar failed to record it.
The 40 foreign defendants came from eight different countries (Figure 22), three of which share a border with Cameroon, namely Central African Republic, Republic of Congo and Nigeria. The other five countries are Democratic Republic of the Congo, Ghana, Mali, Senegal and Vietnam. In several cases, the nationality of foreign defendants was not indicated in the judgment either.

The variety of nationalities of the defendants in wildlife-related cases illustrates the increasingly transboundary nature of wildlife crime. This is substantiated in recent reports that point out that the most serious forms of wildlife crime are committed by organised crime groups with sophisticated transportation and finance networks. While organised crime was not the focus of this analysis, it is still important to note that convicting the poacher, as is mostly done in Cameroon, is not sufficient to counter the large-scale illegal wildlife trafficking that exists today.
4.5 Species

A total of 37 species were identified in the cases analysed in Cameroon. An animal species was specifically targeted in 216 cases. Among these cases, 70% focused on totally protected species (Figure 23). The analysis confirmed that elephants are by far the most targeted species. They are followed by duikers, pangolins and great apes, in terms of proportion (Figure 24). In the judgments, species of birds were not specified.
4.6 Financial aspects

In general, the financial dimension of wildlife crime seems to be rarely considered by law enforcement. For example, the trophy value is only discussed in 36 out of the 240 cases where this information could have been collected. Moreover, investigations are not extended to establish potential links with illicit financial flows even for cases of trafficking in high value products, such as elephant tusks and pangolin scales.
5 DISCUSSION OF KEY FINDINGS

After the presentation of data collected and collated, this chapter will focus on identifying the main challenges and trends related to wildlife crime prosecution that stood out from the case analysis. Judgments were collected in eleven jurisdictions covering four of the ten regions of the country, as initially planned. However, it was extremely challenging to identify and access wildlife-related court decisions, especially when they were not already included in a database. Most of the cases were identified from judicial databases managed by conservation NGOs (127 from the WWF database and 86 from the LAGA database), which only took a few days. Collecting the remaining 27 court decisions took more than three weeks as they were retrieved from the Registrar in the various courts. This is mostly due to the fact that court transcripts are filed manually by Court Registrars in most of the courts visited for this analysis. The District Court in Douala-Bonanjo is the only court to have set up an electronic filing system and it has started to upload recent court cases onto that new database. However, it appears that there is no centralised judicial database either at regional or national level. The only regularly updated databases are developed and managed by NGOs in partnership with the wildlife administration to support court case monitoring in wildlife matters. The only national judicial database in existence is managed by MININFO and has not been updated for some time. The absence of a regularly updated national database or an information sharing system between existing databases is a significant obstacle to the effectiveness of the judicial system in wildlife matters, as it makes it more difficult to identify repeat offenders and to keep track of cases from arrest to sentencing, and ensure the proper enforcement of penalties. This has a direct impact on the effectiveness of the law enforcement system as a whole.

Another significant issue encountered during judgment collection was the time it took to formalise the transcripts. Overall, the formalisation process took twelve weeks and a total of sixty working days. This is mostly due to the fact that many courts, especially in remote areas, still use typewriters to record judgments and even in courts where computers are used, there are not enough of them to ensure a speedy process. Moreover, in some cases, decisions had not been properly recorded by the Registrar and were invalid as they were missing the presiding judge’s signature. This meant that the local team had to track down the judges to ensure they signed the relevant judgment, which considerably slowed down the collection process.

With regard to the actual content of the judgments, several observations could be made.

**Defendants’ profiles**

The main observation on the types of defendants prosecuted, based on the analysis, is that legal proceedings are mostly brought against offenders at the bottom of criminal networks involved in wildlife crime. This can particularly hinder the judiciary’s ability to curb poaching and illegal trade as low-level hunters and middlemen can be more easily recruited and replaced. Although specific statistics are not available to substantiate this observation, the analysis of case facts revealed three main profiles among those prosecuted.

Hunters and their accomplices represent the majority of prosecuted and convicted offenders in the cases collected in jurisdictions near protected areas, such as Abong Mbang, Djoum and Yokadouma201. The various profiles and modus operandi of ‘typical’ hunters can be deduced from the analysis of case facts. Hunters live mostly in villages located on the edge of forests and protected areas, and they are either members of local and indigenous communities or immigrants who have settled in these villages and engage in small-scale hunting, fishing and farming activities to ensure their daily subsistence. In other cases, they are small game hunters acting on their own, either by

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201 Abong Mbang is close to Nki National Park and Ngoyla Wildlife reserve; Yokadouma is close to Boumba Bek and Lobeke National Parks, and Djoum to Djia Faunal reserve.
setting traps or using light hunting weapons. Small-scale hunting is most often done for subsistence purposes. However, in cases where hunters manage to kill high value animals, for example leopards and pangolins, they can get the idea of trading their trophies. As for big-game hunters, they usually operate in groups, with clear division of powers and responsibilities, including rations, killing, removal of body parts for trophies, hiding and transporting products and equipment to be used during the hunting expedition. They also tend to set up camps during their hunt as they often have to spend several days tracking animals in the wilderness. Hunting groups are usually composed of family members or close friends; in some cases, however, group members did not know each other and had simply been associated by an intermediary for hunting purposes.

Intermediaries appear mostly in cases involving large-scale hunting expeditions associated with trade in animal products or trophies harvested during the hunt. Their role, as it emerged from the case facts, usually includes: (i) contacting or recruiting and managing hunters by providing them with necessities for hunting (food, cash, weapons and ammunition etc.); (ii) retrieving the weapons and collecting wildlife products at the end of a hunting expedition; (iii) in some cases buying animal products from other hunters; and (iv) looking for potential buyers in neighbouring areas, in large cities (Douala, Yaoundé) or in cities close to the border (Djoum, Kribi and Tiko are near the border with Congo, Equatorial Guinea and Nigeria respectively). The origin of the weapons used for hunting was also noteworthy. It appears that the weapons used for hunting had most often been acquired from uniformed individuals, in service or retired, who had either sold them, or simply made them available to hunters belonging to the same criminal network. In some cases, the weapons were also purchased from civilians. Generally, intermediaries live in various places, such as villages located at the edge of forests, small or medium-sized cites (Abong Mbang, Djoum, Edea, Kribi, Kumba, Sangmelima, Tiko, Yokadouma) or even in large urban areas (Bertoua, Buea and Douala). Some profiles of middlemen identified in the analysis include, but are not limited to, drivers, farmers, traditional authorities, motorbike and car drivers, loggers, businessmen, local agents from various administrative services (wildlife, customs, police, gendarmerie, divisional officers, mayors, etc.).

Analysis of prosecuted profiles revealed they are mostly hunters, and sometimes middlemen, coming from poor rural backgrounds and receiving little to no monetary benefits from crimes they helped commit as they are at the bottom of the trafficking chain. This could be related to the fact that the analysed cases came from areas nearby villages and small to medium-sized towns, located close to protected areas. This may also exhibit a more general trend of law enforcement focusing their efforts on prosecuting low-level offenders in the criminal networks, rather than the most powerful high-level traffickers at the top of the chain.

**Insufficient investigative work**

Investigations usually take place on the day the offence is detected or after the offence statement has been drawn up. Extensive investigations are usually not conducted by the judicial police, or requested by the State Counsel or the court. Even in the few cases where a judicial investigation was undertaken, it failed to focus on establishing connections between poachers, or middlemen, and larger-scale criminal organisations or crimes such as money laundering and corruption which are rife in the context of wildlife crime. Illegal wildlife trade usually occurs in a series of events involving a number of different individuals at each step. Trafficking begins with the capture, collection or killing of animals; which are then smuggled alive, dead or in parts and then sold at a market or to the consumer. As briefly discussed above, the person who originally captured or killed the animal is usually not involved in the next steps. In that sense, focusing solely on them in the investigation process can lead to law enforcement officials overlooking the other links in the chain. Organised crime groups can also be

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204 Ibid.

205 Ibid.
implicated further along the criminal chain\textsuperscript{205}. The Cameroonian judicial police may be unable to follow their trail due to lack of human and financial resources, but also due to lack of collaboration with law enforcement in neighbouring countries. However, it would be essential to increase the capacity of law enforcement officials, in terms of expertise in wildlife cases, human resources and funding, in order to root out criminal groups. Throughout the court case analysis, it was observed that, in some instances, names of potential accomplices were mentioned in the summary of facts but not prosecuted or investigated further without any apparent reason. In Cameroon, a large part of the investigative work into wildlife trafficking and related criminal activities is undertaken by NGOs, and networks of NGOs, such as the Eagle Network.

Inadequate legal representation for defendants

There are also some clear inequalities faced by defendants on trial in the collected cases. An overwhelming majority of defendants did not have legal representation for their trial. In fact, only 51 out of 455 defendants received legal assistance. Among those 51 who had counsel, 20 (39\%) were acquitted by the court, while out of the remaining 404 defendants, only 34 (8\%) were acquitted. While this data might not be sufficient to reveal a country-wide trend, it can still confirm that having legal representation gives defendants a greater chance of being acquitted.

This is not compatible with the right to a fair trial guaranteed by international human rights law, specifically the African Charter on Human and Peoples' Rights, ratified by Cameroon in 1989. The right to a fair trial\textsuperscript{206}, guaranteed by the Charter, also includes the right to a defence and the right to be assigned a lawyer, free of charge where necessary\textsuperscript{207}. The right to a fair trial is enshrined in the Preamble\textsuperscript{208} to the 1996 Constitution which guarantees that “the law shall ensure the right of every person to a fair hearing before the courts” and that “every accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the rights of defence”. In line with this constitutional right, Law 2009/004 of 14 April 2009 establishes the legal aid system which applies to criminal, civil and administrative proceedings. There are different approaches to the provision of legal assistance in criminal justice in Cameroon publicly funded legal aid, “no win no fee”, pro bono services and legal aid centres\textsuperscript{209}. Although there is much to be said about the challenges and ineffectiveness of the legal aid system in Cameroon, it is not within the scope of this assessment. However, it is still important to note that, generally, the publicly funded system has many drawbacks, including lack of monetary incentive for lawyers to participate\textsuperscript{210}, and that there are simply not enough lawyers to meet the demand for legal aid to impoverished people. The most recent figures available, from 2007, account for about 1,300 lawyers\textsuperscript{211} in the whole country for a population of more than 20 million, of which 37.5\% live under the national poverty line\textsuperscript{212}. Moreover, while there is a specific academic institution for training future magistrates, there is no formal school for lawyers. In that sense, young pupil lawyers must be trained by senior lawyers and without following a formal curriculum\textsuperscript{213}. This leads to future lawyers lacking fundamental legal training, and makes it extremely difficult for trainees to gain specific expert knowledge and practical experience on wildlife law. Providing legal aid is essential to ensure that the interests of each party are defended in court and to guarantee fair

\textsuperscript{205} Ibid.
\textsuperscript{206} Article 7, African Charter on Human and Peoples’ Rights.
\textsuperscript{208} The provisions of the Preamble are enforceable and justiciable by virtue of Article 65 of the Constitution.
\textsuperscript{209} UNODC, Access to Legal Aid in Criminal Justice Systems in Africa: Survey Report, 2011.
\textsuperscript{210} The fee is the equivalent of USD9 per appearance.
\textsuperscript{211} Penal Reform International and the Bluhm Legal Clinic of the Northwestern University School of Law, Access to Justice in Africa and Beyond: Making the Rule of Law a Reality, 2007.
\textsuperscript{212} Available at: https://data.worldbank.org/data/download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972368AEF/Global_POVEO_CMP1.pdf
\textsuperscript{213} Bluhm Legal Clinic, 2007.
proceedings. In order to achieve that objective, the first crucial step would be to improve legal training on wildlife matters for trainees.

**Lack of transparency of the legal reasoning behind convictions**

For most convicted defendants in the cases collected in Cameroon, the conviction was based on having been caught in the act of committing the offence, or admitting to it. In several other cases, in which the convicted defendant had denied the facts and not been caught red-handed, the judge’s reasoning that led to conviction was unclear, especially since it was not substantiated by witness testimony or physical evidence. The case transcripts did not report on the legal basis for conviction, jumping directly to sentencing. This could be due to a mistake in recording the judgments, which are usually handwritten by clerks, or it could be evidence of judicial misconduct. Since court transcripts are not usually requested by anyone, and a majority of defendants have no legal representation or understanding of the law, these situations are commonly unnoticed.

**Legal loopholes, inconsistencies and issues in Law 94/01**

As discussed above, regulations on wildlife are established in Law 94/01, which is supplemented by Decree 95-466-PM specifying how the law is to be applied. Wildlife legislation in Cameroon is significantly outdated as it has not been reviewed or supplemented since 1995. The characteristics of wildlife crime and illegal wildlife trade have evolved a great deal since the 1990s, with transactions taking place on the internet, and on a much larger scale through transnational and transcontinental trade, involving other crimes such as money laundering and a wide variety of species. Even though Law 94/01 attempts to counteract that with Section 101(1)214 which can be applied extremely broadly and for any situation of possession of animals or animal by-products, it does not provide for prosecution of individuals who facilitated the hunt, transportation or trade unless it involves weapons of any kind. In that sense, the scope of the law is rather limited and fails to provide grounds for law enforcement to prosecute all types of intermediaries and potential high-ranking individuals in the network.

Furthermore, the particular wording of sections 155 and 158, which establish main wildlife offences, appears to be contradictory, and unclear in some instances. Parts of those two sections actually overlap and contradict each other. For example, Section 155 specifies that violation of Section 101 is punishable by either a fine of 50,000 to 200,000 XAF or 20 days to two months in prison; or both. Meanwhile, Section 158 establishes that killing or capturing protected animals during closed hunting season or in an area prohibited or closed to hunting is punishable by either a 3 million to 10 million XAF fine or one year to three years in prison; or both. It is clear that both sections provide completely different penalties for the same crime of killing or capturing protected animals. Moreover, the wildlife legislation gives no indication of which circumstances justify the application of Section 155 or 158 and as such, it is completely up to the court’s discretion, which leads to inconsistencies in the jurisprudence.

An additional issue identified within the legislation is that none of the offences related to wildlife provided by Law 94/01 are not actually felonies, according to the Criminal Code215. Given the dramatic impact of IWT and poaching on Cameroon’s natural resources, it would be timely to classify these offences as felonies, in line with the definition established in the Criminal Code. Not only would it increase the minimum penalties an offender can receive, but it would also allow for remand in custody216 to become standard practice in wildlife matters, thus taking the most serious offenders off

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214 Section 101(1), Law 94/01: Any person found, at any time and in any place, in possession of a protected animal of class A or B, as defined in Article 78 of this law, whether alive or dead, shall be deemed to have captured or killed it.

215 Section 21, Criminal Code: Felonies are defined as offences punishable by the death penalty or a prison sentence of a maximum of more than 10 years and a fine when the law so provides.

216 Section 218, CPC: Remand in custody shall be 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.
the street as soon as they are caught. The law also does not provide for harsher penalties in cases of offences committed on class A species which are totally protected, than on class B species. Given that class A species are high value targets, increasing corresponding penalties would act as a stronger deterrent.

Numerous adjournments for appearance of parties

In accordance with the CPC, the Presiding Magistrate at a hearing can decide to adjourn the case whenever the accused or any other party is absent, only if it is not evident from the case file that the summons were duly served or if the accused provides an acceptable excuse for being absent\textsuperscript{217}. In cases of flagrante delicto, at the first hearing, the accused can submit an application for adjournment to properly prepare the defence\textsuperscript{218}. If the accused so applies, the court shall order an adjournment\textsuperscript{219}. However, it was observed in the analysis that, in practice, the two most common reasons brought for case adjournments are that the accused was granted bail and, contrary to the conditions of bail, did not appear in court; and that the MINFOF representative was not officially designated by the Minister in time to appear in court. The conditions for granting bail are set in the CPC, which provides that bail can be granted if the accused deposits a sum of money, or provides one or more sureties to ensure appearance in court\textsuperscript{220}. However, it appeared in the analysis that bail was granted systematically to accused individuals by certain magistrates, disregarding the proper procedure. This is probably in response to prison overcrowding, as latest figures indicate that more than half the prison population in Cameroon is on remand or awaiting trial\textsuperscript{221}. However, it can also lead to suspects skipping bail and escaping justice, which is often the case here. With regard to representatives for the wildlife administration to appear in court, the delays in appointing them, especially in cases of flagrante delicto, is testament to the fact that wildlife crime cases are not followed up rigorously by MINFOF and that bureaucracy can seriously affect the outcome of cases.

Poor presentation of case facts

The facts in several cases collected for this assessment were not properly presented, in that they did not make sense, either because they were too condensed or some key elements were left out. It made it quite difficult to understand the case and the legal components on which the case was premised. It could be due to lack of logistical, technical resources but it remains a significant issue as it compromises the transparency of the courts and affects the quality of court case reporting. According to local magistrates, summaries of facts in court decisions are usually taken from reports drawn up by MINFOF and sent to the court. Since they were not gathered by court clerks or any judicial authority, it could be problematic in terms of factual accuracy.

Inconsistencies in penalties

The trend observed in the course of this assessment is that sentences were not handed down consistently by judges. This is best illustrated by two cases heard in the Djour District Court: \textit{State Attorney and MINFOF vs Mbane Simon and Mendomo Cecile}\textsuperscript{222} and \textit{State Attorney and MINFOF vs Chingo Zacharie and Amadou Yaya}\textsuperscript{223}. In the former, the defendant Simon Mbane was convicted of killing a class A species (an elephant) after having been found by forestry patrols with two ivory tusks in his possession. He was sentenced to two years firm imprisonment on the basis of Section 158 of Law 94/01 as well as a 1,000,000 XAF fine. In the latter case, Zacharie Chingo and Yaya Amadou were convicted of illegal circulation and detention of ivory tusks and killing class A species, after having

\textsuperscript{217} Section 340(1) and (2), CPC.
\textsuperscript{218} Section 300(1), CPC.
\textsuperscript{219} Section 300(2), CPC.
\textsuperscript{220} Section 224(1) and 246(g), CPC.
\textsuperscript{221} UNODC, 2011.
\textsuperscript{222} State Attorney and MINFOF vs Mbane Simon and Mendomo Cecile. Available at: https://www.wildlex.org/court-decisions/state-attorney-and-ministry-of-forestry-and-wildlife-vs-mbane-simon-and-mendomo
\textsuperscript{223} State Attorney and MINFOF vs Chingo Zacharie and Amadou Yaya. Available at: https://www.wildlex.org/court-decisions/state-attorney-and-ministry-of-forestry-and-wildlife-vs-chingo-zacharie-amadou-yaya
been caught with 39 ivory tusks in their possession, with mitigating circumstances as they were first-time offenders. On the basis of the same Section 158 as previously, they were sentenced to four months firm imprisonment and a 300,000 XAF fine each. The stark difference in sentences between the two cases seems difficult to justify since in the second case, the defendants were caught with almost twenty times the number of ivory tusks than in the first case. It would appear that the court did not consider this fact as justifying a harsher sentence, which seems rather illogical. It then emerged during the analysis that Zacharie Chingo, the defendant in the second case, had already been caught, three years prior, for a similar offence of transporting ivory tusks in his car. At the time, he was acquitted by the Djoum District Court, which is why he could be considered as first-time offender. These two cases are just examples of the disparities that exist, even within the same jurisdiction, as to how sentences are handed down. Such inconsistencies in the way justice is rendered in wildlife issues critically undermines the effectiveness of the law and of the judicial system. It would be essential to guarantee better case monitoring so that the court can identify when a defendant has already been caught for a similar offence. Moreover, this should be combined with additional training for judges and other enforcement officials, with a view of enhancing a consistent legal implementation.

**Corruption**

Corruption was not particularly investigated in the course of this assessment. However, it is still important to note that even though the Criminal Code penalises bribery and corruption, no charges of corruption in the context of wildlife crime were brought against defendants among the 240 cases analysed, even in cases of exchange of bribes with public officials. This is even more significant given that corruption is a major enabler of wildlife crime, as discussed in Chapter 3. It could also be put forward as one of the reasons behind the inconsistencies noted above with regard to sentencing as well as the inadequate investigative work undertaken in wildlife matters, especially since corruption is still a widespread issue in Cameroon. Generally, corruption of the judiciary would take place either through political interference in the judicial process by other branches of government, or bribery.
6 CONCLUSION

This case analysis covered eleven courts in several regions across Cameroon, from East, Littoral, South and Southwest over a period of eleven years, which provides a comprehensive overview of the adjudication of poaching and illegal wildlife trade offences. Such assessment enabled the identification of statistics and trends on wildlife offences, including how the relevant laws are applied by courts, characteristics of prosecuted offenders, conviction rates, sentences pronounced and species targeted. It also identified numerous challenges which lead to offenders falling through the cracks of the justice system, such as general lack of clarity in relevant legislation and divergent interpretations of the law by different stakeholders in the criminal justice system.

In terms of logistics, this study revealed the importance of setting up an effective data management system in Cameroonian courts which would make it easier to access judicial precedence and jurisprudence in wildlife matters. Moreover, it has become clear throughout this process that Cameroon would benefit greatly from building its operational capacity up and cooperating with other countries in the region to thoroughly investigate and follow the money trail to dismantle criminal networks that are increasingly involved in wildlife crime. Furthermore, an in-depth analysis of the national legal framework applicable to wildlife matters (Law 94/01 and Decree 95-466-PM) indicated several loopholes and inconsistencies in the legislation, which have direct consequences on its effectiveness. While the main wildlife law, adopted in 1994, criminalises certain offences related to poaching and illegal wildlife trade, it is rather outdated and fails to address the ever-changing nature of these crimes. Cameroon is also failing to meet the requirements of the right to a fair trial, by not providing legal representation and assistance to defendants who cannot afford it. In addition, while the potential role of corruption in law enforcement and judicial processes is complicated to ascertain, its influence should not be overlooked. Overall, the trend that emerges in this report is that low-ranking poachers at the bottom of the criminal chain are generally more likely to be prosecuted and to receive prison sentences.

While Cameroon has taken initiatives to prosecute and punish offenders, they have undoubtedly been insufficient to effectively deter crime and curb the upward trend in poaching and wildlife trafficking. The country needs to do a lot more to protect its vulnerable species from extinction and raise awareness to the severe consequences of such crimes before it reaches a point of no return.
7 RECOMMENDATIONS

- Foster an update or review of the legislative and regulatory framework in order to both fill legal loopholes, particularly in Law 94/01, harmonise penalties for certain offences and increase prison sentences for those relating to totally protected species, which should be considered as felonies, across range countries of the Congo Basin. Law 94/01 should be amended to better encompass the increasingly transboundary, organised and sophisticated nature of wildlife crime;

- Enhance information exchange among various courts in the country by setting up a centralised online national judicial database to regroup all court decisions related to wildlife matters. This would increase transparency of judicial proceedings and enable efficient case tracking from arrest all the way to sentencing to better identify repeat offenders. Setting up such a national judicial database would imply bringing together existing databases, such as the LAGA and WWF ones. It would also require additional technical and logistical resources to improve the archiving and court transcript formalising systems;

- Enhance the institutional and operational capacity of law enforcement officials to undertake thorough investigations into trafficking chains to dismantle organised criminal networks. This could be primarily done through ratification of the Lusaka Agreement and active participation in the Lusaka Agreement Task Force to strengthen cooperation with law enforcement agencies in the region. Adopt a ‘follow the money’ approach to establish potential links with illicit financial flows and secure the prosecution of high-level actors in the criminal chain;

- Build capacity for publicly funded legal aid by allocating additional funding and incentives for lawyers to participate in order to ensure widespread access to legal assistance and representation for defendants, including in the process a broad range of stakeholders such as local organisations, NGOs, community organisations and academic institutions;

- Consider ratifying the AUCPCC, strengthen the anti-corruption framework and promote the independence of the main institutions involved in countering corruption. Promote transparency of CONAC to inform the general public of its work and the corruption cases and investigations handled;

- Develop and deliver specialised training modules on CITES and CITES-listed species as well as on national and international law and procedures related to poaching and IWT to ensure a consistent and effective application and enforcement of the regulations by all actors and stakeholders in the legal system (JPOs, prosecutors, judges and lawyers);

- Promote the establishment of specific university academic programmes and training curricula for future lawyers and in other relevant institutions, like the Garoua Wildlife School, on environmental law, and particularly wildlife law. This would ensure that future lawyers, magistrates and judges, as well as eco-guards, have a deeper understanding of the national and international law that applies in wildlife crime cases, and that defendants receive adequate representation.
BIBLIOGRAPHY OF LEGAL TEXTS

At international level

Convention on International Trade in Endangered Species of Wild Flora and Fauna
Convention on Biological Diversity
United Nations Convention against Transnational Organised Crime
United Nations Convention against Corruption

At regional level

African Union Convention on Preventing and Combating Corruption
Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

At national level

Constitution of Cameroon of 1996 with amendments through 2008

Decrees:
Decree 47-2254 on hunting in French colonies
Decree 94-199 of 7 October 1994 on the general status of State civil service
Decree 95-048 of 8 March 1995 on the status of magistrates
Decree 95-466-PM of 20 July 1995 to lay down conditions for implementation of wildlife regulations
Decree 96-237-PM of 10 April 1996 setting operating procedures for the Special Funds
Decree 2002-648-PM of 26 March 2002 setting the terms of application of Law 001 of 16 April 2001 on the Mining Code
Decree 2005-187 of 31 May 2005 on the organisation and functions of the National Agency for Financial Investigation
Decree 2005-2869-PM of 29 July 2005 establishing the modalities for the application of certain provisions of CITES
Decree 2006-088 of 11 March 2006 on the creation of the national anti-corruption commission

Laws:
Law 81-13 of 27 November 1981 to lay down forestry, fisheries and wildlife regulations
Law 82/19 of 26 November 1982 on the purchase, sale, manufacture, distribution, circulation and detention of military equipment and insignia
Law 90/042 of 19 December 1990 creating the National Identity Card
Law 94-01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations
Law 96-12 of 05 August 1996 establishing a framework law on environmental management
Law 98-005 of 14 April 1998 to lay down regulations on water resources
Law 99-013 of 22 December 1999 establishing the Petroleum code
Law 2000/015 of 19 December 2000 on political parties and election campaign financing
Law 2002/006 of 19 April 2002 establishing the Gas Code
Law 2003-004 of 21 April 2003 on bank secrecy
Law 2003-006 of 21 April 2003 to lay down safety regulations governing the appropriation and handling of modern biotechnology in Cameroon
Law 003-2006 of 25 April 2006 on declaration of assets and properties
Law 2006-015 of 29 December 2006 on judicial organisation
Law 008/2011 of 06 May 2011 to lay down guidelines on land use planning and sustainable development in Cameroon
Law 2011/027 of 14 December 2011 to modify and complete Law 2006-015
Law 2011/028 of 14 December 2011 on the creation of the Special Criminal Court
Law 2014-028 of 23 December 2014 on repressing acts of terrorism
Law 2016-007 of 12 July 2016 on the Criminal Code
Law 2016-015 of 14 December 2016 on the general legal regime for weapons and ammunition in Cameroon
Law 2016-017 of 14 December 2016 establishing the Mining Code

Orders and ordinance:
Ordinance 72/05 of 26 August 1972 on the organisation of military justice
Order 0648/MINFOF of December 18, 2006 fixing the list of animals in protection classes A, B, C
Order 0649/MINFOF of 18 December 2006 on the distribution of wildlife species in protection groups and establishing hunting quotas for each type of hunting license
Order 0053-MINFOF of 1 April 2020 to lay down the procedures for distribution of species into protection classes
Order 0056/MINFOF of 01 April 2020 to lay down procedures for distribution of classes B and C animal species into hunting quota groups
## ANNEX I  WILDELEX CASE LAW MATRIX

<table>
<thead>
<tr>
<th>GENERAL INFORMATION ABOUT THE CASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country/countries:</td>
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<tr>
<td>Territorial subdivision/state:</td>
</tr>
<tr>
<td>Title <em>(English)</em>:</td>
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<td>Title <em>(French)</em>:</td>
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<td>Title <em>(Spanish)</em>:</td>
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<td>Title <em>(Other)</em>:</td>
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<td>Date of judgment/decision/opinion:</td>
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<td><em>(YYYY/MM/DD)</em></td>
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<tr>
<td>Court name:</td>
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<tr>
<td>Type of court:</td>
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<tr>
<td>☐ International court</td>
</tr>
<tr>
<td>☐ National - higher court</td>
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<tr>
<td>☐ National - lower court</td>
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<tr>
<td>☐ Other</td>
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<td>Category</td>
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<td>Justice(s):</td>
</tr>
<tr>
<td>Prosecuting authority:</td>
</tr>
<tr>
<td>Representation of accused person:</td>
</tr>
<tr>
<td>Defendants:</td>
</tr>
<tr>
<td>Legal history of the case</td>
</tr>
<tr>
<td>Language of document:</td>
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<tr>
<td>Reference No. (No. of decision)</td>
</tr>
<tr>
<td>Filing No. (if available):</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>Number of pages:</td>
</tr>
</tbody>
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**DESCRIPTION**

Subject(s):

- agricultural & rural development
- air & atmosphere
- cultivated plants
- energy
- environment gen.
- fishery
- food & nutrition
- forestry
- land & soil
- legal questions
- livestock
- mineral resources
- sea
- waste & hazardous substances
- water
- wild species & ecosystems

Keyword(s):

*(see keyword list on ECOLEX)*

e.g endangered species, wild fauna, wild flora, hunting offenses/penalties, international trade etc.

https://www.ecolex.org/result/?q=
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<tr>
<th>Species:</th>
<th>English name/French name/ Latin name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parts / derivates / products:</td>
<td>Please, specify the wildlife product involved e.g ivory, rhino horn, pangolin scales etc.</td>
</tr>
<tr>
<td>Money value:</td>
<td></td>
</tr>
<tr>
<td>Transnational:</td>
<td>Please, only tick “yes” if the accused is a non-citizen or if it is a cross-border offence.</td>
</tr>
<tr>
<td>Charge sheet:</td>
<td>Please, provide charge sheet document (pdf) as an attachment!</td>
</tr>
<tr>
<td>Charge:</td>
<td></td>
</tr>
<tr>
<td>Processed/Not processed:</td>
<td></td>
</tr>
<tr>
<td>Appealed:</td>
<td>Please, indicate whether the case provided has been appealed or not.</td>
</tr>
<tr>
<td>Facts:</td>
<td>Please, provide some brief facts about the case (max 150 words)</td>
</tr>
</tbody>
</table>
Abstract:
*Please, provide a brief summary (max 250 words)*

<table>
<thead>
<tr>
<th>DECISION/JUDGMENT</th>
</tr>
</thead>
</table>
| Decision/Judgment:
*Please, provide a brief summary of the ruling/judgment of the court (max 100 words)* |

| Basis of the decision: |

| Penalty: |

| Legal issues raised in decision: |

<table>
<thead>
<tr>
<th>REFERENCES</th>
</tr>
</thead>
</table>
| Reference(s) to Court Decision (title, reference number, date):
*Please, provide a list of precedents mentioned in the case.* |

| Reference(s) to National Legislation (title, reference number, date, hyperlink):
*Please, provide a list of all principal and ancillary national legislations mentioned in the case. (Copies of the legislations should also be sent*) |
<table>
<thead>
<tr>
<th>separately as an attachment). Provide links to the legislations if they are available online as well.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference(s) to International Agreement (title, date): Please, provide a list of international agreements mentioned in the case.</td>
</tr>
<tr>
<td>Text: Please provide a copy of full text(s) of the decision (pdf) as an attachment!</td>
</tr>
<tr>
<td>Link to the full text(s) online: Please, provide hyperlink(s) if case is available online!</td>
</tr>
</tbody>
</table>
## ANNEX II  CAMEROON LEGISLATION MATRIX

### Background Information

<table>
<thead>
<tr>
<th>Is the country involved in demand or supply of wildlife crime products? If both, please specify how each operate?</th>
</tr>
</thead>
</table>
| ☒ Demand
| ☒ Supply |

Comments: The demand is mostly for local consumption and concerns mainly bushmeat species. The supply is for the international market and concerns mostly high-value wildlife products (ivory, pangolin scales) and live animals (parrots for pet trade).

<table>
<thead>
<tr>
<th>What species are most threatened by wildlife crime in the country (poaching and/or trade)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒ Elephants</td>
</tr>
<tr>
<td>☐ Rhinos</td>
</tr>
<tr>
<td>☒ Pangolins</td>
</tr>
<tr>
<td>☒ Great apes</td>
</tr>
<tr>
<td>☒ Big cats</td>
</tr>
</tbody>
</table>

Others: Birds (African grey parrots)

<table>
<thead>
<tr>
<th>In which regions are wildlife related offences committed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameroon has ten regions and almost all of them are affected by wildlife crime. However, the regions mostly affected are the East, South, South West and North for poaching and Littoral and Centre regions for illegal wildlife trade.</td>
</tr>
</tbody>
</table>

### International Law

<table>
<thead>
<tr>
<th>Is the State a party to any of these conventions?</th>
<th>Year of ratification</th>
<th>Implementing legislation</th>
</tr>
</thead>
</table>
| CITES                                            | 1981                 | The main legal texts include:
|                                                 |                      | - Law 96/12 of 5 August 1996 establishing a framework law on environmental management;
|                                                 |                      | - Law 94-01 of 20 January 1994 to lay down forestry, fisheries and wildlife legislation;
|                                                 |                      | - Decree 95-466-PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations;
|                                                 |                      | - Decree 2005-2869-PM of 29 July 2005 fixing the modalities for the application of certain provisions of CITES; and
|                                                 |                      | - Order 0053-MINFOF of 1 April 2020 to lay down the procedures for distribution of species into protection classes. |
| CMS   | 1983 | The main legal texts include:  
|-------|------|--------------------------------|
|       |      | - Law 96/12 of 5 August 1996 establishing a framework law on environmental management;  
|       |      | - Law 94-01 of 20 January 1994 to lay down forestry, fisheries and wildlife legislation;  
|       |      | - Decree 95-466-PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations;  
|       |      | - Decree 2005-2869-PM of 29 July 2005 fixing the modalities for the application of certain provisions of CITES; and  
|       |      | - Order 0053-MINFOF of 1 April 2020 to lay down the procedures for distribution of species into protection classes.  
| CBD   | 1994 | The main legal texts include:  
|       |      | - Law 2003/06 of 21 April laying down safety regulations governing the appropriation and handling of modern biotechnology in Cameroon;  
|       |      | - Law 98/005 of 14 April 1998 to lay down regulations governing water resources;  
|       |      | - Law 99/013 of 22 December 1999 establishing the Petroleum code;  
|       |      | - Law 2016/017 of 14 December 2016 establishing the Mining Code;  
|       |      | - Decree No 2002/648/PM of 26 March 2002 setting the terms of application of Law 001 of 16 April 2001 on the Mining Code (provisions that are not contrary to the 2016 Mining Code);  
|       |      | - Law 2012/006 of 19 April 2002 establishing a Gas Code; and  
|       |      | - Law 008/2011 of 06 May 2011 to lay down guidelines on land use planning and sustainable development in Cameroon  
| UNCAC | 2004 | The main anti-corruption laws include:  
|       |      | - Constitution of Cameroon: Law 96-06 of 18 January 1996 completing the 1972 Constitution of Cameroon requires the filling of a statement of assets and liabilities for all public officials;  
<p>|</p>
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Provisions</th>
</tr>
</thead>
</table>
| UNTOC    | 2006 | - Penal Code: Law 2016/007 of 12 July 2016;  
- Special Criminal Court: Law 2011/028 of 14 December, 2011;  
- Bank confidentiality: Law 2003/004 of 21/04/2003;  
- Decree 94/199 of 7 October 1994 penalises administrative offences; and  

Are there regional conventions regarding wildlife? If so, is the State a party to any of them?

Regional conventions regarding wildlife include:
- The Binational Sena Oura/Boubandiida – Yamoussa (BSB-Yamoussa) Agreement (Cam-Chad-RCA) 2013;
- PAPECALF (Sub Regional Action Plan for Strengthening the Enforcement of Wild Life Laws) 2012-2017;
- The TRIDOM (Tri-National Dja-Odzala-Minkebe) Accord 2005;
- The TNS (Trinational de Sangha) Accord 2000;
- Treaty of the Commission of Ministers of Forest of Central Africa for the Conservation and Sustainable Management of Forest Ecosystems (COMIFAC) 2000;
- The Yaoundé Declaration 1999; and
- Convention on African Migratory Locusts, KANO/Nigeria.

Cameroon is a party to all these conventions.

Constitutional Provisions

Is there any constitutional provision relevant to wildlife protection?

There is no constitutional provision specific to wildlife protection. However, the constitution contains in its preamble provisions on harnessing “natural resources to ensure the well-being of every citizen without discrimination”.

Policy Framework
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
</table>
| What are the national policies / strategies addressing wildlife crime? | The national policies/strategies addressing wildlife crime include:  
  - The 2020-2030 national strategy to fight wildlife crime;  
  - The national ivory action plan;  
  - The National Biodiversity Strategy and Action Plan I (2000) and II (2012);  
  - The 1995 National Programme for Environmental Management;  
  - The 2007 Programme for Conservation and Management of Biodiversity in Cameroon; and  
  - The 2002 Sectoral Programme on Forest and Environment |
| Institutional Processes                                                 | The Ministry in charge of wildlife management in Cameroon is the Ministry of Forestry and Wildlife (MINFOF) which oversees forest and wildlife policies that integrate the management of Protected Areas. It includes the Anti-poaching Unit, which is primarily organized around the MINFOF professional staff through the Department of Wildlife and Protected Areas, and National Forest and Anti-Poaching Brigade. The anti-poaching actions in forest areas are implemented by the regional services of wildlife and protected areas, regional brigades, departmental delegations, and local PA authorities (conservators). |
| Is access to information, access to justice and public participation recognized by the law? What are the mechanisms for participation during decision-making? (E.g., opportunities for participation in drafting of legislation; adoption of regulations; decision-making on permits; etc.) | Access to justice is recognised in the preamble of the Constitution of Cameroon which provides that every citizen has a right to access justice and defend their rights in court. The law relating to environmental management in Cameroon is highly supportive of access to environmental information. Other sectoral laws provide for access to information with varying degrees in the information types reviewed. The environment sector laws in general are supportive of public participation in decision-making processes on environmental matters. Mechanisms for participation during decision-making include participation in drafting of legislation (e.g. the 1994 wildlife law is under revision and this was done through a participatory approach involving many stakeholders), adoption of regulations (e.g. the adoption of the regulatory framework related to the management of protected areas is done through a participatory approach), Environmental and Social Impact Assessment of commercial projects likely to affect biodiversity. However, decision-making on permits is under the juris of the Government and therefore not considered as a mechanism for participation. |
| What are the institutions which have authority over wildlife management? | The Ministry of forestry and wildlife (with French acronym MINOF), CITES management authority in Cameroon, is the main institution having authority over wildlife management. MINOF has several institutional and non-institutional partners:  
  - Institutional partners include: ministries in charge of Defence, Customs, Police and Justice; and  
  - Non-institutional partners include: conservation organisations, donor agencies, civil society and the private sector. |
<p>| Are there mechanisms for coordination and cooperation between different institutions and entities responsible for wildlife management? | A national anti-poaching committee was established as well as regional committees established in all ten regions. They are composed of representatives of each of the relevant institutions and partners listed above. |
| Environmental and Criminal Legal Framework                              |                                                                                                                                 |
| How has wildlife law evolved since its inception?                      | Since its independence, Cameroon has had three forestry, wildlife and fisheries laws: |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there an overarching law or strategy addressing wildlife crime?</td>
<td>The overarching law addressing wildlife crime is Cameroon is the Law 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations. The overarching strategy addressing wildlife crime in Cameroon is the 2020-2030 national strategy to fight wildlife crime.</td>
</tr>
</tbody>
</table>
| Is there a list of protected species? If so, are there different levels of protection? How is this list updated? | There is a list of protected species with three classes of protection:  
- Class A for totally protected species;  
- Class B for partially protected species; and  
- Class C for species benefitting from some protection.  
The list is updated every five years.                                                                                       |
| Is hunting regulated? If yes, is there legislation addressing hunting in protected areas? | Hunting is regulated and there are two legal texts addressing hunting in protected areas: Law 94-01 of 20 January 1994 to lay down forestry, fisheries and wildlife legislation and the Decree 95-466-PM of 20 July 1995 to lay down conditions for the implementation of wildlife regulations. |
| Is there legislation against animal abuse?                               | Section 268 of the Criminal Code punishes whoever without necessity, ill-treats a domestic or tamed animal or an animal in captivity by imprisonment from 15 days to 3 months and a fine from 5,000 (USD9) to 20,000 XAF (USD36) or by one of these two penalties only. The court shall also deprive the author of ill-treatment from the ownership of the animal. |
| Criminal Law                                                             | Yes, wildlife crime is recognised under criminal law.                                                                                                                                                     |
| How are wildlife-related offences classified (e.g. misdemeanor, crime, etc…)? | Wildlife-related offences are classified as misdemeanours and simple offences.                                                                                                                              |
| What mitigating and aggravating circumstances can be considered?         | Mitigating circumstances include:  
- When the suspect is a first-time offender;  
- When the suspect admits the facts or exhibits good behaviour throughout the hearings;  
- When an individual kills a protected animal in self-defence or defending properties – section 83 of the 1994 wildlife law and section 13 of the 1995 wildlife decree; and  
- When an animal is killed in a hunt sanctioned by public authorities – section 82 of the 1994 wildlife law and section 12 of the 1995 wildlife decree. |
- Aggravating circumstances include:
  - In case of recidivism or if the corresponding offences are committed by sworn officers of the competent administrations or by judicial police officers with general jurisdiction or with complicity, without prejudice to administrative and disciplinary sanctions;
  - For any case of hunting using chemical or toxic products;
  - For any violation of forest control barriers; and
  - In case of a hit-and-run or refusal to comply with the injunctions of the officers carrying out the control.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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</thead>
<tbody>
<tr>
<td>Is an accomplice prosecuted the same way as the main offender?</td>
<td>Yes, the main offender and accomplice are prosecuted the same way and are subject to the same penalties.</td>
</tr>
<tr>
<td>Is an offender charged with possession of a species presumed to have killed the species?</td>
<td>Yes, under section 101 of the 1994 wildlife law.</td>
</tr>
<tr>
<td>Is there prescription for wildlife-related offences? If so, what is the time period?</td>
<td>Yes, there is prescription for wildlife-related offences. For offences qualified as misdemeanours, the time period is three years, and for those qualified as simple offences the prescription is one year.</td>
</tr>
<tr>
<td>Is there any legislation addressing corruption?</td>
<td>Corruption is punished under at sections 134 (for active corruption of civil servants or public agents), 135 (for passive corruption of civil servants or public agents), 312 (for corruption of private sector agents) of the Criminal Code</td>
</tr>
</tbody>
</table>

### Primary Offences

<table>
<thead>
<tr>
<th>Please provide the provisions, if any, and penalties associated to the following offences:</th>
<th>Relevant provisions</th>
<th>Associated penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Killing of species</strong></td>
<td>Sections 101, 155 (for partially protected species) and 158 (for totally protected species) of the 1994 wildlife law</td>
<td>Section 155 (for partially protected species): Imprisonment term: 20 days to 2 months and/or Fines: 50,000 XAF to 200,000 XAF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 158 (for totally protected species): Imprisonment term: 1 to 3 years and/or Fines: 3,000,000 to 10,000,000 XAF</td>
</tr>
<tr>
<td><strong>Possession of species</strong></td>
<td>Sections, 78, 98 and 101 of 1994 wildlife law</td>
<td>Section 155 (for partially protected species): Imprisonment term: 20 days to 2 months and/or Fines: 50,000 to 200,000 XAF</td>
</tr>
<tr>
<td></td>
<td>Section 64 of the 1995 wildlife decree</td>
<td>Section 158 (for totally protected species):</td>
</tr>
</tbody>
</table>
| **Acquisition or possession of species trophies** | Sections, 78, 98 and 101 of 1994 wildlife law  
Section 64 of the 1995 wildlife decree | Section 155 (for partially protected species):  
Imprisonment term: 20 days to 2 months and/or  
Fines: 50,000 to 200,000 XAF  
Section 158 (for totally protected species):  
Imprisonment term: 1 to 3 years and/or  
Fines: 3,000,000 to 10,000,000 XAF |
| **Acquisition or possession of species meat** | Sections, 78, 98 and 101 of 1994 wildlife law  
Section 64 of the 1995 wildlife decree | Section 155 (for partially protected species):  
Imprisonment term: 20 days to 2 months and/or  
Fines: 50,000 to 200,000 XAF  
Section 158 (for totally protected species):  
Imprisonment term: 1 to 3 years and/or  
Fines: 3,000,000 to 10,000,000 XAF |
| **Trade of species** | Sections 96 and 101 sub 3 and 4 of 1994 wildlife law  
Section 24 of the 1995 wildlife decree | Section 155 (for partially protected species):  
Imprisonment term: 20 days to 2 months and/or  
Fines: 50,000 to 200,000 XAF  
Section 158 (for totally protected species):  
Imprisonment term: 1 to 3 years and/or  
Fines: 3,000,000 to 10,000,000 XAF |
| **Import or export of species** | Section 98 sub 3 of 1994 wildlife law  
Section 43 sub 4 of the 1995 wildlife decree | Section 155 (for partially protected species):  
Imprisonment term: 20 days to 2 months and/or  
Fines: 50,000 to 200,000 XAF  
Section 158 (for totally protected species):  
Imprisonment term: 1 to 3 years and/or  
Fines: 3,000,000 to 10,000,000 XAF |
### Related Offences

<table>
<thead>
<tr>
<th>Offence</th>
<th>Relevant provisions</th>
<th>Associated penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Document fraud</strong></td>
<td>Section 206 (documents and permits), 207 (certificates), 208 (fiscal and postal stamps), 209 (postal documents)</td>
<td>Section 206: 3 months to 3 years imprisonment;</td>
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<td>Section 207: 6 months to 3 years imprisonment;</td>
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<td>Section 208: 10 days to 1-year imprisonment and 5,000 to 50,000 XAF fine; and</td>
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<td>Section 158: imprisonment term from 1 to 3 years and/or a 3,000,000 to 10,000,000 XAF fine</td>
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<tr>
<td><strong>Money-laundering</strong></td>
<td>Section 249 sub 4 of the penal code</td>
<td>Imprisonment: 5 to 10 years</td>
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<td>Fines: 50,000,000 to 100,000,000 XAF</td>
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<tr>
<td><strong>Bribery and corruption</strong></td>
<td>Section 134 (active corruption of civil servants or public agents)</td>
<td>Section 134:</td>
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<td>Section 135 (passive corruption of civil servants or public agents)</td>
<td>(1) 5 to 10 years imprisonment or a 200,000 to 2,000,000 XAF fine;</td>
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<td></td>
<td>Section 312 (corruption of private sector agents)</td>
<td>(2) 5 years imprisonment and a 100,000 to 1,000,000 XAF fine when the act is not part of the duties of</td>
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<td>the corrupt person but has been facilitated by his position;</td>
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<td>(3) Same penalties as under s.134(2) for national or international civil servants who solicit and</td>
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<td>accept retributions in kind or in cash for himself or a third party, in remuneration for an act that</td>
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<td>has or has not been performed; and</td>
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<td>(4) Penalties provided for in subsections 1, 2 and 3 shall be doubled where the offender is a Judicial</td>
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<td>or Legal Officer, a Judicial Police Officer, an employee of the institution in charge of the fight</td>
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<td>against corruption.</td>
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<td>Section 135: 1 to 5 years imprisonment and a 200,000 to 2,000,000 XAF fine;</td>
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<td></td>
<td>Section 312: 1 to 5 years imprisonment and a 200,000 to 2,000,000 XAF fine.</td>
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</tbody>
</table>
### Criminal association

The Criminal Code only provides for conspiracy (i.e. the resolve concerted and determined between two or more persons to commit an offence; co-offender (i.e. a person who, in agreement with another, takes part with him in the commission of an offence) and accomplices/accessories (a person who abets the commission of a felony or misdemeanour).

There is no specific penalty for conspiracy, co-offender and accessories. The law only provides that conspirators, co-offenders and accessories shall be punishable in like manner as a sole or principal offender (section 98 of the Criminal Code).

### Illegal hunting

Section 155 of the 1994 wildlife law (for partially protected animals) and section 158 of the 1994 wildlife law (for totally protected animals).

Section 155: 20 days to 2 months imprisonment and/or 50,000 to 200,000 XAF fine;

Section 158: 1 to 3 years imprisonment and/or a 3,000,000 to 10,000,000 XAF fine.

### Possession of arms and ammunition

Section 154 (illegal possession of a hunting arm in an area forbidden to hunting) of the 1994 wildlife law

Section 51(4) of the law on arms and ammunition

10 days imprisonment and/or a 50,000 to 200,000 XAF fine

1 to 2 years imprisonment and a 500,000 to 2,000,000 XAF fine

### Possession of war arms

Section 51(1) of the law on arms and ammunition

10 to 30 years imprisonment and a 1,000,000 to 10,000,000 XAF fine

### Law Enforcement

What law enforcement agencies are in charge of wildlife legislation?

MINFOF. Other wildlife law enforcement agencies include the General Delegation of National Security (Police), the National Gendarmerie, Customs and Armed Forces.

At what level are they operating (e.g. national, provincial, local)?

MINFOF operates at national, regional and local level:

- At national level, through the national anti-poaching brigade and legal unit;
- At regional level, through regional anti-poaching control brigades and wildlife regional services;
- At local level, through divisional control brigades, wildlife divisional services, conservation services (at the level of protected areas) and checkpoints.

Other law enforcement agencies mentioned above also have services at the national, provincial and local levels. Some checkpoints are handled by wildlife administration, police, gendarmerie and customs officials.

Within law enforcement agencies, are there any departments dedicated to wildlife legislation?

MINFOF is the only law enforcement agency with a department dedicated to wildlife legislation, the Department of Wildlife and Protected Areas.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there community-based initiatives to enforce wildlife legislation?</td>
<td>Wildlife law provides for the establishment of community hunting zones (CHZ), and some communities are organizing themselves by setting up anti-poaching vigilance committees (APVC) in charge on assisting the wildlife administration on surveillance in their community area and denunciation of illegal wildlife activities. CHZ are regulated by the wildlife law while APVC are established through ad hoc agreements.</td>
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<td>If so, is it regulated by law or ad hoc agreements?</td>
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<tr>
<td>Are there other actors involved in wildlife legislation enforcement?</td>
<td>Other institutional actors include: Police and gendarmerie, the Cameroonian Customs, the Military Forces, Justice and the penitentiary administration. Police, gendarmerie and customs are involved in the establishment of offences (either on their own initiative or in support of actions initiated by the wildlife administration), the seizure of products and equipment, while judicial and penitentiary administration ensure compliance with laws and enforcement of court rulings.</td>
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<td>If so, please specify who is involved and how.</td>
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<tr>
<td>In case of a transboundary offence, how are investigations coordinated</td>
<td>In general, the State Counsel, who is at the top of the judicial hierarchy for all law enforcement agencies (wildlife administration, police, gendarmerie, customs), coordinates investigations. In case of a transboundary offence, the State Counsel, before whom the case is brought, might decide to extend investigations if some elements of the offence were committed abroad and contact judicial authorities in the other country. According to the 2004 judicial cooperation agreement adopted by countries of the Economic and Monetary Community of Central Africa (CEMAC), the State Counsel can also request the extradition of a suspect when the circumstances of the case so require.</td>
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<tr>
<td>between the law enforcement agencies?</td>
<td>Police services also have their internal information exchange and collaboration system through the Interpol national central bureau (NCB) established in each country. If a transboundary offence is investigated by the police, information exchange and collaboration between countries involved can be done through the NCBs.</td>
</tr>
<tr>
<td>Criminal Procedures</td>
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<tr>
<td>What is the law system in the country (e.g. civil law, common law, etc..)?</td>
<td>Both civil and common law</td>
</tr>
<tr>
<td>Which administration/institution is in charge of prosecuting against</td>
<td>The justice administration is in charge of prosecuting wildlife offences. The criminal procedure code provides that matters are referred to the State Counsel either by way of a written information, written or oral complaint, or a written report by a competent authority. The State Counsel can decide take the initiative to prosecute. The State Counsel may then refer the information or complaint to a JPO for investigation; return the case files to the judicial police for further investigation; decide to close the matter and inform the complainant of the decision; decide to archive the report on minor offences for which fixed fines have been paid; or decide to initiate criminal proceedings against the suspect.</td>
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<tr>
<td>wildlife offences? What is the process?</td>
<td></td>
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<tr>
<td>How is the judicial system organised (e.g. courts of first instance,</td>
<td>The judicial system is composed of:</td>
</tr>
<tr>
<td>appellate courts, higher courts, etc..)</td>
<td>- Courts of first instance</td>
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<td>- Appellate courts</td>
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<td></td>
<td>- Special courts include the military court and the special criminal court.</td>
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<td></td>
<td>- Supreme Court</td>
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<tr>
<td>Which types of Court are competent to prosecute wildlife-related</td>
<td>Mainly district courts (as most wildlife offences are misdemeanours). However, a wildlife offence can be prosecuted by the high court if it is connected to a felony and by a military court if it is connected to a military offence.</td>
</tr>
<tr>
<td>offences?</td>
<td></td>
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<td>Is legal representation provided to the defendant?</td>
<td>In theory, yes. In practice, a majority of defendants lack legal representation</td>
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<tr>
<td>Question</td>
<td>Answer</td>
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<tr>
<td>Can damages be awarded by the criminal judge?</td>
<td>Yes, the criminal judge can award damages.</td>
</tr>
<tr>
<td>How are damages determined? Is the trophy value considered in determining the damages?</td>
<td>The following elements are considered to determine damages: the potential value of the live animal (calculated in reference to revenues that the animal could have generated), value of the seized trophies, administrative fees (i.e. cost of hunting permits and licenses), procedural fees etc.</td>
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</tbody>
</table>