

*Translated from French*

**Permanent Mission of the Republic of Cameroon to the  
United Nations**

New York, 30 April 2010

No. 345/DCN

The Permanent Mission of Cameroon to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to the relevant provisions of General Assembly resolution A/64/117 adopted on 16 December 2009, has the honour to transmit to him herewith the observations of the Government of Cameroon on the scope and application of the principle of universal jurisdiction.

The Permanent Mission of Cameroon takes this opportunity to convey to the Secretary-General of the United Nations the assurances of its highest consideration.

# **Republic of Cameroon**

Peace — Work — Fatherland

## **Ministry of Justice**

### **Department of Human Rights and International Cooperation**

**Submission of the Ministry of Justice concerning observations on  
the scope and application of the principle of universal jurisdiction**

## **Observations on the scope and application of the principle of universal jurisdiction**

The present submission sets out the definition and scope of the principle of universal jurisdiction (I); international treaties to which Cameroon is a party and that contain provisions pertaining to the principle (II); and the domestic rules on the subject (III).

### **I. Definition and scope of the principle**

Universal jurisdiction is defined as the jurisdiction exercised by States to prosecute individuals who have committed certain crimes, irrespective of where the crime was committed or of the nationality of perpetrator or victim.

In fact, States rarely invoke such jurisdiction based on this definition; most of them invoke the mechanism only when there is a connection with their territory. This connection is established through the rules for determining the type of jurisdiction applicable: territorial jurisdiction, personality jurisdiction or protective jurisdiction.

Territorial jurisdiction is justified by the fact that the offence or one of its ingredients was committed in the State's territory, or that the perpetrator of the offence was arrested there.

With regard to personality jurisdiction, there are two possibilities: the perpetrator of the offence may be a national or resident of the State (active personality jurisdiction); or, the victim may be a national or resident of the State (passive personality jurisdiction).

Protective jurisdiction is based on the nature of the offence, according to whether it affects the interests of the State concerned or of the community of States. Such offences are referred to as international offences.

### **II. International treaties that contain provisions pertaining to the principle**

Cameroon is party to a number of conventions that contain express provisions relating to the mechanism of universal jurisdiction. Under these conventions, a State party has an obligation to punish or to extradite any individual suspected of having committed the offences referred to in those conventions who is present in its territory.

These conventions are the Geneva Conventions of 1949 concerning the protection of war victims, the two additional protocols thereto, dated 1977, concerning serious violations of international humanitarian law, including war crimes, and also the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, which Cameroon ratified on 19 December 1986.

### **III. Rules of domestic law**

There is, strictly speaking, no specific law on universal jurisdiction in Cameroon. Nonetheless, there are provisions in the Penal Code (sections 8, 10, 11 and 132 bis (e)) and the Criminal Procedure Code (sections 642 and 699) which confer on Cameroon jurisdiction over certain offences, irrespective of the nationality of perpetrator or victim or where the offences were committed.

These provisions are as follows:

#### **Penal Code**

##### **Section 8:**

“The criminal law of the Republic shall apply to:

- (a) Any offence of which one ingredient was committed in its territory;
- (b) Offences against State security, forgery of the State seal or counterfeiting of national currencies that are legal tender in the country, even when committed abroad.

However, no foreign national may be judged by the jurisdictions of the Republic in application of subsection (b) unless the foreign national was arrested in the territory of the Republic or was extradited thereto”.

##### **Section 10:**

“(1) The criminal law of the Republic shall apply to acts committed abroad by a citizen or a resident, provided that they are punishable under the legislation of the place where they were committed and that they are defined as crimes or other offences under the law of the Republic.

However, the punishment shall not be greater than that prescribed by the foreign law.

(2) However, no citizen or resident accused of having committed an offence against an individual may be tried in a Cameroonian court pursuant to the present section, unless the Public Prosecutor’s Office is acting upon a complaint or official charge submitted to the Government of the Republic by the Government of the country in which the act was committed”.

##### **Section 11:**

“The criminal law of the Republic shall apply to piracy, human trafficking, slave trade or drug trafficking, even when committed outside the territory of the Republic. However, no foreign national may be tried in the territory of the Republic for offences referred to in the present section, committed abroad, unless the foreign national was arrested in the territory of the Republic and was not extradited and provided that the prosecution is undertaken by the Public Prosecutor’s Office”.

**Section 132 bis (e)** respecting the offence of torture:

“The conditions set forth in section 10, subsection 1 of the present code shall not be applicable to torture”. This is the principle of double jeopardy.

## **Criminal Procedure Code**

### **Section 642:**

“(1) Any act serving as a ground for extradition shall:

(a) by the laws of the requesting State and of Cameroon, either constitute an offence punishable with a minimum sentence of loss of liberty of not less than two (2) years for which prosecution is not barred by prescription, amnesty or otherwise; or consist of a term of loss of liberty which is still legally enforceable within six (6) months at least notwithstanding imprisonment in default of payment;

(b) by Cameroon law, constitute an ordinary law offence;

(c) from the circumstance show that extradition is not requested for political, religious or racial reasons, or based on the nationality of the person concerned.

(2) (a) Felonies and misdemeanours which are not directed against any kind of government shall be considered as common law offences and may justify extradition.

(b) Offences of universal jurisdiction provided by international conventions and ratified by Cameroon shall be considered as ordinary law offences.

### **Section 699:**

“An offence shall be considered as having been committed in Cameroon:

(a) where one of the ingredients of the offence was committed in the Republic of Cameroon;

(b) where it is an offence of fraudulently changing the seal of the Republic of Cameroon or any counterfeiting of currency being legal tender in Cameroon;

(c) where it is an offence against the law relating to narcotic drugs, psychotropic substances and precursors;

(d) where it is an offence against the law relating to toxic wastes;

(e) where it is an offence against the law relating to terrorism;

(f) where it is an offence against the law relating to money laundering”.

From the foregoing, it can be concluded that Cameroon law provides for the prosecution of foreign nationals.

---