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**Executive summary**

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## II. Executive summary

### Cameroon

#### 1. Introduction: Overview of the legal and institutional framework of Cameroon in the context of implementation of the United Nations Convention against Corruption

The Convention was signed on 10 October, 2003 and ratified by the President of the Republic on 6 February 2006 after adoption by the National Assembly.

Article 45 of the Constitution states that the generally accepted rules of international law and international conventions — when they are ratified by a law and enter into force — are an integral part of Cameroon's domestic law and take precedence over contradicting provision of domestic law. Consequently, the Convention became an integral part of Cameroon's domestic law following its ratification. However, the Convention is not above the Constitution in the hierarchy of norms, occupying a rank between ordinary laws and the Constitution.

Cameroon is a bilingual country and has a mixed legal system with elements of common law and civil law.

The Cameroonian political system is divided into three branches of government, the executive, the legislative and the judicial branches. The executive branch is represented by the President of the Republic and the Government (headed by a Prime Minister). The legislative branch is represented by the National Assembly and the Senate. Judicial power is exercised by the Supreme Court, the courts of appeals and the tribunals.

During the country visit, the reviewing experts met with representatives of the government of Cameroon, specifically including the National Anti-Corruption Commission (CONAC), Ministry of External Relations, Police (Délégation Générale à la Sûreté Nationale, DGSN), Cameroonian Employers' Association (Groupement Inter-Patronal du Cameroun, GICAM), Ministry of Defence, National Agency For Financial Investigation (ANIF), Chamber of Commerce (CCIMA), National Anti-Corruption Coalition (CNLCC), the Supreme Court, as well as Cameroonian attorneys, journalists and civil society.

#### 2. Chapter III: Criminalization and law enforcement

As a general observation regarding the implementation of the chapter, it is noted that the definition of public official in Section 131 of the Penal Code includes most categories of persons covered in article 2 of the Convention. However, while persons exercising public functions, whether continuously or occasionally, are covered, members of parliament, elected and other unpaid officials not employed by the State are not specifically referred to.

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Sections 134 and 134-1 (Corruption) of the Penal Code (PC) are the main provisions which criminalize active and passive bribery covering in general most of the elements of article 15 of the Convention. While acts of indirect bribery are not specifically mentioned, except in cases where the act falls outside the competence of the person corrupted and was facilitated by his office (Section 134 (2)), the courts have interpreted the provision to include indirect bribery. In addition, it is noted that benefits accruing to third parties are mentioned only in section 134 and not 134-1 of

the Penal Code. Moreover, there is an automatic exemption from prosecution for persons who were solicited for bribes and who report the offence to the judicial authorities without rendering assistance in the investigation (Section 134-2 PC). Case statistics on the implementation are not available.

Cameroon has criminalized the bribery of foreign public officials and officials of public international organizations in Sections 134 and 134-1, read together with Sections 89 and 131-1.

Cameroon has partially criminalized trading in influence in section 161 PC.

Cameroon has criminalized passive bribery in the private sector in section 312 PC, as well as false declarations and misleading of contractors by directors, managers of private entities, in section 313 PC.

*Money-laundering, concealment (arts. 23 and 24)*

Cameroon has criminalized money-laundering in line with the Convention (art. 1, Regulation No. 02/10). Cameroon follows an all-crimes approach to money-laundering whereby all offences under the laws and regulations of Cameroon constitute predicate offences. For prosecution of money-laundering, the predicate offence should constitute a criminal offence in the country where it was committed (art. 1). Self-laundering is punishable (art. 51, Regulation No. 02/10).

There is no statistical data on the number of criminal investigations, prosecutions and convictions.

Concealment and continued retention of property are criminalized in article 1, Regulation No. 02/10 and section 324 PC.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Cameroon has partially criminalized embezzlement and misappropriation in sections 184, 135, 318 and 319 PC. However, the sections do not cover the full range of embezzlement, misappropriation and other diversion of property or funds for the benefit of a public official or another person or entity. No case law was provided to demonstrate that private property is covered.

Cameroon has partially criminalized the abuse of functions in sections 140, 137 and 142 PC, regarding acts that infringe “private” rights or interests. However, the failure to perform an act, or an omission, in violation of law is not explicitly covered.

The criminal offence of illicit enrichment has not been established, although a draft bill on anti-corruption contains relevant provisions.

Cameroon has criminalized embezzlement of property in the private sector in section 318 PC. The content is limited to theft, breach of trust and fraud but not the full range of embezzlement provided for in article 22. However, section 891 of the Uniform Act on Commercial Companies and Economic Interest Groups covers the misuse of business property or funds for personal gain.

*Obstruction of justice (art. 25)*

Cameroon has partially criminalized obstruction in the giving of testimony or the production of evidence in proceedings in sections 164 (2) and 168 read together with 97 (Accessories) PC. However, the cited measures do not fully implement the provisions under review and a relevant provision has been included in the anti-corruption draft bill.

The use of violence or threats to improperly influence a public servant is criminalized in section 160 PC. It was confirmed by the authorities that obstruction of law enforcement and judicial officers is a significant concern in Cameroon and that the available protections are inadequate.

*Liability of legal persons (art. 26)*

Cameroon has adopted measures providing for the criminal liability of legal persons (Section 74-1 PC) and, in the framework of the fight against money-laundering, articles 46 and 51, Regulation No. 02/10. Moreover, civil and administrative liability provisions are in place.

Principal criminal penalties for legal persons include dissolution, temporary or permanent closure of the establishment and fines (Sections 18, 25-1, 25-2 and 25-3 PC); accessory penalties are established in Sections 19, 36 and 74-1 PC. Penalties for legal persons for money-laundering offences are in place (arts. 46, 53 and 54, Regulation No. 02/10). For other crimes, confiscation of property is provided in cases of felonies or misdemeanours (section 35, PC) and administrative penalties may also be imposed, for example the disqualification and suspension of legal persons from public tenders through the procurement process.

*Participation and attempt (art. 27)*

Cameroon has adopted legal measures necessary to establish as a criminal offence, in accordance with its national law, the participation in a criminal act in particular for accessories and persons who aid and abet the commission of a crime. The relevant forms of participation are covered in sections 74 and 96 to 99 of PC. The Penal Code defines the meaning of the terms regarding these persons, the manner of participation and execution of the criminal offence. Attempts are covered in section 94 PC. The preparation of an offence is not separately criminalized.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Several provisions of the PC set forth the classification of offences depending on their nature or seriousness, scaling values concerned with the offence (section 21 PC), specific range of sanctions for each offence (minimum and maximum), grounds for reduction and relief of forfeitures, aggravating factors and exceptions. There are no sentencing guidelines.

The scope of legal immunities and jurisdictional privileges does not appear to pose an undue impediment to the effective investigation and prosecution of cases. Article 14 (6) of the Constitution provides for the immunity of members of the National Assembly, which must be lifted before they can be prosecuted. Lifting of immunities is not required for investigative measures to be taken against parliamentarians. The procedure for lifting immunities is not regulated, except by parliamentary procedure when the National Assembly is in session. Article 14 of the Constitution as well as sections 629-634 Code of Criminal Procedure (CPC) provide jurisdictional privileges for senior government officials and certain members of the judiciary.

Cameroon follows the principle of discretionary prosecution. Appeals against non-prosecution decisions are possible, and there have been such cases in corruption matters. While Circulars produced by the Ministry of Justice are in place for the prosecution, there are no measures in place to ensure that there is no abuse of prosecutorial discretion.

The measures imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings (sections 218 and 222 CPC).

The conditions for granting conditional release are partly regulated. Section 693 CPC establishes the conditions for granting conditional release but does not mention the gravity of the offences concerned.

Public officers can be suspended for up to three months pending the completion of investigative measures. However, a removal from duty during the investigation is not provided for.

Disqualification from the public service, when convicted of criminal offences, is provided for in sections 30, 31 and 184 (4) PC. The cited measures on removal and exclusion from the public service also apply to companies owned wholly or partially by the State.

The reintegration of persons convicted of corruption offences into society is supported by the Cameroonian correctional authorities through various services and activities. However, a comprehensive prisoner reintegration policy or programme is not established.

Sections 90 et seq. of the Penal Code contain provisions on mitigating circumstances. Section 359 of the CPC stipulates that if the accused pleads guilty, it may be taken into consideration as a mitigating circumstance. However, there is no plea bargaining and it is not possible to grant full immunity from prosecution. Nevertheless, in practice, if CONAC investigates a corruption offence, it may not send it for prosecution if the offender cooperates.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Cameroon has not implemented the provisions on the protection of witnesses and reporting persons. However, article 3 (3) of the CONAC Decree provides for the anonymity of reporting persons and thereby affords some protection to them.

Cameroon criminal law takes into consideration the interests of the victim, in particular by providing for victims to join the public action as “*partie civile*”, sections 157, 385 CPC.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

Sections 35, 184 (4) PC and article 54 of Regulation No. 02/10 partially address the requirements of article 31, paragraph 1, of the Convention. Section 35 of the PC provides for discretionary confiscation for any felony or misdemeanour, thus including crimes of corruption. Confiscation under section 35 is limited to property “belonging to the offender” and therefore posing a limitation to the scope of confiscation. Furthermore, confiscation is provided for instrumentalities of crime without including those “destined for use” in the commission of offences.

Value-based confiscation is not provided except for money-laundering offences under article 54 of Regulation No. 02/10.

Cameroon has adopted measures that allow for the identification, tracing, freezing or seizure of property for purposes of eventual confiscation (sections 92-100 and 177-179 of the CPC, and article 43 of Regulation No. 02/10).

There is no comprehensive regulatory framework in place governing the administration of seized, frozen and confiscated assets, in particular moveable assets, or for their disposition. Moreover, Cameroon has not implemented paragraphs 4 to 6 of article 31.

Article 54 of Regulation No. 02/10 provides an evidentiary presumption in regard to the origin of the alleged proceeds derived from drug offences, organized crime, and money-laundering.

Apart from Section 35 PC, there are no measures to specifically provide protection for the rights of bona fide third parties.

No examples, or statistics were provided in order to assess the effectiveness of the domestic confiscation regime.

Sections 92 et seq. CPC allow the judicial police to undertake searches and seizures. Article 8 of Bank Secrecy Act, Law No. 2003/004 of April 21, 2003, stipulates that bank secrecy may not be claimed as an obstacle to criminal prosecution. CONAC has the powers to lift bank secrecy without the need for a court order under the CONAC Decree (art. 20). Article 31 of the CEMAC AML/CFT Regulation gives ANIF the powers to access bank documents. There have been no obstacles in practice to the ability of the relevant agencies to obtain such records, which are accessed routinely in the course of investigations.

*Statute of limitations; criminal record (arts. 29 and 41)*

In Cameroon, the limitations periods are regulated by the CPC. For corruption offences classified as misdemeanours (in accordance with section 21 PC), the period of prescription is generally three years, 10 years for felonies, calculated from the day following the day of commission of the misdemeanour (section 65 CPC). Sections 66 to 68 CPP contain provisions on interruption and suspension of the statute of limitations, which implement this requirement as established in the Convention.

A previous conviction abroad may be taken into account by the competent court when sentencing (section 15 PC).

*Jurisdiction (art. 42)*

Cameroon has established territorial jurisdiction and flag State jurisdiction (section 7 (1) PC). Cameroon applies the active personality principle (section 10 (1) PC) but has not implemented the passive personality principle. Extraterritorial jurisdiction has been established for money-laundering (section 699 (f) CPC), as well as for prosecution in lieu of extradition, section 695 (1) (a) CPC.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

The Public Procurement Code contains provisions applying the general principle of law *fraus omnia corrumpit* (fraud negates everything) in article 109. Section 34 PC allows the courts to close down businesses that were used for the commission of an offence.

Sections 1382 and seq. of the Civil Code provide in general terms for compensation for damages caused by others. Section 26-1 of the Penal Code provides for reparation as a criminal penalty. Also, section 157 of the CPC establishes the possibility for any victim to claim civil damages in a penal proceeding.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

Cameroon has a specialized anti-corruption agency, the National Anti-Corruption Commission (usually known by its French acronym, CONAC). It has investigation powers but no prosecutorial powers. CONAC can investigate cases ex officio. It is endowed with financial autonomy to safeguard its independence. CONAC submits its annual report to the President and publishes it on its website. With the support of

UNDP, CONAC has developed and monitors an anti-corruption strategy. CONAC has no regional presence.

The Commission works with the police and gendarmerie who also have the mandate to investigate cases of corruption. The police also have a specialized unit for economic and financial crimes. To enhance cooperation, gendarmerie and police officers work within CONAC. Nevertheless, it is possible that a police case can reach the courts without knowledge of CONAC.

The Financial Intelligence Unit (FIU) of Cameroon was established by Decree No. 2005/187 of 31 May 2005, on the organization and functioning of the National Agency of Financial Investigations (usually known by its French acronym, ANIF). According to article 2 of the Decree, ANIF is an administrative type FIU and is endowed with financial autonomy (art. 16), as well as decision-making authority in relevant matters of its competence. ANIF reports are sent directly to the prosecution, which has an obligation to act on the basis of such reports. ANIF has been a member of the Egmont Group of FIUs since 2010.

State authorities do not need a specific legal basis to cooperate with each other. Moreover, CONAC has memorandums of understanding with ANIF, and the Public Contracts Regulation board but not with the police and gendarmerie. Reporting obligations exist in the CPC and the AML/CFT Regulation.

## **2.2. Successes and good practices**

- Extension of the statute of limitations period in the case of prosecution for several related offences. The limitation period prescribed for the committed offence with the most severe punishment shall be considered.

## **2.3. Challenges in implementation**

It is recommended that Cameroon:

- Continue to strengthen data collection systems to identify and track corruption-related cases and consider publishing this information in annual reports and on the CONAC website.
- Specify the legislation to ensure that all persons listed in article 2 of the Convention are covered by the definition of public official, including members of parliament, and elected and other unpaid officials not employed by the State.
- Criminalize acts of indirect bribery and fully criminalize benefits accruing to third parties for all bribery offences (art. 15).
- Align the exemption from prosecution for persons who were solicited for bribes and who report the offence to the judicial authorities without rendering assistance in the investigation (Section 134-2 PC) with the requirements in article 37.
- Expand the offence of misappropriation in line with the Convention (art. 17).
- Expand legislation to address offering or giving of an undue advantage to procure influence, and specifically address the acts of indirect trading in influence, as well as benefits accruing to third parties for purposes of active trading in influence (art. 18).
- Consider expanding legislation to adopt an offence of abuse of functions more closely aligned with the Convention (art. 19).
- Consider adopting an offence of illicit enrichment and taking measures to implement an effective asset declaration system (art. 20).

- Consider establishing a comprehensive offence of bribery in the private sector (art. 21).
- Consider establishing a comprehensive offence of embezzlement in the private sector (art. 22).
- Amend legislation to criminalize the obstruction of or interference in the giving of testimony or the production of evidence in proceedings (art. 25 (a)).
- Emphasize the effective enforcement of existing protection measures on obstruction of justice or law enforcement officials (art. 25 (b)).
- Ensure that penalties against legal persons for offences under the Convention are effective, proportionate and dissuasive. Attention should also be given to the effective enforcement of penalties for corruption-related offences against legal persons (art. 26).
- Undertake legislative action to review and revise the limitations periods in line with the Convention and the observations in the full country report (art. 29).
- Consider adopting sentencing guidelines to encourage consistency in sentencing throughout the courts (art.30 (1)).
- Consider regulating in a more comprehensive manner the procedures for lifting immunities in appropriate cases (art. 30 (2)).
- Adopt measures to ensure that discretionary legal powers relating to the prosecution of corruption offences are exercised to maximize the effectiveness of law enforcement and with due regard to the need for deterrence (art. 30 (3)).
- Consider stipulating conditions for granting and revoking conditional release in a precise manner, besides the minimum eligibility period, bearing in mind the gravity of the offence (art. 30 (5)).
- Amend legislation with a view to eliminating the permissive nature of confiscation as an additional discretionary penalty (art. 31).
- Amend legislation to expand the scope of property subject to confiscation to include all proceeds derived from Convention offences, as well as instrumentalities “destined for use” in the commission of offences, and provide for value-based confiscation (art. 31).
- Adopt measures to strengthen the administration and disposition of assets and consider, in particular, establishing a dedicated asset management function (art. 31 (3)).
- Align legislation with paragraphs 4 to 6, and adopt measures to protect bona fide third parties (art. 31 (4)-(6); art. 31 (9)).
- Amend data gathering systems to allow for the collection and tracking of statistics on implementation (art. 31).
- Take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses, experts and victims and consider entering into agreements or arrangements with other States for the relocation of such persons (art. 32); expand such protections to cooperating offenders (art. 37(4)).
- Consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for reporting persons (art. 33).



- Explicitly provide for the possibility to void or rescind a tender vitiated by corruption in the Procurement Code (art. 34).
- Consider recruiting staff for CONAC by public competitions (*concours*) rather than co-optation (art. 36).
- Take further measures to encourage offenders to cooperate with law enforcement authorities, including the possibility of granting immunity from prosecution and consider entering into relevant agreements with other States parties (art. 37).
- Consider establishing the passive personality principle (art. 42(2)(a)) and establish consultation procedures in line with art. 42(5).

## **2.4. Technical assistance needs identified to improve implementation of the Convention**

Cameroon indicated it needed technical for the implementation of article 32.

## **3. Chapter IV: International cooperation**

### **3.1. Observations on the implementation of the articles under review**

Cameroon does not have a general extradition act or mutual legal assistance act but relies on the extradition provisions in the CPC; on several bilateral treaties; and on multilateral agreements like the General Convention on Judicial Cooperation signed under the auspices of the former African and Malagasy Common Organization (the “Tananarive Convention”) and the Agreement on Judicial Cooperation between the Member States of the Economic and Monetary Community of Central Africa (CEMAC).

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

Cameroon has bilateral extradition treaties with three countries (Mali, Democratic Republic of the Congo and France) and has signed a number of multilateral agreements on this subject: the General Convention on Judicial Cooperation (OCAM); the Extradition Accord of the Economic and Monetary Community of Central Africa (CEMAC); and the London Scheme for extradition within the Commonwealth. Domestically, extradition is regulated in the CPC (sections 635-675).

Dual criminality is required and the CPC (section 642 (1) (a)) provides that a minimum sentence of not less than two years of imprisonment must be imposed to allow for extradition.

The extradition procedure is a mixed judicial-executive procedure governed by sections 646 ff. CPC. The extradition decision is made by the Council Chamber of the Court of Appeal. If the Chamber grants the extradition request, the Prosecutor General refers the case to the Minister of Justice for extradition.

Cameroon does not allow “accessory” extradition, i.e. extradition for connected offences, as laid down in article 44, paragraph 3, of the Convention. Corruption offences are deemed to be extraditable, due to the direct application of the Convention. However, the minimum penalty requirement of not less than two years is very high and few Convention offences would carry such penalty outside Cameroon.

Cameroon does not make extradition conditional on the existence of a treaty, applying the principle of reciprocity as a general rule and allowing the use of the Convention as a legal basis.

Conditions of extradition are regulated in sections 642-645 CPC. Grounds for refusal are given in section 649 CPC. Even though the procedure under these provisions is

cumbersome, a simplified procedure can be applied if the person to be extradited gives his consent according to section 659 (1) CPC. The public prosecutor's office has jurisdiction to order the detention of a person sought by foreign authorities.

Cameroon applies the principle of international law to extradite or prosecute (*aut dedere aut judicare*). No Cameroonian citizen may be extradited. However, jurisdiction to prosecute citizens in lieu of extradition is based on the active personality principle. Moreover, section 2 PC provides for the primacy of international treaties. Therefore, given that Cameroon does not have mandatory prosecution, this obligation would stem directly from the Convention.

According to the Preamble to the Constitution and the CPC (sections 642 and 645), extradition is not permissible if that could be prejudicial to the rights of the defence of the accused person, or if the request was based on political, religious or racial reasons, or based on the nationality of the person concerned. In Cameroonian law, tax offences are common-law crimes and can therefore be the basis for extradition. However, some bilateral agreements signed on judicial cooperation make tax offences extraditable only under certain circumstances, which could be in conflict with Convention provisions.

While there is no express legislation regulating the provision of information to a requesting State Party in case of refusal of extradition, the provision contained in the Convention is directly applicable.

Cameroon has not yet entered into agreements on the transfer of sentenced persons or enabled any specific legislation on the transfer of criminal proceedings.

#### *Mutual legal assistance (art. 46)*

The mutual legal assistance provisions of the Convention are directly applicable by virtue of Article 45 of the Constitution. In addition, Cameroon has concluded three bilateral treaties (with Mali, the Democratic Republic of the Congo and France) and four multilateral agreements. In case no agreement or treaty exists, requests for mutual legal assistance are fulfilled under the principle of reciprocity.

Dual criminality is generally required for rendering mutual legal assistance, even where non-coercive measures are involved. Coercive measures could be carried out in direct application of the Convention and the CPC. Cameroonian penal law recognizes the criminal liability of legal entities. Further, mutual legal assistance may be rendered for relevant offences and is expressly covered by the laws on money-laundering.

The whole spectrum of mutual legal assistance measures mentioned in article 46 (3) could be carried out in direct application of the Convention, domestic legislation (CPC) and under provisions of some multilateral agreements signed, like the CEMAC AML/CFT Regulation. ANIF is able to spontaneously share information with other equivalent agencies.

Cameroon can provide for the confidentiality of information in accordance with the principles governing international relations and in direct application of the Convention. The Bank Secrecy Act does not establish bank secrecy as a ground of refusal to render mutual legal assistance and it cannot be invoked against judicial authorities.

The transfer of a person being detained or serving a sentence for the purpose of testimony and safe conduct is possible in direct application of the Convention. No express domestic legislation regulates these provisions apart from the CPC (sections 641 (4) and 645). Cameroonian legislation permits the hearing of individuals to take place by videoconference.

The Ministry of Justice of the Republic of Cameroon serves as the central authority tasked with the responsibility and power to receive requests for mutual legal assistance and either execute them or forward them to competent authorities for execution. The Ministry of Foreign Affairs is also usually involved in receiving and sending requests for mutual legal assistance. Requests and documentation can be submitted either in English or French. By virtue of the direct application of the Convention, the form and contents of requests for mutual legal assistance are those specified in the Convention. Requests for mutual legal assistance may only be executed in accordance with positive law in force in Cameroon. However, to the extent not contrary to the domestic law, requests can be executed in accordance with the procedures specified in the request. The rule of specialty and confidentiality is observed in practice in direct application of the Convention.

The CEMAC AML/CFT Regulation (art. 58) provides for grounds for refusal of a request for mutual legal assistance. Outside the field of AML/CFT, in the absence of domestic legislation, the Convention would be applied directly. Fiscal matters are not listed as ground for refusal. If mutual legal assistance is not granted, the requesting State will be informed and the grounds for refusal will be indicated in direct application of the provisions of the United Nations Convention against Corruption. Assistance may be postponed on the ground that it interferes with an ongoing investigation.

Ordinary costs related to rendering mutual legal assistance are borne by Cameroon. Documents in the public domain and confidential documents can be provided upon request, under section 641 (2) CPC by analogy.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

Cameroon considers the Convention as the basis for mutual law enforcement cooperation, on the understanding that it constitutes an integral element of its legal system.

CONAC has signed a Cooperation Protocol with the Central Service for the Prevention of Corruption of France, for exchanges in terms of training and information sharing. There are French liaison police officers based in Cameroon.

CONAC has also signed a Cooperation Protocol with the Administrative Control Authority of Egypt (ACA-Egypt) to exchange experts and training as well as share information in corruption related issues.

Contacts have been also established with the Congolese Anti-corruption Agency. Cameroon has been a member of the Agreement on Cooperation in Criminal Police Matters between the States of Central Africa since 2015.

Alongside the other ten members of the Economic Community of Central African States, Cameroon, through CONAC, set up in Libreville, Gabon, on December 11, 2015, the Network of Central African Anti-Corruption Agencies (usually known by its French name “Réseau des Institutions nationales Anti-Corruption d’Afrique centrale (RINAC)”).

Cameroon is a member of INTERPOL and hosts the organization’s Bureau for Central Africa. The INTERPOL National Central Bureau is located within the police, which has specialized liaison officers for INTERPOL. ANIF has been a full member of the Egmont Group since 2010. ANIF has signed a large number of bilateral agreements with other FIUs, but it does not even require Memoranda of Understanding to cooperate with its counterparts. Between CEMAC members, information is exchanged

spontaneously. In addition, a multilateral agreement creating the “FIU Conference of Central Africa” has been negotiated with other Central African countries.

Cameroon has carried out joint operations on the basis of the 2015 Agreement on Cooperation in Criminal Police Matters between the States of Central Africa, specifically with Chad and the Central African Republic.

Section 92 (3) CPC and article 49 of the Cyber-crime Law regulate electronic surveillance but not other special investigative techniques. However, the admissibility in court of evidence derived from special investigative techniques is not limited, as section 308 CPC provides for the liberty of proof from any source. Cameroon has not concluded agreements on the use of special investigative techniques.

### **3.2. Successes and good practices**

Overall, the following successes and good practices in implementing chapter IV of the Convention are highlighted:

- Cameroon does not make extradition conditional on the existence of a treaty, applies the principle of reciprocity and allows the use of the Convention as a legal basis.

### **3.3. Challenges in implementation**

With regard to international cooperation, it is recommended that Cameroon:

- Lower the minimum penalty requirement or make it refer to the upper limit of the punishment, or to expressly make all Convention offences extraditable (art. 44, para. 1).
- Consider establishing exceptions to the dual criminality requirement for extradition and mutual legal assistance requests (art. 44, para. 2, and art. 46, para. 1).
- Consider granting extradition if the request for extradition includes several separate offences, at least one of which is extraditable under the article and some of which are not extraditable by reason of their period of imprisonment, but are related to offences established in accordance with the Convention (art. 44, para. 3).
- Consider giving primacy to the text of the Convention to avoid conflicts with prior bilateral judicial agreements (art. 44, para. 16).
- Consider entering into agreements on the transfer of sentenced persons (art. 45).
- Consider clarifying the national legislation of rendering mutual legal assistance with regard to legal persons (art. 46, para. 2).
- Ensure that mutual legal assistance that does not involve coercive action can be provided even in the absence of dual criminality (art. 46, para. 9).
- Monitor the length for carrying out requests for mutual legal assistance and take action in case it is considered unsatisfactory (art. 46, para. 24).
- Consider implementing the appropriate legislation that would allow the transfer of criminal proceedings when deemed necessary (art. 47).
- Consider explicitly legislating on the use and admissibility in court of special investigative techniques (art. 50, para. 1).
- Consider the possibility of concluding agreements on the use of special investigative techniques (art. 50, paras. 2-4).

**3.4. Technical assistance needs identified to improve implementation of the Convention**

Articles 48, 49 and 50: Cameroon expressed the need for technological assistance and capacity-building.

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