

# The Role, Oversight and Violence Involving Judicial Police Officers: A Legal Appraisal Under Cameroonian Criminal Law

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## Abstract

Judicial police officers occupy a pivotal position in Cameroon's criminal justice system, exercising investigative powers conferred by the Criminal Procedure Code of 2005. Their functions are indispensable to the administration of justice, yet they continue to raise persistent concerns regarding legality, accountability, and protection of human rights. This paper undertakes a legal appraisal of the role, oversight, and violence surrounding judicial police officers under Cameroonian criminal law. It interrogates the gap between statutory supervision by prosecutors, judges and the limited effectiveness of existing oversight mechanisms, which remain largely internal and susceptible to executive influence. The study further examines the dual dimension of violence: firstly, abuses perpetrated by judicial police officers against suspects, such as arbitrary arrests, detention, ill-treatment, and secondly, violence endured by these officers themselves in conflict-affected areas and high-risk operations. The analysis demonstrates how weak accountability structures and inadequate protective measures simultaneously undermine both human rights and compromise the legitimacy of law enforcement. The paper concludes by advancing reform proposals aimed at strengthening independent oversight, judicial supervision, and improving the protection of officers thereby aligning policing practice with the rule of law and democratic governance.

**Keywords:** Judicial police officers, Cameroon Criminal Procedure Code, oversight, accountability, violence, human rights, criminal Justice System.

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## INTRODUCTION

The Cameroon Criminal Procedure (CCPC) which was harmonized, amended and put into force in 2005 [1] went into operation on the 1<sup>st</sup> of January 2007, became the principal Code to guide and facilitate the institution of criminal proceedings in Cameroon. The Code lays down the principles and procedures involved in criminal actions. This law stipulates the rules which deals particularly with the investigation of offences, the search and identification of offenders, the methods of adducing evidence, and the powers of those in charged with prosecution, the organization, competence and jurisdiction of courts in criminal matters, verdicts, sentencing, the rights of the parties and the methods of executing sentences.[2] We shall be interested with the

role played by the judicial police officers or the law enforcement officers in the criminal proceedings, attacks against them by the civilian population they serve, the legal protection and accountability. It is important to know that police play an important role in the criminal process in Cameroon. They hear complaints, investigate, apprehend suspects, take accused or defendant to court and hand the accused to the penitentiary corps for remand in custody or imprisonment after judgment is passed by the judge in question. [3] In Cameroon, violence against law enforcement officers and by law enforcement officers exists within a broader context of strained civil-military relations, regional instability, and systemic accountability challenges.

<sup>1</sup> Law No. 2005/007 of 27<sup>th</sup> July 2005 instituting the Criminal Procedure Code of Cameroon.

<sup>2</sup> Section 1 of the 2005 Criminal Procedure Code of Cameroon.

<sup>3</sup> OWONA, J.D. (2022). La police au Cameroun: Evolution et incidences socio-economiques (1925-2012). (Ph.D. thesis in History, Doctorale en sciences Humaines, Sociales et Educatives, University of Yaoundé 1), pp. 16-17.

These rights are ensured by a number of laws both national and international like Law N0. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972 of Cameroon, which is against torture, violence of any kind on any person, Law N0. 2005 of 27 July 2005 on the Criminal Procedure Code, [4] with one of its objectives of putting in conformity of the said Code with the exigencies of a fair trial, as it resulted from ratified international legal instruments of the protection of Fundamental human rights. The most outstanding of such instruments include; the International Covenant on Civil and Political Rights of the 26<sup>th</sup> of December 1966, the African Charter on Human and Peoples' Rights of the 27<sup>th</sup> June 1981, the Convention against Cruel Inhuman or Degrading Treatment or Torture of the 10<sup>th</sup> December 1984, the United Nations Conventions on the Rights of the Child of the 20<sup>th</sup> November 1989, texts that were integrated in the Constitutional block of the Cameroonian Constitutional of 1996.[5] The provisions of these laws do apply as well to the Judicial Police Officers as human persons.

### 1 The role of the Judicial Police Officers in criminal proceedings in Cameroon

Judicial police officers (JPOs) are essential components of the criminal justice system, acting as the bridge between law enforcement and the judiciary. [6] Their primary responsibility is to investigate crimes, gather evidence, and ensure that cases are properly prepared for prosecution. At the police college, police undergo training in assessing evidence, decision-making, judgment writing and case management. [7] This section outlines the various roles and functions of JPOs in the investigation of crimes, highlighting their crucial contributions to maintaining law and order. The Cameroon Criminal Procedure Code (CCPC) [8] has provided much protection to person standing trial. To this effect the role of the JPOs is necessary in the criminal trial process.

### 1.1 The nature and notion of judicial police officers

This nature is explained by the diversity of officials having the status of JPOs and by the fact that certain officials are vested with the powers and specific missions of a judicial police officer.

The Criminal Procedure Code extended the status of JPOs to other officials and members of separate administrative bodies, and this has been extended to certain magistrates.

Section 79 of the Criminal Procedure Code makes certain persons to having the status of JPOs such as Officers and non-commissioned officers of the gendarmerie, gendarmes in charge even in an acting capacity of a gendarmerie brigade or gendarmerie post, gendarmes who have passed the Judicial Police Officer's examination and taken the oath. [9] Currently, we realize that most gendarmes can actually perform JPO functions. Concerning gendarmerie officers, we can note that one distinguishes on the one hand the senior officers [10] and on the other the junior officers. [11] In the case of non-commissioned gendarmerie officers, there are senior non-commissioned officers [12] and junior non-commissioned officers. [13]

Section 79 of the CPC makes police Superintendents (commissioners) and Assistant Superintendent of police, and public servants even if they are temporarily performing the functions of head of an external service of the National Security, as well as inspectors of police who have passed the JPO's examination and taken the oath to have the status of JPOs. CPC extended the status of JPO to police inspectors [14] who passed an examination and were sworn in. It should be noted that the police commissioners referred to by the CPC are the Inspector Generals of Police, Divisional Police Commissioners,

<sup>4</sup>The Law came into force on the 1<sup>st</sup> of January 2007 which was promulgated into law on the 27<sup>th</sup> of July 2005.

<sup>5</sup>Ayuk Macbert, N. (2018). "The Protection of the Rights of Suspects in Pre-trial Detention within the Perspective of Remand in Police Custody under the Cameroonian Legal System." *Journal of Human Rights Law and Practice*; 1(2): pp. 59-60 of pp. 59-76.

<sup>6</sup> Archdiocese of Bamenda, (undated). The Judicial System in Cameroon, Justice and Peace Commission of Bamenda.

<https://www.justiceandpeacebamenda.org/attachments/article/24/The+Judicial+System+in+Cameroon.pdf> last visited July 7 2024.

<sup>7</sup>Justice P. Sathasivam, (2013). Role of Judicial Officers in Criminal Justice Administration, Tamil Nadu State Judicial Academy, P (1).

<sup>8</sup>Law No. 2005 of 27 July 2005 on the Cameroon Criminal Procedure Code.

<sup>9</sup>Section 79 of the CPC.

<sup>10</sup> Gendarmerie Generals, Colonels of Gendarmerie, Lieutenants-Colonels of Gendarmerie, Commanders of Gendarmerie.

<sup>11</sup> Like the captains of gendarmerie, lieutenants of gendarmerie, sub-lieutenants of gendarmerie.

<sup>12</sup> Chief warrant officers, gendarmerie chief warrant officers, gendarmerie adjutants.

<sup>13</sup> The Chief marshals and house marshals. Ngatchou Toto, C. (2019). "The Responsibility of the Judicial Police Officer under Cameroonian Law", *International Journal of Trend in Scientific Research and Development (IJTSRD)*, ISSN: 24566470, Vol.-4 | Issue-1, pp. 986-1000, URL: [www.ijtsrd.com/papers/ijtsrd29731.pdf](http://www.ijtsrd.com/papers/ijtsrd29731.pdf).

<sup>14</sup> As police inspectors, we have the main police inspectors (IPP), the 2nd grade police inspectors (IP2) and finally the 1st grade police inspectors (IP1).

police Superintendents and Assistant Superintendents of police. [15]

There are certain magistrates under certain conditions who also acquire the status of JPOs, though they are not mentioned in Section 79 of the CPC. It is important to have in mind that the State Counsel may, at any time and place act as a JPOs. [16] The State Counsel shall have the powers to carry out the investigation in case felonies [ 17 ]committed red-handed-flagrante delicto. [18]

The Criminal Procedure Code has provided specific missions to some JPOs. We will determine below the officials vested with these specific missions, before seeing the limited scope of their competence.

The CPC of Cameroon also makes public servants and other public employees who have been assigned judicial police duties by special instruments [19] to discharge those duties under the conditions and within the limits fixed by the said instruments. [20]

### 1.1.1 Functions of a judicial police officer

The JPOs perform so many functions when carrying out their activities. The most important and renowned are elaborated on in the subsequent lines.

#### 1.1.1.1 Investigation / detection of crimes

The Cameroon Constitution [21] provides that all acts done in Cameroon should be in accordance with and must be lawful, [22] same with investigation of offences. The Cameroonian Criminal Procedure Code reasons same like the wordings of the Cameroonian

Constitution. The CPC in that light provides that, the rules deal particularly with:

- (a) The investigation of offences.
- (b) The search and identification of offenders.
- (c) The method of adducing evidence.
- (d) The powers of those charged with prosecution.
- (e) The organization, composition and jurisdiction of courts in criminal matters. [23]

So, under the CPC of Cameroon, the duty to conduct investigations is vested on the JPOs, judicial police agents, and all other civil servants or persons to whom police duties are assigned by law. [24] The Penal Code [25] preaches the principle of legality when it states that no penalty or measure may be imposed unless provided by law, and except in respect of an offence lawfully defined.[26] The Special Code of 2012 relating to the special status of police civil servants (Police Investigator) manages aspects like ethics and deontology of the police force in all aspects of the police operation plus police investigations.[27]

Poor level of technological advancement is a hindrance to detection and investigation of offences. [28] This greatly affects the effective administration of criminal justice. The duty to detect crime compliments crime prevention. Because detection refers to the investigatory power of police to discover the commission of crime and identify persons involved while prevention expresses the mode of discovering the crime and preventing it from happening. When a crime is committed, it is the responsibility of the JPOs to investigate and identify the suspected criminals and collect sufficient evidence necessary to prosecute the

<sup>15</sup>Ngatchou Toto, C. (2019) "The Responsibility of the Judicial Police Officer under Cameroonian Law", *op.cit*, pp. 986-1000.

<sup>16</sup>Section 137 (3) of the CPC.

<sup>17</sup>Section 21 of the Penal Code, which classifies offences into three, with felonies being the most severe of them.

<sup>18</sup>When the State Counsel arrives at the scene of the commission of the offence, the powers of the judicial police officer to carry out the investigation shall cease immediately unless the said State Counsel decides otherwise. Section 111 of the CPC.

<sup>19</sup>We have identified more than twenty laws and decrees granting certain officials and agents of certain Administrations the status of JPO with special competences.

<sup>20</sup>Section 80 of the CPC. They are found in Forests and wildlife, Customs, Posts and Telecommunications, Transport, Taxes and Trade, and Labour Inspection. The first batch of JPOs with special competence was sworn in at the Court of Appeal of Yaoundé on behalf of the Ministry of Transport in 2008.

<sup>21</sup>Law No. 96/06 of 18 January 1996 to amend the Constitution of 2<sup>nd</sup> June 1972.

<sup>22</sup>It is stipulated in its Preamble that no person may be prosecuted, arrested or detained, except in the cases and

according to the manner determined by law. Article 65 of this Constitution makes the Preamble an integral part of the Constitution, with equal protection of rights.

<sup>23</sup>Section 1 of the CPC.

<sup>24</sup>Section 82 (a) of the CPC states that Judicial police shall be responsible for investigating offences, collecting evidence, identifying offenders and accomplices and bringing them before the Legal Department.

<sup>25</sup>Section 17 of the PC.

<sup>26</sup>Decree No. 2012/546 of 19<sup>th</sup> November 2012 dealing with the code of conduct for the forces of the National Security.

<sup>27</sup>The Code provides in its Article 17 that; Every National Security agent shall respect the law, ensure that the law is respected, and obey the law; defend and protect the fundamental human rights; banish tribalism, favoritism, nepotism, discrimination and corruption; serve the community according to the law, and not use it or supersede it. See also Article 27 and 28 of the 2012 Code.

<sup>28</sup>AM Adebayo, (2012). Role of Police Officers in the Administration of Criminal Justice in Nigeria (Princeton Publishers Co.).

case, [29] when investigating and arresting suspects, the JPOs must always respect the fundamental human rights of suspects or accused.[30] So, in performing, Article 29 of the Police Code of Ethics makes the JPOs while carrying out their activities to be guided by the principle of impartiality and respect for human rights.[31] It should be noted that the JPOs while carrying out their functions should do that in a way not to violate human rights and to respect the procedural norms[32]. It is important to note that their report after arrest and or investigation is subject to scrutiny or be criticized by the judge or examining magistrate in open courts. [33] But in the Francophone Cameroon, written report of a police officer about his interrogation of the accused can be substituted for his personal appearance at the trial. [34]

The State Counsel is also involved in the of an offence and may at any stage of the preliminary investigation, by an additional holding charge, request the examining magistrate to perform any acts which he or she deems necessary for the discovery of the truth. The examining magistrate is at liberty to visit any area within his or her jurisdiction to carry out all measures of investigations necessary for the discovery of the truth. He or she can carry out searches and seizures. Searches and seizures may also be carried out by judicial police officers who possess a search warrant as per Section 93 (1) of the Code. [35] He or she may, however, carry out searches without a search warrant in cases of misdemeanors committed in flagrante delicto. Where a

search and seizure have been done by a judicial police officer, he or she is expected to make an inventory of the entire objects seized. As per Section 198 of the Code, an examining magistrate, by way of an international rogatory commission, carry out all measures of investigations in a foreign country, in particular to question an individual charged in Cameroon, to hear a witness, and to carry out searches and seizures. [36]

The purpose of preliminary investigation or informal investigation [37] is to permit the state Counsel to obtain information in order to commence prosecution. [38] The State Counsel on receipt of the case file can prepare charges or an indictment order against an accused, close the file or send back the file for further investigations [39].

### 1.1.1.2 Arrest and detention

The House of Lords define arrest [40] as a continuing act which starts with the arrester taking a person into custody and continues until the person restrained is either released from custody or having been brought before a Magistrate is remanded in custody by the judicial act of the Magistrate.[41] No offense, no arrest and detention and if someone has committed an offence, such person be arrested and detained or maybe arrested to be arraigned in a Court of law.[ 42 ] Furthermore, it was stated that lawful arrest apart from

<sup>29</sup> Section 4 and the case of *Onah v Okenwi* (2010) LPELR-478.

<sup>30</sup> Gross, H. (2014). *Criminal Investigation, A Practical Textbook for Magistrate, Police Officers, and Lawyer*, London: Oxford University Press, p. 24.

<sup>31</sup> Especially the right to freedom of thought, conscience, religion, expression, opinion, peaceful assembly, free circulation and respect for the properties of all persons. The Police Code of Ethics, Article 29.

<sup>32</sup> Dairuh Kwinjeh U. (2020). "Judicial Police operations and the place of a suspect as a Human Person". National Advanced Police School, Yaounde, August 2020 page 17.

<sup>33</sup> This system of procedure is common law-oriented, allowing the judge to personally interrogate the judicial police officers about the course of the police investigation and the circumstances of the confession. The police experience the judicial power to control and sanction their behavior in a public trial. The public sees for itself that police officers have limited powers and that there is a controlling authority strong enough to protect individual rights against abusive State power.

<sup>34</sup> Nguindip, Forsuh & Tetiewe, (2021). *Appraisal of the Protection of the Rights of Suspects under the Cameroonian Criminal Procedure Code*, NAUJILJ.

<sup>35</sup> Section 93 (1) of the CPC.

<sup>36</sup> Section 198 of the CPC

<sup>37</sup> Keubou, P. (2010). "Precis de Procédure Pénale Camerounaise. PUA, P. 32.

<sup>38</sup> Jason W. (1997). "Civil and Criminal Procedure, The conduct of litigation in the courts of England and Wales". London, Sweet & Maxwell. P. 351.

<sup>39</sup> Fonachu née Fang H. I. (undated). The criminal justice system in Cameroon: problems faced with regard to corruption and suggested solutions. Retrieved website [https://www.unafei.or.jp/publications/pdf/RS\\_No76/No76\\_16PA\\_Ike.pdf](https://www.unafei.or.jp/publications/pdf/RS_No76/No76_16PA_Ike.pdf) last visited 10 July 2024.

<sup>40</sup> The word 'arrest' when used in its ordinary and natural sense, means the apprehension or restraint or the deprivation of one's personal liberty. The question whether the person is under arrest or not, depends not on the legality of the arrest, but on whether he has been deprived of his personal liberty to go where he pleases. When used in the legal sense in connection with criminal offences, an 'arrest' consists in the taking into custody of another person under authority empowered by law, for the purpose of holding or detaining him to answer a criminal charge or of preventing the commission of a criminal offence. The essential elements to constitute an arrest in the above sense are that there must be an intent to arrest under the authority, accompanied by a seizure or detention of the person in the manner known to law, which is so understood by the person arrested."

<sup>41</sup> *Holgate Mohammed v Duke* Vol. 79 Cr. App. Report 120.

<sup>42</sup> *Okonkwo & Ors. V. Anyadiegwu & Ors.* (2020) LPELR – 50581 (CA).



taking a person into custody and should be informed of the reason for his arrest within a reasonable time.[43]

The Cameroon Criminal Procedure Code in its Section 30 relates to arrest and gives the power of arrest to the JPOs, agent of judicial police or any officer of the forces of law and order. It cautions the JPOs to carry out arrest of suspect without violating the human rights of the accused in question. [44] The general rule is that in every criminal aspect under the Cameroonian criminal law, the accused is presumed to be innocent until proven guilty [45] by the prosecuting party who is bringing allegations that the accused or suspect committed the offence. [46] The Code states in Section 30 that:

*A judicial police officer, agent of judicial police or any officer of the forces of law and order effecting an arrest shall order the person to be arrested to follow him and in the event of refusal, he shall use reasonable force necessary to arrest the person. That any individual may, in case of a felony or misdemeanor committed fragrant delicto, arrest the author of such an offence.* [47]

A suspect may be arrested with or without a warrant, after which he must be taken to the place reserved for the reception of arrested persons and informed of the charges against him. He must be provided with reasonable facilities to enable him to obtain legal advice, and bail where applicable, and to permit him to prepare his defense because of his release. The police and gendarmes shall report to the State Counsel all persons arrested with or without warrants within their jurisdiction. When it is lawful or necessary, the judicial police officers may arrest any person suspected of having committed an offence. In principle, a person shall not be arrested without a warrant except in cases of “*flagrant delit*”. [48]

When an offence is committed in the presence of a legal officer within his jurisdiction, he may arrest the suspect himself or order his arrest and remand him in

custody pending investigations preceding summary trial. The State Counsel may, if he deems it fit, by endorsement on the warrant direct that the person be released on bail, upon his entering into recognizance for his appearance as may be required on the endorsement. A person suspected of an offence punishable with death shall not be admitted into bail, except by the judge of the High Court. If he is in prison custody, the court shall issue an order of release to the officer in charge of the prison or other place of detention and such officer on receipt of the order is obliged to release. The conditions under which the suspect may benefit from bail are specified by law. When admitted to bail, the suspect shall only appear before the State Counsel as directed. When the accused person is arraigned before the court, this bail is substituted with court bail. The prosecution may object to an accused person being released on bail by the court, even in respect of a bailable offence on serious grounds. Though this objection is not binding on the court, it is given due consideration and upheld where the circumstances so warrant. [49]

The Code has vested the JPO the power to arrest. However, the official in question has no authority during the arrest in causing any bodily or psychological harm on the suspect or person being arrested. [50] The said police officer must respect the fundamental human right of the arrested person. The question one needs to ask at the time of arrest is the duty of the police officer to touch the body of the criminal. [51] In the case of *Ashukem Agem Napoleon v. the People of Cameroon*, [52] the preliminary investigation that were carried out by the investigative police were dismissed on the ground that the legal department or State Counsel does have the *locus standi* to question act of the investigative police when they discovered some irregularities done during the preliminary investigation of the offence. It was of a common standing in questioning whether a State Counsel has the *locus standi* to question the acts of his predecessor; and whether such acts are binding on him. Also, in the case of *Ndi Tangiri James and 54 Others v. The People of Cameroon*, [53] the court held that the

<sup>43</sup> *Okafor & Ors v. IGP, Police Force Headquarters, Abuja & Ors* (2021) LCN/15498 (CA).

<sup>44</sup> In *The People v. Enguene Malgloire*, (JUDGFEMENT No. 16/04 delivered on the 16th of January 2009 a Superintendent of Police attached to the Garoua Emi-Immigration Police Station used violent and abuses the accused, the accused was charged with assault and false arrest. He was acquitted.

<sup>45</sup> See the Preamble of the Cameroonian Constitution, Section 8 of the CPC and other international Laws.

<sup>46</sup> Section 8 of the CPC talks on the aspect of presumption of innocence until proven guilty. That it is the role of the Prosecuting counsel in establishing that the accused in question committed the crime, and this can only be done with the available evidence necessary, and the evidence gathered must be weighty and capable of implication the accused beyond all reasonable doubts.

Once there is a doubt on the evidenced established, the case in hand is dismissed and the accused liberated and acquitted.

<sup>47</sup> Section 30 of the CPC.

<sup>48</sup> Ngo Mandeng, P.C. (undated). The role and function of prosecution in criminal justice. Retrieved link [https://www.unafei.or.jp/publications/pdf/RS\\_No53/No\\_53\\_18PA\\_Mandeng.pdf](https://www.unafei.or.jp/publications/pdf/RS_No53/No_53_18PA_Mandeng.pdf) last visited 21/07/2024.

<sup>49</sup> Ngo Mandeng, PC. (undated). The role and function of prosecution in criminal justice. *Ibid*.

<sup>50</sup> Section 30 (4) of the CPC.

<sup>51</sup> Denham, W. (2010). “Arrest: What to Do When Your Loved One is in Jail”, Chicago Review Press, p. 21.

<sup>52</sup> Suit No. 11c of the Court of Appeal South West Region, 2009 unreported.

<sup>53</sup> Suit No. 60c Court of Appeal North West Region, 2012 unreported.

judicial police must mention in his report the reasons of the accused arrest, the reason being that the rights of the suspect should be respected during this phase. Article 12 of the Criminal Procedure Code of Cameroon also stipulates that during criminal proceedings no one may be kept in custody, detained or restricted in the exercise of their right to free movement in any other way on suspicion or accusation of committing a criminal offence other than on the grounds and in the manner prescribed by this Code. Unfortunately, there is a negative practice regarding violations of procedural requirements of the law during detention.

The fact that the Code has offered or vested the judicial police with this power to arrest, the official in question has no authority during the arrest in causing any bodily or psychological harm on the person arrested. The said police officer must respect the fundamental human right of the arrested person. The question one needs to ask is in determining whether during moment of arrest, it is the duty of the police officer to touch the body of the criminal. [54]

Anyone detained on suspicion or charge of a criminal offense or otherwise deprived of his liberty shall be brought before an investigating judge as soon as possible to decide on the lawfulness and justification of his detention, order for his release or further detention. [55] To ensure JPOs perform their duties lawfully and ethically because the police are friends to the citizens they serve. A detainee shall be released immediately if he or she has not been served with a reasoned detention order within seventy-two hours of his or her detention.

#### 1.1.1.3 The police power of search and seizure

The JPOs in carrying out an arrest have the right to search for the suspected person or cause the person to be searched upon. JPOs have the power to search any person or vehicle for stolen or prohibited items and may detained such person or vehicle for the purposes of such a search. An essential precondition for the exercise of this power is that the officer must have reasonable grounds for suspecting that he will find stolen or prohibited articles. So, Section 87 of the CCPC relating to search and seizure provides that:

*A judicial police officer may, whether in a public place or a place open to the public, search, cause to be searched, any person*

*suspected of being in possession of arms or any other object likely to be used in the commission of an offence. Also, the bodily search shall be carried out only by a person of the same sex on the suspect. [56]*

From the words of the Code, the general rule is that all aspects of search must be done in public or a place recognized as a public place. It would not be considered lawful if any search is done in private by the JPOs. [57] Section 87(2) states that bodily search should be carried out only by person of the same sex on the suspect. [58] In most circumstances there exists some use of force. [59]

The police in their course of acquiring the necessary evidence needed for the criminal proceedings in question have the power to question the suspect during the investigation to acquire statements from the suspect. [60] In *the People v. Warrant Officer*, [61] Eteme Hubert warrant officer committed gross abuse on the suspect using false arrest, assault and torture. This act done by the police was a violation of the fundamental human rights of the suspect as that of the use of arbitrary treatment on the suspect violated his rights. The use of torture, threat, intimidation, and undue influence is prohibited by the law in the extraction of evidence which can still be obtained even during the proper trial. So, for evidence of the accused to be admissible in a court of law, the confession must be carried out voluntarily. This has not been the case in question. Section 315 of the CCPC provides that:

*A confession is a statement made at any time by an accused in which he admits that he committed the offence with which he is charged. The confession will not be admissible in evidence if it was obtained through duress, violence, or intimidation in exchange for a promise of any benefit whatsoever or by any other means contrary to the free will of the maker of the confession. [62]*

From the intent of this provision, it is clear that all confession or evidence adduced from the accused by the accuser must be voluntary before it can be admissible in the court of law, anything outside of this will be considered illegal and inadmissible.

<sup>54</sup>Wes Denham (2010). Arrest: What to do when your loved one is in jail. Chicago Review Press, p. 21.

<sup>55</sup>Ndi, R. (2019). Reflection on Police Power of Arrest, Detention and The Treatment of Suspects Under the Cameroonian Criminal Procedure Code and Extra-National Laws: Human Right Digest, National Journal of Criminal Law; 2(1): pp. 4–21.

<sup>56</sup>Section 87 of the CPC.

<sup>57</sup>Creamer, J.S. (1980). Law of Arrest, Search and Seizure, 3rd Edition (United States of America: Holt, Rinehart and Winston) p. 45.

<sup>58</sup>This is fundamental in the respect of the right to privacy and that of indecency as stipulated under Section 295 of the Penal Code which talks on aspect of private indecency.

<sup>59</sup>This is considered as per Section 292 of the same Penal Code as a Sanction

<sup>60</sup>Stone, R. (2012). Civil Liberties and Human Right, (Oxford University Press, 10<sup>th</sup> Edition) 23.

<sup>61</sup>Judgment No. 81/6 of 4 October 2006.

<sup>62</sup>Section 315 of the CPC.

The JPOs therefore have as primary responsibility to investigate crimes, gather evidence, and ensure that cases are properly prepared for prosecution.

## 2 The JPO as human persons: violence against Judicial Police Officers and crimes they commit in course of duty

The JPOs are human beings just like the normal citizens who are supposed to be protected. In fact, they are also right bearers as such are vulnerable to the assaults of the society. Despite their vulnerability in which respect they need protection, they equally commit crimes which warrants them to be accountable as well as none is above the law.

### 2.1 Violence against the JPOs

The JPOs in Cameroon are not free from violence perpetrated Law enforcement officers or the JPOs in Cameroon operate in high-risk environments, especially in the Far North, North-West, and South-West regions, where insurgencies and separatist movements have escalated to violence. Despite these areas or regions, in the areas with relative calm, they are still being harassed by the population in course of performance of their functions, in fact constituting forces of law and order they are already enemies to many especially recidivists who think JPOs act as obstacles to their operations even in normal periods.

Violence is a very broad concept that encompasses not only physical behavior aggressive, as one is often thought, but also humiliation towards the other person, ridicule, insults, threats, etc. [63] In other words, violence is any action of a person that causes destruction, pains, suffering whether physically, psychologically, economically and patrimonial, sexual, symbolic, gender-based, etc. While society needs the protection of the police officers, it is equally imperative for the society to protect the police. [64] Violence against policemen takes place on daily bases in many parts of Cameroon, with a steady rise today. It was first the police being the root cause of most of such violence, but today, the spiral is the reversal. The root cause of violence on civilian in Cameroon was as a result of the unequal power

relations between the police and the civilians, [65] which makes it a critical issue in the 21<sup>st</sup> Century. This ranges from physical, sexual, psychological, and economic violence. Lately, both police and civilians have been victims of these acts of violence. We will all bear with The International Association of Chiefs of Police (IACP) President De Lucca that:

*To deliberately target those in society who have committed their lives to public service is the most deplorable and atrocious act of violence. World enforcement officers around the world dedicate their lives to safeguarding our communities and helping others. Once they take the oath of duty, they are always on call. If officers see someone in trouble when they are off-duty, they don't turn their backs, they move to assist. We are there to assist and to help those who need it most at times.* [66]

We witness many police officers in Cameroon being beaten, ambushed, and insulted by the civilians which causes many to feel for them and sickened to core. This violence against the Cameroonian police must end, and it is the joint efforts of all that can stop it. The reason why this section is out is to throw ample light on the perpetration of violence on the police officials and the legal implications to those engaged in brutalizing state officials of the police corps. [67]

JPOs face the following offences to their persons as human beings. Ambushes and targeted attacks by armed groups, community hostility due to perceived abuses and limited resources and training for conflict de-escalation Cases of civilians assaulting police officers in Cameroon since 2020 has been on the rise. Videos shared on social media in Cameroon show citizens mocking and battering police in response to alleged brutality and corruption. In one video, a driver refuses a police demand to search his car, hits the police officer and then runs him over with his car while some bystanders applaud. [ 68 ] The Cameroonian Minister of Territorial Administration also tasked with civilian protection, says at least 15 videos of civilians of refusing police orders

<sup>63</sup> The 10 types of violence (and their causes and consequences), October 7, 2019. Available at <https://wellnessbeam.org>, accessed on 11 September, 2021.

<sup>64</sup> Ndi, R. (2019). «Les Officiers de Police Judiciaire au Cameroun: Quel Profil? What Profile for the Judicial Police Officers in Cameroon?» National colloquium on the theme: "La justice Penale au Cameroun: Le Droit, L'application et L'accessibilite". Nouveaux droits de l'Homme, p. 2.

<sup>65</sup> Mbinkar Mengndze, E. (2021). "Intimate Partner Relationship Violence in Cameroon." *Black Sea Journal of Management and Marketing*, 2(3), p. 77 of pp. 77-91.

<sup>66</sup> The International Association of Chiefs of Police (IACP) (2016), This Violence Against Law Enforcement

Must End. Available at: <https://iacp.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3RhbmNlaWQ9NjA4NzE1OCZzdWJzY3JpYmVyaWQ9MTA3NzYwMjE1MQ>, accessed on 10<sup>th</sup> September, 2021.

<sup>67</sup> Ndi, R. (2021). The rise of violence against law enforcement: What legal implications under the Cameroonian Criminal Law? LEGAL Webinar, organized on the 27<sup>th</sup> September, 2021.

<sup>68</sup> ITMILD (14 September, 2021). Cameroon Police Say Civilian Attacks on Police Increasing. Available at: <https://itmild.com/2021/09/cameroon-police-say-civilian-attacks-on-police-increasing.html>, accessed on 15/09/2021.

and attacking officers have been shared on social media platforms within the past two weeks. [69]

This section anchors on one of the renounce incidents of violence to death of a police officer in Douala at Finex Travel Agency. The sole reason for that was lack of coins to pay for the toilet facilities. The issue of travel agencies not having good sanitary facilities and even if there do, the customers are forced to pay, with prices ranging from 50 to 100-franc CFA for urination and feces respectively. Many travelers have found a growing tendency where they are compelled by most travel agencies to pay before using the toilet to be unreasonable and a breach of customer service. This issue of paying toilets in agencies has led to the death of a Gendarme who was killed in Douala by a toilet agent at the FINEX Travel Agency with a plank because the gendarme could not pay the 100-franc CFA demanded by the agent after he relieved himself in the company's sanitation facility. [70] The simple reason being, the gendarme in question had but a thousand-franc CFA which the Finex agent never had coins to reimburse him, subsequently leading to a fight between them resulting to the death of the gendarme. [71] Another officer who tried to arrest the situation was equally brutalized and responded to treatment in a health facility in Douala. [72]

On Friday 10<sup>th</sup> September, the Cameroonian officials condemned violence against police drivers. [73] Also, Cameroonian Parliamentarian Nourane Foster had a violent squabble with police in July 2021 in Bafoussam in the West Region of Cameroon when she was trying to take a path that police blocked following an administrative order. "Claiming her status as the deputy, she retaliated against the order by shouting and pushing the officer." [74] Another video appears to show a civilian carrying a police officer on his shoulder before

throwing him on the back of a truck. The civilians are believed to be retaliating for acts of police brutality or corruption. [75]

So, there have been many cases of assault or violence occasioning death and even killings on the JPOs especially in the conflict hit Regions of North West and South West as a result of the ongoing Anglophone crisis and the Extreme North Region as a consequence of the Boko Haram insurgency perpetrated by pro secessionist fighters and belligerents respectively. For example; Human Rights Watch [76] and Amnesty International have documented repeated attacks by armed separatists on civilians, schools and security forces in NW/SW, as well as serious abuses by state security forces in counter-operations; NGO reporting provides contextual evidence that violence against police occurs alongside broader patterns of rights violations and heavy militarization [77] in which light one will find out that;

Three policemen were ambushed and killed at a makeshift security/police post in Bwitingi (Buea subdivision) [78] on the 24<sup>th</sup> of August 2024. Local reporting and church leaders identified the attackers as armed separatist fighters; attackers reportedly seized weapons from the scene [79]. The Catholic Bishop of Buea condemned the killings, describing them as acts that violate human life, [80] heavy gunfire was reported around the Second District police station at Nkwen (Bamenda III subdivision) in the early hours of 17<sup>th</sup> January 2024 residents and local media attributed the attack to separatist fighters and recorded damage to property around the station [81]. No decisive official attribution in the immediate reports, but the incident fits the pattern of armed assaults on police infrastructure. While no

<sup>69</sup>Moki Kindzeka, E. (September 14, 2021). Cameroon Police Say Civilian Attacks on Police Increasing. Available at: <https://www.voanews.com/africa/cameroon-police-say-civilian-attacks-police-increasing>, accessed on 15th September, 2021.

<sup>70</sup>Equinox Pidgin TV news, 1 p.m. Pidgin New, Thursday 23 July, 2020.

<sup>71</sup>A police officer was beaten to death by some men identified as workers of Finex Douala the night breaking Thursday July 23, 2020.

<sup>72</sup>Louvier Kindo Tombe (July 23, 2020). Finex Suspend Activities over Murder in Douala Agency. Available at: <https://newsupfront.com/finex-suspends-activities-over-murder-in-douala-agency/>, accessed on 14 September, 2021.

<sup>73</sup><https://www.cameroon-info.net>, accessed on 11<sup>th</sup> September, 2021.

<sup>74</sup>Cameroonian Officials Denounce Violence against Police, available at: <https://en.haberler.com>, accessed on 11<sup>th</sup> of September, 2021.

<sup>75</sup>ITMILD (14 September, 2021). Cameroon Police Say Civilian Attacks on Police Increasing. Available at: <https://itmild.com/2021/09/cameroon-police-say-civilian-attacks-on-police-increasing.html>, accessed on 15/09/2021.

<sup>76</sup>*World Report 2024: Cameroon*, Human Rights Watch (online, 2024).

<sup>77</sup>*Cameroon 2024*, Amnesty International (online country report, 2024).

<sup>78</sup>*Suspected Amba fighters kill three police officers in Buea*, The Guardian Post (online, 26 Aug 2024).

<sup>79</sup>*Three Policemen Killed By Separatist Fighters In Buea*, Journal du Cameroun (online, 30 Aug 2024).

<sup>80</sup>*Deadly Attack on Police Officers in Cameroon's Southwest Region an "act that violates human life"*, ACI Africa (online, 27 August 2024) <https://www.aciafrica.org/news/11825/deadly-attack-on-police-officers-in-cameroons-southwest-region-an-act-that-violates-human-life-catholic-bishop> accessed 21 September 2025.

<sup>81</sup>*Bamenda — police station targeted* (local reporting), MimimefoInfos (online, 17 Jan 2024).



fatalities were confirmed, the incident underscored the vulnerability of police stations to armed assaults [82]. Gunmen on the 28<sup>th</sup> of May opened fire in front of a school during public GCE examinations; a police officer was shot in the leg and at least one student was injured. Local security sources reported the police officer and the injured student were hospitalized [83]. The assailants from security briefs and news agencies were identified as separatist fighters, and the incident highlighted the risks faced by law enforcement personnel in civilian settings. [84] Reports in May 2025 describe IED/roadside-explosive attacks that destroyed armoured vehicles and killed government security personnel on the Muyuka–Malende axis [85]; separatist groups claimed responsibility in some local media postings. These incidents demonstrate an evolution from small-arms ambushes to use of explosives against security convoys [86]. Separatist groups were suspected of orchestrating the attack, which demonstrated the evolving tactics employed against security forces [87] in general police officers in particular. Ambushes on government officials and security officials could also be highlighted on May 2024 in which gunmen in the NW ambushed and killed a mayor and other officials en route to civic events, and earlier in May armed actors killed a gendarmerie commander and several officers —

incidents reported by international wire services and local press as part of a sustained campaign of attacks on state representatives and security personnel [88].

### 2.1.1 Sanction for violence against judicial police officers.

Perpetrators of violence against JPOs cannot be left without sanction or left to go scot-free since they are human beings with rights and obligations. When these rights are being breached, it therefore attracts sanction. Thus, from the above, one would notice that violence on a police officer is an offence punishable by the provisions of the 2019, revised Penal Code of Cameroon. [89] Section 156 of the 2019 revised Penal Code punishes Assault on Public Servant. Sub Section 1 of that Section 156 is to the effect that: “*whoever uses force on a public servant or otherwise interferes with him, shall be punished with imprisonment for from 1 (one) month to 3 (3) years and with fine of from CFAF 5000 (five thousand) to CFAF 100,000 (one hundred thousand).*”

The punishment doubles when the perpetrator premeditates the commission of the act. In this light, Sub Section 2 of the above Section provides that: “*where the force or interference is premeditated, or where it results, intentionally or otherwise, in harm within the meaning of Section 277 [90] or 280 [91] of this Code, the punishment shall be imprisonment for from five (5) to ten (10) years and fine of from CFAF 20,000 (twenty thousand) to CFAF 500,000 (five hundred thousand).*” “*The Court*

<sup>82</sup> *Bamenda — police station targeted* (local reporting), MimimefoInfos (online, 17 January 2024) <https://mimimefoinfos.com/bamenda-fear-as-second-district-police-station-targeted-in-violent-attack/> accessed 21 September 2025.

<sup>83</sup> *Two injured as gunmen attempt to disrupt GCE exams in Bamenda*, MimimefoInfos (online, 28 May 2024).

<sup>84</sup> *Student, police officer injured in Cameroon school attack*, Xinhua / China News Service (online, 28 May 2024)

<https://english.news.cn/africa/20240528/ff3569e5923f44c7acdd36d8bfd740fe/c.html> accessed 21 September 2025.

<sup>85</sup> *Muyuka — Soldiers feared dead as explosives blows up armoured cars*, The Guardian Post (online, 12 May 2025).

<sup>86</sup> *Cameroon separatists claim deadly roadside attack that killed 7 soldiers*, AP News (online, May 2025).

<sup>87</sup> *Muyuka — Soldiers feared dead as explosives blow up armoured cars*, The Guardian Post (online, 12 May 2025) <https://www.aciafrica.org/news/11825/deadly-attack-on-police-officers-in-camerouns-southwest-region-an-act-that-violates-human-life-catholic-bishop> accessed 22 September 2025.

<sup>88</sup> *Mayor, two others killed in Cameroon amid National Day celebrations*, Reuters (online, 20 May 2024).

<sup>89</sup> Law No. 2019/020 of 24 December 2019, to amend and supplement Law No. 2016/007 of 12 July, 2016 relating to the Penal Code of Cameroon.

<sup>90</sup> Section 277 of the Penal Code of Cameroon is entitled “Grievous Harm”, which states that: “whoever permanently deprives another of the use of the whole or of any part of any member, organ or sense shall be punished with imprisonment for from 10 (ten) years to 20 (twenty) years.” Section 277 (1) is captioned “Genital Mutilation”; Sub (2) is entitled “Prevention of Growth of Organ” and Sub (3) deals with “Torture”.

<sup>91</sup> Section 280 is captioned: “Simple Harm”, which is to the effect that: “Whoever by force or interference causes intentionally or unintentionally to another any sickness or inability to work lasting more than 30 (thirty) days shall be punished with imprisonment for from 6 (six) months to 5 (five) years or with fine of from CFAF 5000 (five thousand) to CFAF 200,000 (two hundred thousand), or with both such imprisonment and fine”. While Section 281 deals with: “Slight Harm” which states that: “Whoever by force or interference causes intentionally or unintentionally to another any sickness or inability to work lasting more than 8 (eight) days and up to 30 (thirty) days shall be punished with imprisonment for from 6 (six) days to 2 (two) years or with fine of from CFAF 5000 (five thousand) to CFAF 50,000 (fifty thousand), or with both such imprisonment and fine”.

may in any case, impose the forfeiture described by Section 30 of this Code.” Also, Sub 4 of this Section provides that: “where the force or interference results unintentionally in death, the punishment shall be imprisonment for life.” Lastly, “where the force or interference is intended to cause death, the punishment shall be death”. [92]

The Cameroonian legal system also treats crimes committed with the use of arms against police officers, particularly judicial police officers, with heightened severity. This approach reflects the recognition that such acts undermine both individual safety and the authority of the State in maintaining law and order. Firstly, assault and violence against police officers are aggravated offences under the Penal Code. Section 156 of the Code prescribes higher penalties when violence is directed against public officials in the exercise of their duties, and where the assault is committed with the use of arms, the punishment is significantly increased, extending to long-term imprisonment and fines. [93] Secondly, resistance or opposition to law enforcement becomes particularly grave when it involves weapons. Section 152 of the Penal Code criminalizes resistance to public officials, and where arms are used, the sanction may extend to life imprisonment depending on the seriousness of the harm or threat posed. [94] Thirdly, the murder or attempted murder of a police officer attracts the most severe penalties. Sections 275 and 276 of the Penal Code punish intentional homicide with either life imprisonment or the death penalty, while Section 94 provides that attempts are punished with proportionate sentences, reflecting the seriousness of the intended offence.[95] In addition, under the 2014 Law on the Suppression of Acts of Terrorism, armed attacks targeting police officers may be classified as acts of terrorism if carried out with the intent to intimidate the population, destabilize institutions, or coerce public authorities. In such cases, sanctions extend to life imprisonment or the death penalty. [96]

Finally, offenders may also face liability for illegal possession and use of firearms under national firearms regulations, which carry supplementary penalties of imprisonment and fines. [ 97 ] Thus, Cameroonian criminal law establishes a graduated but stringent framework of sanctions, from aggravated imprisonment to capital punishment, for crimes involving the use of arms against police officers. This reflects both the seriousness with which the law regards attacks on state agents and the State’s duty to safeguard the integrity of law enforcement institutions. Besides apart from the criminal sanctions protecting JPOs from civilian brutality, they have other remedies under law of tort for civil assault and battery demanding financial compensation. [98]

## 2.2 Crimes committed by JPOs in Cameroon

Despite their vulnerability and violence committed against JPOs, they are also perpetrators of crimes and violence against citizens amongst such crimes which are allegedly predominant let’s examine;

### 2.2.1 Corruption

Corruption and bribery are a big challenge, and it is predominant amongst the Gendarmerie and police officers as it is alleged, they often demand payments at checkpoints and in exchange for granting unlawful freedom to be detained. Furthermore, it is alleged some corrupted unscrupulous police officials arrest and abuse individuals in exchange for monetary rewards from influential entities and individuals. [ 99 ] Many researchers like Amadou Monkaree, K. (1994), [100] Chamboli Oke, C. (2017), [101]Ndi, R. (2021) [102] and others claim that corruption is rampant in Cameroon and in the Police corps too. This justifies why Cameroon was classified as the most corrupt nation in the world between 1998 and 1999. According to Afro barometer, more than six in 10 citizens (62%) think “most” or “all” police are corrupt. [103] This makes the government more willing

<sup>92</sup>Section 156 (5) of the 2019 revised Penal Code.

<sup>93</sup> Penal Code of Cameroon, Law No. 2016/007 of 12 July 2016, s 156.

<sup>94</sup> Penal Code of Cameroon, s 152.

<sup>95</sup> Penal Code of Cameroon, ss 94, 275–276.

<sup>96</sup> Law No. 2014/028 of 23 December 2014 on the Suppression of Acts of Terrorism, ss 2–3.

<sup>97</sup> See Decree No. 73/658 of 22 October 1973 regulating firearms and ammunition in Cameroon.

<sup>98</sup>Dorothy DuPlessis, Steven Enman, Shannon O’Byrne, and Sally Gunz (2008), *Canadian Business and the Law*, Third Edition, (Toronto: Nelson, a Division of Thomson Canada Limited), p. 221. Also, see Willes J.A. & Willes, J.H. (2012). *Contemporary Canadian Business Law: Principles and Cases*, Tenth Edition, (Toronto: McGraw-Hill Ryerson Limited,) p. 60.

<sup>99</sup> Cameroon risk report, November 5, 2020 Available online at <https://www.ganintegrity.com/country-profiles/cameroon/> , last visited 20/2/2025.

<sup>100</sup>Amadou MONKAREE, K. (1994). “The problems of Tax Administration in Nigeria and Cameroon.” *Journal of Law Society*, Ahmadou Bello University, Zaria, Peragon INTERBIZ LTD, Kaduna.

<sup>101</sup> Chamboli Oke, C. (2017). *Justice and its Administration under the Criminal Procedure Code of Cameroon: An Appraisal*. University of Dschang, PhD thesis (Defended).

<sup>102</sup> Ndi, R. (2021). “Anti-Corruption Measures Adopted by Higher Institutions of Learning in Cameroon.” International Association of Universities (IAU) and United Nations Office on Drugs and Crime (UNODC), pp. 1-24.

<sup>103</sup> Adou, B. (2023). Cameroonians see police falling short of professionalism and respect for rights, Afrobarometer. Available online at <https://www.afrobarometer.org/publication/ad733-cameroonians-see-police-falling-short-of->

than ever to fight the ill. [104] It should be noted that this image painted black is partly caused by members of the police corps. Crimes committed by law enforcement officers in Cameroon often stem from abuses of power, corruption, or negligence. These acts violate legal and ethical obligations and undermine trust in the police. Corruption is a significant problem within the police force in Cameroon. Some policemen have been known to solicit bribe from civilians or engage in other forms of corrupt practices.

Police officers, especially those in high-pressure environments, may engage in bribery or extortion, often taking bribes from individuals to overlook violations or to release suspects without proper legal proceedings. This could range from soliciting bribes at checkpoints [105] or during traffic stops to demanding money from people in custody in exchange for their release or favourable treatment. On several occasions in our Regions, cities, towns and rural areas, drivers of taxis, motorcycle taxi drivers, old buses and other faulty vehicles, passing bribes to the “uniformed men”, Cameroonians finally convinced themselves that the Police were rife with corruption [106].

### 2.2.2 Police brutality and excessive use of force

Police brutality and excessive use of force form another significant issue in Cameroon. Police torture and brutality are really on the rise and seem never to stop. Suspects are subject to physical abuse during interrogation. Police brutality in Cameroon is at an alarming rate. Using excessive force or engaging in physical violence against individuals. Research shows that many Gendarmerie and police officers are arrested every year for their misconduct. The most common arrest was for simple assault, with driving while intoxicated a close second. Other charges in the top 10 include drug violations, aggravated assault, and forcible rape. Instances of police brutality have been documented, notably the assault on human rights lawyer Richard

Tamfu in Douala on November 27, 2024. Tamfu was reportedly beaten by gendarmes while defending a client, highlighting concerns about the treatment of legal professionals and citizens by law enforcement and security forces. [107]

### 2.2.3 Extrajudicial killings

There have been alleged cases of gendarmes killing civilians, often under the guise of maintaining order or combating terrorism [108]. Some researchers in this domain state that extrajudicial killings are common where individuals are executed without legal proceedings or due process, which constitute another serious offense by judicial police officers in Cameroon [109]. These killings are often carried out with impunity, with little or no investigation into the circumstances surrounding the death [110].

### 2.2.4 Torture and inhumane treatment

Torture and inhumane treatment of suspects are elements of human rights abuse. Regarding torture, the Preamble of the Cameroon Constitution states: “Everybody has the right to life and physical and moral integrity. All must be treated with humanity, in all circumstances. It is in no way acceptable to submit anyone to torture, to cruel, inhuman or degrading treatment or punishment.”[111] The 2016 Penal Code of Cameroon prohibits the use of torture as well as the 2005 Code of Criminal Procedure Code, which stipulates that a suspect in police custody: “shall not be subjected to any physical or mental constraints, or to torture, violence, threats or any pressure whatsoever. ‘The penalty for torture leading to permanent deprivation of an organ, limb, or sense is between ten to twenty-years imprisonment. Torture is often used as a method of extracting confessions or punishing individuals who are perceived as threats to the country. Police officers in Cameroon have been accused of torturing individuals, especially during interrogations and when imprisoned,

professionalism-and-respect-for-rights/ last visited 20/2/2025.

<sup>104</sup> Shing Wandia,P. (2023). The Efficacy of the Special Criminal Court in the Fight Against Misappropriation of Public Funds in Cameroon. *International Journal of Research and Innovation in Social Science (IJRISS)*, Volume VII Issue III, pp. 381-392.

<sup>105</sup> 2021 Country Reports on Human Rights Practices, U.S. Department of State (online, 12 April 2022) <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cameroon/> accessed 20 September 2025.

<sup>106</sup> Ndi, R. (2021). “Anti-Corruption Measures Adopted by Higher Institutions of Learning in Cameroon.” International Association of Universities (IAU) and United Nations Office on Drugs and Crime (UNODC), pp. 1-24.

<sup>107</sup> On November 27, 2024, the economic hub of Cameroon, Douala, became the center of outrage as

prominent human rights lawyer Richard Tamfu was violently assaulted by gendarmes.

<sup>108</sup> *Cameroon: Army Killings, Disappearances, in North-West Region*, Human Rights Watch (online, 11 August 2022) <https://www.hrw.org/news/2022/08/11/cameroon-army-killings-disappearances-north-west-region> accessed 21 September 2025.

<sup>109</sup> 2024 Country Reports on Human Rights Practices, U.S. Department of State (online, 2025) <https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/cameroon> accessed 21 September 2025.

<sup>110</sup> Human Rights Watch, *Cameroon: Torture Preceded Death in Police Custody* (HRW, 27 January 2025) <https://www.hrw.org/news/2025/01/27/cameroon-cries-torture-precede-death-custody> accessed 14 September 2025.

<sup>111</sup> Preamble of the 1996 Constitution.

[112] the reason why John Brice, Mimoga Louis Legrand and Greboubai Michel were convicted of torture of a detainee and sentenced to five years imprisonment each by the High Court of Mfoundi. [113] Victims of torture often suffer long-term physical and psychological effects, but they are typically too fearful to report their experiences due to the lack of accountability and the fear of further reprisals. [114]

It is worthy to note that Cameroon adheres to most of the key international Human Rights Treaties, like the 1966 Covenant on Civil and Political Rights (ICCPR), ICCPR Optional Protocol 1, the 1984 Convention against Torture (CAT), Competence of CAT Committee to receive individual complaints, CAT Optional Protocol 1, the 1998 Rome Statute of the International Criminal Court which Cameroon is a signatory. In fact, her adherence to International Criminal Law Treaties is fundamental in shunning torture in all its forms.

Ordering the “use of public force against the enforcement of any provision of law or regulation, or against any lawful order, whether judicial or administrative” is punished by a sentence of a term of imprisonment of between three and ten years. The Military Tribunal, of Douala in the case of *People of Cameroon vs. Epote (warrant officer) and Kaigama (Sergeant)* sentenced the officer to three years imprisonment, suspended the sergeant for five years on the charges of torture. [115]

The case of *Peter Baseh and 9 others v. the Commissioner of B.M.M. Bamenda* is a case in point. Mr. Baseh and nine others who were suspected of subversive activities were arrested and detained by the Commissioner of BMM Bamenda, Mr Aminon Garere Buba. During detention, (3rd July 1978 to 4th September 1978), the applicants were subjected to severe torture. In

this case, the Commissioner of BMM did not appear in person, nor did he send the necessary evidence, nor did he cooperate with the Court. The Commissioner's attitude undermined the constitutional guarantees and the very laws of the state he is called upon to enforce.

The case of *D. S. Oyebowale V. Company Commander of Gendarmerie for Fako* [116] is another glaring example. On 11 June 2009 the applicant, a Nigerian sailor, was arrested on the high seas en route to Cameroon by one Mr. Leyi Prosper, the Company Commander of the Gendarmerie Company of Fako Division, Cameroon. There was no apparent reason for his arrest, nor were any charges read to him at the time of the arrest. He was later taken to Cameroon and detained at the Gendarmerie Brigade in Limbe. Even at this time, he was not made aware of the reasons for his arrest and detention. While in detention, his boat was abandoned on the shores where it was dilapidating and was being looted. [117]

## 2.2.5 Arbitrary arrest and detention

Arbitrary arrests and detentions are common occurrences in Cameroon, often without clear legal justification or charges. It is alleged Police officers frequently detain individuals without following proper legal procedures, leading to violations of citizens' rights [118]. Those arrested may be detained for long periods without trial, and in some cases, they may be held incommunicado, with no access to family or legal representation [119]. It is also alleged Sexual violence and harassment by police officers are also serious issues in Cameroon. There have been reports of police officers committing acts of sexual violence, particularly in the context of arrests and detentions. Women and girls in custody are especially vulnerable to sexual assault, and such incidents are rarely reported due to fear of retribution [120]. Sexual violence by police officers is often ignored or inadequately addressed by authorities,

<sup>112</sup> According to a 1983 Ordinance, sanctions are to be applied to any prison officer who is guilty of torture or other ill-treatment of detainees.

<sup>113</sup> John Brice, Mimoga Louis Legrand and Greboubai Michel, Judgment No. 318/Crim of 26th August 2003. See also Amnesty International Report 2017/18: The state of the world's human rights, *op.cit.*, p. 113.

<sup>114</sup> Njong Shey (2025). Soldiers, Gendarmes and Police Officers Dragged to Court for Alleged Torture, Extortion in Buea. <https://mimimefoinfos.com/spldiers-gendarmes-and-police-dragged-to-court-for-alleged-torture-extortion-in-buea/>, accessed on the 19<sup>th</sup> April, 2025.

<sup>115</sup> *People of Cameroons vs. Epote (warrant officer) and Kaigama (Sergeant)*, Judgment No.31/00 of 27th April 2000.

<sup>116</sup> *D. S. Oyebowale V. Company Commander of Gendarmerie for Fako* (Suit No. HCF/0040/HB/09 (unreported)).

<sup>117</sup> Ayuketang B. Eta (2024). The Implications of Criminal Responsibility on Law Enforcement Officers in Cameroon: Sanctions and Enforcement Mechanisms, *op.cit.*, p. 65.

<sup>118</sup> *Cameroon's Compliance with Convention Against Torture: violence and discrimination on the grounds of sexual orientation or gender identity*, The Advocates for Human Rights (online, 2024) <https://www.theadvocatesforhumanrights.org/Res/TAHR%20AC%20Cameroon%20CAT%20LGBTIQ%20FINAL.pdf> accessed 23 September 2025.

<sup>119</sup> UN Committee against Torture, 'UN Committee against Torture publishes findings on Cameroon, Jordan, Kuwait, Mongolia, Namibia and Thailand' (22 November 2024) <https://www.ohchr.org/en/press-releases/2024/11/un-committee-against-torture-publishes-findings-cameroon-jordan-kuwait> accessed 23 September 2025.

<sup>120</sup> Amnesty International, 'Human rights in Cameroon' (2024)



which perpetuates a culture of impunity and further victimizes the survivors [ 121 ]. There is a special department in Cameroon who investigate rape and sexual assault cases with trained officers, in which respect you can ask to speak to a male or female officer. By default, a female victim will be assigned a female officer and vice versa. [122]

### 2.2.6 Abuse of power and authority

Abuse of power is another common offense among police officers in Cameroon. Many officers act with a sense of entitlement, misusing their authority for personal gain or to harass citizens. For example, police officers may take advantage of their positions to extort money, bully individuals into submitting to their demands, or engage in other forms of misconduct. Some policemen in Cameroon have been known to abuse their power and authority, often by arresting or detaining civilians without due process and justification, amounting to arbitrary arrests, most often for political motives. Intimidating civilians without due cause during routine patrols buttressed by numerous complaints by motorcycle and taxi operators in Yaounde [123] and other major cities.

It is also alleged Police officers in Cameroon often set up illegal roadblocks and checkpoints where they stop vehicles and demand bribes from drivers. These roadblocks are frequently set up without legal authority, and the officers use them to extort money from drivers. The lack of proper regulation regarding these checkpoints allows police officers to act unlawfully, often with the support of their superiors or a culture of non-interference. This form of corruption is widespread and affects both urban and rural areas, particularly in regions with less oversight and fewer resources for law enforcement agencies [124].

While protection is vital, unchecked power can lead to abuse. Cameroon has seen a troubling rise in police brutality and human rights violations, including arbitrary arrests, torture and excessive use of force and assaults on lawyers and activists.

<https://www.amnesty.org/en/location/africa/west-and-central-africa/cameroon/report-cameroon/> accessed 23 September 2025.

<sup>121</sup> *Universal Periodic Review - Gender-Based Violence*, The Advocates for Human Rights (online, 2024) <https://www.theadvocatesforhumanrights.org/Publications/A/Index?id=660> accessed 23 September 2025.

<sup>122</sup> <https://www.gov.uk/government/publications/cameroon-information-for-victims-of-rape-and-sexual-assault/information-for-survivors-of-rape-and-sexual-assault> last visited 20/02/2025.

<sup>123</sup> Ndi, R. (2019). Reflection on Police Power of Arrest, Detention and The Treatment of Suspects Under the Cameroonian Criminal Procedure Code and Extra-National Laws: Human Right Digest, National Journal of Criminal Law; 2(1): pp. 4–21.

### 3 Sanctions against crimes committed by the JPOs

The Cameroon Penal Code in its Section 17 has emphasized on the aspect or principle of legality, where all acts must be done in accordance with the provision of the law, in which those of the judicial police or investigating officers are not an exception. The law provides that all acts of the police must be checked to avoid abuse of power on the part of these police officers.

In view of the principle of equality [125] enshrined in the Constitution of Cameroon, the Penal Code and the Universal Declaration of Human Rights, the police are subject to criminal law and procedure on the same basis as the ordinary individual. This aspect of the police being accountable on the same basis as the private citizen is often presented as proof that the police are fully accountable for their actions. Certainly, criminal law and procedure do serve an important accountability function. They enable the private citizen to use it against officers of law and order the very same legal process that they will use against him in the event of either one of them having committed a criminal offence. [126]

The JPO in the exercise of his duties may be subject to double hierarchical control: that of prosecutors, and administrative control from his direct superiors. Section 134 of the Criminal Procedure Code states in its paragraph 2 (a) that the Procureur General at the Court of Appeal shall supervise the activities of the judicial police officers and agents working within the jurisdiction of the court of appeal.

Also, the State Counsel has powers to control the actions of the JPOs in Cameroon. This is governed by Section 137 of the Criminal Procedure Code which provides that the State Counsel shall direct and control the operations of the officers and agents of the judicial police. The State Counsel may at any time and place act as a JPO. [127] The State Counsel controls the actions of the JPO by studying the minutes that are transmitted to him by the latter. The State Counsel must be able, from the minutes, to verify these findings that have been made

<sup>124</sup> *2021 Country Reports on Human Rights Practices*, U.S. Department of State (online, 12 April 2022) <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cameroon/> accessed 20 September 2025.

<sup>125</sup> See the Preamble of the 2008 revised Constitution of Cameroon, Section 1 of the Penal Code of Cameroon, the Criminal Procedure Code, etc.

<sup>126</sup> Dermot P.J. Walsh (1998), *op.cit.* & Eban, Ebai, (2011). Criminal liability of the Police in Cameroon: Prospects and Challenges. *African Journal of Criminology and Justice Studies: AJCJS; Princess Anne*, Vol. 5, Iss. 1/2, pp. 127-146.

<sup>127</sup> Section 137 (3) of the CPC.

and the circumstances surrounding them as well as the traces they have left. [128]

Section 124 (4) of the Criminal Procedure Code provides issues of nullity of the report submitted by the Judicial Police Officers to the court or investigating magistrate if procedures are not respected. That Section states that the non-observation of the provisions of this section shall lead to the nullity of the police report as well as all subsequent acts, without prejudice to disciplinary sanctions against the judicial police officer concerned.

### 3.1 Penal control or sanctions

The Judicial Police Officers in Cameroon are not above the law. They are equally exposed to situations wherein they can be involved in the commission of crimes. Should they like the ordinary citizens commit an offense in Cameroon, can also face a range of judicial and administrative sanctions, which can either be judicial as well as administrative;

#### 3.1.1 Judicial Sanctions

Based on the criminal justice system of Cameroon, Penal Code and the Criminal Procedure Code provide sanctions or penalties to anyone who commits an offence, including the JPOs. The Penal Code in its Section 21 classifies offences into three from the most serious to the least. That is felonies, misdemeanours and simple offenses. The JPOs can be prosecuted for these crimes by imprisonment, fine, death penalty or both fine and imprisonment. [129] Court Judgments or judicial decisions can lead to dismissal from service, loss of rank (retrograded), or civil liability for damages caused. However, prosecution is often hindered by executive interference, lack of transparency, and institutional protectionism.

There are special regulations that provide sanctions to the JPOs for crimes committed. For example, Decree N°2001/087 of March 12th, 2001, as amended by decree number 2012/539 of 19 November 2012 relating to the Special Status governing civil servants or Officials of the National Security corps, Law

No. 67/LF/9 of 12<sup>th</sup> June 1967 on the General Organization of Defense, Decree No. 68/DF/33 of 29th January 1968 establishing the Defense Missions of the Regular Auxiliary and Auxiliary Forces, together with Presidential Instruction No. 7/CAB/PR of 9th April 1968 establishing the Missions of the National Security in the context of Defense, the Penal Code of Cameroon plus the Criminal Procedure Code of Cameroon of 27<sup>th</sup> July 2005. Article 89 of Decree No. 2012/539 of 19th November 2012 bearing on the Special Status governing Civil Servants of the National Security Corps provides instances where these JPOs can be held accountable for their actions with possible sanctions. Such officers can appear before the competent court or the competent Disciplinary Council. [130]

#### 3.1.2 Administrative Sanctions

These are disciplinary actions taken by internal oversight bodies such as like the Ministry of Defense, [131] and Delegate-General for National Security. [132] The sanctions include suspension or dismissal, demotion or transfer, loss of benefits or retirement rights and internal investigations and reprimands. [133]

These measures are often triggered by internal audits, complaints from civilians, or media exposure of misconduct.

#### 3.1.3 Civil remedy

The remedy for any civil wrong is compensation in monetary terms that is financial compensation. So, Article 1382 of the French Civil Code demands compensation from any person that causes damage or harm to another. This compensation takes the form of damages and interest against the guilty JPO. [134] This could be a situation where a victim is illegally detained by the JPO which leads to a no case ruling or an acquittal has become final, who can show proof that he actually suffered injury of a serious nature as a result of such detention. [135]

Tort sanction for assaults, battery, false imprisonment and negligence are glaring. The

<sup>128</sup>When certain formalities are not respected by the JPO, the State Counsel will send back the minutes to the latter for verification. For example, the case where the judicial police officer did not notify the suspect of his custody.

<sup>129</sup>Section 18 of the Penal Code.

<sup>130</sup>But it should be noted that in the event of an ongoing action before the court, any other sanction from the disciplinary council will be stayed until the court's decision becomes final. Any National Security officer subject to legal proceedings must as a duty send a detailed report to the Head or Delegate General of the National Security Corps.

<sup>131</sup> For gendarmes.

<sup>132</sup> For police officers.

<sup>133</sup> Ayuketang Eta, B. (2024). The Implications of Criminal Responsibility on Law Enforcement Officers in

Cameroon: Sanctions and Enforcement Mechanisms. *Studies in Law and Justice*, 3(3), pp. 51–65. Retrieved from

<https://www.pioneerpublisher.com/slj/article/view/1018>, on the 23<sup>rd</sup> September, 2025.

<sup>134</sup> In the case of *Public prosecutor V. EPANDA Richard*, the police officer, the judge sentenced the latter to 100,000 FCFA fine and 343,643 FCFA of damages for minor injuries at the court of first instance in Bamenda.

<sup>135</sup> Section 236 of the CPC. Illegal detention within the context in subsection (1) above shall mean: Detention by the JPO in disrespect of the provisions of Sections 119 to 126 of this Code and detention by the State Counsel or the examining magistrate in disrespect of the provisions of section 218 to 235, 258 and 262 of this Code.

compensation awarded to the victim in such a case is called in law the “*pretium doloris*”<sup>[136]</sup> (the price of pain). This compensation takes the form of damages against the guilty judicial police officer. <sup>[137]</sup> However despite existing legal frameworks and the bodies put in place to control the actions of the JPOs, accountability remains weak. This problem of accountability is caused by the following: executive interference in judicial processes, selective enforcement of laws, often shielding officers from prosecution and lack of independent oversight bodies to investigate misconduct.

#### 4 CONCLUSION AND RECOMMENDATIONS

Judicial police officers in Cameroon hold an important role within the criminal justice system as conferred by the criminal procedure code. Their powers extend across diverse officials, including Gendarmes, Police commissioners, Superintendents, Assistant superintendents, inspectors and even magistrates under certain conditions. This diversity reflects the states recognition of their importance in investigation, detection of crime and law enforcement. However, the same breadth of responsibility creates challenges of accountability, legality, and respect of human rights. On the one hand, JPOs face threats and violence in the performance of their duty, which the penal code severely sanctions. On the other hand, they are often implicated in corruption, arbitrary arrests, torture, and abuse of authority, which erode public trust and undermine the legitimacy of law enforcement institutions. The duality of JPOs as both enforcers and violators highlights the urgent need for balance between empowering them and holding them accountable.

To strengthen the role of JPOs while safeguarding the rule of law, several reforms are essential. Firstly, independent oversight mechanisms should be reinforced to ensure that misconduct by JPOs is effectively investigated and sanctioned without executive interference. Secondly, professional training must emphasize ethics, human rights, and lawful investigative techniques to reduce corruption and brutality. Thirdly, technological improvements should be introduced to enhance crime detection and evidence gathering, reducing reliance on coercive or abusive practices. In addition, better protective measures must be implemented to shield JPOs from violence in high-risk operations while ensuring they do not abuse their powers against civilians. Finally, fostering transparency, community engagement, and strict adherence to procedural norms will not only improve accountability but also rebuild public confidence in law enforcement as a credible guardian of justice in Cameroon.

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<sup>136</sup> « Price of pain ». Intangible or « moral» damage caused by a wrongful act, such as mental anguish.

<sup>137</sup> Case of *Prosecutor and AyissiMessi v. Olama Laurent and Ambell le Zacharie*, police, prosecuted for torture.

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