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Sanctioning Human Rights Defaulters in the Fight against Terrorism in Cameroon

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ABSTRACT

Sanctions for human rights violation in the fight against terrorism have been the major policy innovation of the late twentieth century designed to solve human rights violations. The main justification for punishing human rights offenders is that sanctions are a means to deter future violations. This article therefore examines the various sanctions for human rights violations in the fight against terrorism in Cameroon and further shows that those sanctions have not been able to deter violators of human rights. It further evaluates whether the use of sanctions is a suitable means to achieve internal peace and security or is actually problematic to resolving the issues that lead to sanctions. If the various sanctions have no deterrent effect, then we propose that an alternative could be community sanction which aims at reformation and rehabilitation of human rights violators.

Keywords: *Sanction, Violation, Human Rights, Terrorism*

I. INTRODUCTION

For the fight against terrorism to be effective there must be a combination of sanctions enforced to deter certain practices and conducts that do not agree with required standards. It has been difficult to actually determine the kind of punishment for human rights misconduct but very vital to do so. Liability for misconduct in the fight against terrorism has been established in the criminal and civil regime. Sanctions as referred by the United Nations are often seen as an alternative to military action aimed to control the excesses of an offender which has always been the state, government, individuals and groups. There are different forms of sanctions involved in the fight against terrorism, including judicial and extra-judicial sanction where penalties such as the death penalty, imprisonment and administrative fines with disciplinary measures are awarded to violators. The government of Cameroon, while occasionally

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authorizing the use of security officials or military forces on terrorist and suspects of terrorism, has added to its strategies the use of non-military measures such as the creation of the disarmament and rehabilitation centers in order to enforce compliance.

The imposition of sanctions has had a limited deterrent effect on human rights violation in the fight against terrorism as evident by the fact that the country has continued to witness gross violations by terrorists and some government officials including military personnel. Therefore, sanctions have been imposed on different persons for different motives. In addition, sanctions have been imposed on supporters of terrorism. Massive violation of human rights during terrorism, humanitarian law as well as massive displacement and suffering of civilians as a result of terrorism have prompted the government of Cameroon to take action through legislative and institutional frameworks to sanction those involved. In essence, the government have sanction in order to prohibit certain transactions and activities with target human rights violators.

The institutional role in the implementation and enforcement of sanctions is mainly carried out by the tribunals and the National Commission for Human Rights and Freedoms. Meanwhile sanctions are also carried out through the legislative mechanisms by the various laws put in place. The *raison d'être* often cited for imposing sanctions is to deter and resolve a conflict without mass suffering and other negative consequences associated with terrorism.

However, reality shows that sanctions particularly disciplinary sanctions are not alternative to conflict judging by their negative impact. Therefore, sanctions in general have achieved very little success in terms of achieving desired goals.

II. JUDICIAL SANCTIONS

The introduction of sanctions for terrorism related offences is an illustration of government's desire to fight impunity. This fight focuses on almost all cases of human rights violations including extra-judicial killings, torture and other inhuman and degrading treatment especially where such violations were perpetrated by agents of the State or State authorities. The government ensures that Judicial and administrative sanctions are meted out on terrorists, prison administration personnel,⁴ policemen,⁵ gendarme officers, other civil servants and traditional rulers when they are found guilty of human rights violations especially when linked to terrorism. Cases linked to terrorism are often tried by the military courts. One of the

⁴ See the provisions of order N° 080 of 16 May 1983 to lay down the disciplinary system for penitentiary staff.

⁵ Under law N° 97/009 of 10 January 1997 to amend and supplement certain provisions of the Penal Code, several civil servants of the police corps are prosecuted, convicted and sentenced for torture and arbitrary killing.

disadvantages of the military court as an enforcement institution is that most sanctions are engaged when the damage has been done already. As a result, majority of the decisions granted by the court is meant to punished offenders and at the same time compensate victims and finally deter future violators of human rights. When an accused is found guilty, the courts are often exposed to different forms of sanctions. Besides, the 2014 anti-terrorism law makes provision for punishment by death and imprisonment for terrorists and the Penal Code of Cameroon introduces fines for other violators who are not terrorists but are guilty of human rights violation in the course of combating terrorism. Some of the sanctions among others includes the following:

1. Death Penalty

The death penalty in Cameroon has existed since 1960 and incorporated into the Penal Code as a capital punishment.⁶ The death penalty was further enforced in Law No. 2014/28 of 23 December 2014 on the Suppression of Acts of Terrorism.⁷ This law was enacted when Cameroon was most heated by the activities of the terrorist group Boko Haram in the Far North Region. Today, it has been extended to the two English speaking regions with the present crisis. The provision of the death penalty in this law is a great move by the government to deter violators of human rights and also to discourage acts of terrorism. The death penalty has also been provided in the Penal Code for capital murder.⁸ People accused of supporting Boko Haram continue to be sentenced to death following the unfair trial of the Military Courts. It is worth noting that the 2014 anti-terrorism law has been widely criticized by legal minds and scholars since most of the cases concerning terrorism are prosecuted under the flawed 2014 law, especially the case of the three women that the death penalty hangs over them from fleeing Boko Haram. It has been revealed by the Cornell Center on the Death Penalty worldwide that Damaris Doukouya, Marie Dawandala and Martha Weteya who were 17 years old when they were apprehended and accused of supporting Boko Haram in October 2014 are on the death row. In the month of April 2016, the three ladies were conveyed to the Maroua military court, where so many charges were levied against them including, espionage, conspiracy to commit insurrection, and belonging to an armed gang. After listening to them just for about an hour,

⁶ Law No. 65-LF-24 of 12 November 1965 and Law No. 67-LF-1 of 12 June 1967 amended by Law No. 20016/007 of 12 July 2016 relating to the Penal Code of Cameroon. This law prescribes death penalty as a principal punishment in its section 22 and further provides for the various offences that attracts such a punishment. A good example is capital murder in section 276, crimes against the external security of the state such as treason section 102 and espionage found in section 103, crimes of secession section 111, civil war section 112, murder section 275 which deals with life imprisonment. Section 277 punishes torture, section 278 deals with assault occasioning death, section 291 punishes false arrest, section 296 deals with rape and 299 punishes invasion of residence.

⁷ See section 2(d), 3(b), 4(b), and 5(1) of the 2014 Anti-Terrorism Law.

⁸ Op cit. Note 3.

they were all sentenced to death by firing squad. The Executive Director of the Cornell Center Delphine Lourtau, on the death Penalty Worldwide said that “the trial proceedings read like a litany of fair trial violations.” It was criticized that the military court had no jurisdiction to sanction them with the death penalty because they had no authority to try them under the laws of Cameroon given that they were still minors at the time the crime was committed. International law prohibits death penalty for juveniles and the trial of civilians in a military court. Another problem faced is that they were no evidence to prove their conviction, and no defense counsel was called. Even if the state representative counsel was present, they were not well represented. Another effect is that the proceedings were done in French. The women therefore, did not understand their own trial until one of the prison guard explained to them. In 2019, the death sentence impose on them was vacated by the military court. The military court decided to try the women in a civilian court. Two of the women by name, Marie Damaris and Martha were transferred to a prison in Mokolo. Since the introduction of the death penalty in the 2014 anti-terrorism law, about 89 suspected members of Boko Haram have been sentenced to death in 2015, though no execution were recorded.⁹ Cameroon’s commitment to the death penalty can be said to be contradictory with its international commitment to preserve the right of life. Cameroon has ratified several international Human Rights Treaties which protect the right to life. This same principles to protect life is enshrine in the preamble of the Cameroon Constitution.¹⁰ With the escalation of terrorists activities in the northern part of the country and other regions in recent years is a clear indication that the death penalty has no deterrent effect on human rights violation in Cameroon.

2. Imprisonment

Imprisonment has been defined by section 24 of the Penal Code to mean loss of liberty whereby the offender or violator is obliged to work, subject to any contrary order of the court for reasons to be recorded in the judgment.¹¹ This sanction varies depending on the gravity of the offence. Offences of imprisonment could be sanction as violation of human rights and failure to carry out or improper execution of human rights standards. Accordingly, the Penal Code makes provision for life imprisonment in the case of murder.

Also worth noting is the fact that the legislator has scaled the penalty of imprisonment in such a way that it allows the judge to use his discretion in granting the sentence. It implies that the

⁹ Amnesty International, Death Sentences and Executions in 2015, Act 50/001/2016, 6 April 2016, p. 16.

¹⁰ See Preamble of Law No. 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.

¹¹ See section 24 of Law No. 65-LF-24 of 12 November 1965 and Law No. 67-LF-1 of 12 June 1967 amended by Law No. 20016/007 of 12 July 2016 relating to the Penal Code of Cameroon.

judge may award the highest as well as lowest imprisonment terms depending on the facts of the case. Looking at the case with human rights violation, it seems the courts are very much interested with the application of sanction of fine and other accessory penalties to the detriment of imprisonment when the offender is linked to the government.

Most of the cases under this section are linked to security forces because of the widespread human rights violations and crimes committed by them in their counterinsurgency operations against Boko Haram and on civilians. The military Tribunal has taken up responsibility to punished those found guilty of human rights violations and crimes of terrorism.

Following the execution of two women and two children in 2015 by soldiers of the Cameroonian defence force in a village at Zelevet in Cameroons' Far North Region, received a worldwide criticism in a video captured on social media. Seven soldiers who had been part of military campaigns against the terrorists' organization Boko Haram were found guilty and put on trial. In all, five were found guilty by the Yaounde military Tribunal on 17 August 2020. The court held that two soldiers seen in the video were not guilty since they did not take part in the killing but stood as observers. All the soldiers were prosecuted for joint participation in murder, breach of rules, and conspiracy. The trial commenced in August 2019 and was held in closed doors.

On September 21, the Yaounde Military Tribunal sentenced four of the soldiers to ten years imprisonment and one other to two years for the brutal murder of two women and two children in 2015.¹² This judgement was seen to have broken the norms of impunity for military abuses. The trial was surrounded with a lot of compromised as it did not show the necessary impact to set accountability by acts committed by military officers. In addition, the trial and sentencing was done behind closed doors. The public was denied access and vital knowledge to the trial which constitute a breach of due process for the defendants.¹³ It did not only breach international standards, but did not allow the public to have confidence in the rule of law in Cameroon. A lawyer who had the opportunity of a case file told Human Right Watch: no idea was given as to what guided the judges on the verdict because they were not aware of what elements the court considered and did not consider. The government should justify the rationale behind the sentence since it was not public. If the government want to ensure accountability for abuses and human rights violations and end impunity, legal proceedings must be transparent.

¹² BBC News, Cameroon soldiers jailed for killing women and children, 21 September 2020.

¹³ Statement made by Lewis Mudge, Central Africa director at Human Rights Watch.

The video that went viral on social media in 2018 showing the brutal murder was earlier denied as “fake news” by the Minister of Communication.¹⁴ After receiving criticism from international and national human rights activists, the media and some NGOs, a forensic analysis established that the military was responsible for the killings. Though, authorities in Cameroon later accepted that the seven soldiers seen in the video had been arrested for further prosecution. Since 2015, security personnel have been repeatedly accused of violating the rights of persons accused of terrorism. The reaction of the government at first sight has been to deny allegations levied on the security forces. In February 2020, another brutal killing took place in the village of Ngarbuh in the North West Region where Cameroonian soldiers killed twenty-one civilians in a reprisal attack to track down separatist fighters. The security forces accused the population for hiding armed separatists.¹⁵ The government after initially refusing that the security forces did not commit any crime later ordered for the arrest of three soldiers for prosecution. Another case was that of Police Constable AVOM Jean Christophe who was convicted on a charge of torture and sentenced to ten years imprisonment by the High Court of Nyong and So’o on 6 March 2003.

III. EXTRA-JUDICIAL SANCTIONS

Beside legal measures, those alleged of committing human rights violations are often subjected to disciplinary sanctions which constitute extra-legal measures. This method of sanction is regulated by the law and is mostly carried out without necessarily going to the court of law. Defaulters are often relieved or suspended of their duty for a certain number of months. Some are simply warned, some are asked to pay administrative fines and others retarded in promotion or change of grade.

1. Disciplinary Sanctions

This part will critically examine disciplinary sanctions on prison administration, security officers, military personnel and traditional rulers who violate human rights in the course of exercising their duties.

- **Disciplinary Sanctions on Prison Administrators and Penitentiary Personnel**

By Decree No. 2004-320 of 8 December 2004 to organize the Government, the Penitentiary Administration was attached¹⁶ to the Ministry of Justice. A Secretary of State was appointed

¹⁴ Voanews.com, Cameroon denies summarily executing Boko Haram suspects, reported by Moki Edwin Kindzeka, March 14, 2015.

¹⁵ Cameroon: Soldiers involved in Ngarbuh killings, Published by Journal du Cameroon, 17 December 2020.

¹⁶ Formerly, this administration was managed by the Ministry in charge of Territorial Administration. The determination of the Head of State and recommendations by certain UN committees for the supervision of Human

by a presidential decree to assist the Minister in charge of Justice in managing this Administration. In a speech delivered in Buea on 8 December 2005 during the graduation ceremony of students at the National School of Penitentiary Administration, the Secretary of State at the Ministry of Justice in charge of Penitentiary Administration reiterated that the protection of the rights of detainees is a major priority and should be upheld with high esteem. He further said the international community has given the respect of human rights a universal adherence.

Any penitentiary personnel charged with torturing or maltreating detainees is punished under the provisions of Order No. 080 of 16 May 1983 to lay down the disciplinary system in force. Sanctions range from detention to delay in promotion, without prejudice to criminal proceedings.

Various disciplinary sanctions were arrived at by Prison Superintendents on some of penitentiary personnel for infringing on life, physical and moral integrity or deeds which violate their human dignity. Looking at the above disposition, the following cases may be mentioned:

- The Superintendent of the Prison of Mbanga was sanctioned for the illegal detention of a detainee. On the basis of information received at the Ministry of Justice, Mr. FONGOH Divine a Prison Administrator was sanctioned for abuse of office. He was relieved of his duties after an administrative inquiry concerning the illegal detention of a detainee.
- According to Note of Service No. 27-NS-REG-PC-BFM of 5 September 1999,¹⁷ a senior prison warder was sanctioned by the Superintendent of the Bafoussam Central Prison with 72 hours detention for “ill-treating a detainee”
- By Note of Service No. 46-NS-REG-DBC of 7 June 1999,¹⁸ a prison warder was sanctioned by the Superintendent of the Bafoussam Central Prison with 03 days detention for “cruelty to a detainee”
- According to Note of Service No. 38-S-PCY-SAF-BP of 22 April 1997,¹⁹ the superintendent of the Yaounde Central Prison sanctioned a senior prison warder for

Rights provoked this change (See 9/c of the recommendations by the Committee Against Torture after reviewing Cameroon's third Periodic Report relating to the Convention Against Torture and Other Cruel Inhuman or Degrading Punishments (doc. CAT/C/CR/316 of 20 November 2003).

¹⁷ Bafoussam Central Prison, Note of Service No. 27-NS-REG-PC-BFM of 5 September 1999

¹⁸ Bafoussam Central Prison, Note of Service No. 46-NS-REG-DBC of 7 June 1999.

¹⁹ Bafoussam Central Prison, Note of Service No. 38-S-PCY-SAF-BP of 22 April 1997.

“senseless brutality on a detainee” with 03 days detention in a cell.

- By Service Note No. 17-PCY-SAF-BP of February 1998,²⁰ the superintendent of the Yaounde Central Prison sanctioned a prison warder with 12 hours in detention for “abuse of authority and violence on a detainee”
- Mr. Fongoh Divine Titakuna of the Garoua Central Prison was sanctioned for minor harm, violation of arrest and search instructions. Mr. Mboke Nane Joël of the Kribi main prison was also sanctioned for assault occasioning the death of a detainee.

• **Disciplinary Sanctions on National Security Officers**

Mr. Eta Etoundi Jacques holder of service number No. 375928-T a First Grade Police Inspector working at DST was accused of Fighting in a state of drunkenness. He was sanctioned with demolition of incremental position. In a similar situation, Mr. Tsala Louis a first grade police inspector with service number No. 358115-U working at the Bafia Public Police Security was charged with serious misconduct. He was sanctioned with demolition of incremental position. Another incident that led to the dismissal of Mr. Zogo Junior Christophe, a Police Superintendent with service number No. 600 011-X was as a result of misconduct compromise. He was first of all given three months suspension before his final dismissal. Mr. Kergbine Kerbai Didier (Police Superintendent) working at DSES with service number 600132-M was charged with misconduct compromise. The accused was given three months suspension before finally dismissed. In another case, Mr. Ebene Albert Leopold a Police Superintendent with service number 600019-H was prosecuted with Delayed advancement for one year for committing misconduct compromise.

In a situation where they was a misuse of firearms, the accused Mr. Fotso Jean Pierre, a first grade assistant superintendent of police, working at the Mfou Public Security was sanctioned with delay in advancement for one year. Mr. Eyete Z’obo Eduard a first grade Inspector of Police working at the 7th District Police Station Yaounde at the time of the commission of the offence was sanctioned with delayed advancement for one year for the use of firearm contrary to the law. Mr. Essomba Boma Joël Senior Police Inspector was sanctioned for assaulting a suspect brought to the station with reprimand. Mr. Mboula David, a second grade Police Constable with service number 503794-P was charged with the illegal use of firearm and was sanctioned with advancement delayed for one year. In the case of Police Superintendent MENZOUO Simon and Senior Police Constable Saboa Jules Oscar were convicted on charges of torture. Both of them were sentenced to five years imprisonment each by the High Court of

²⁰Yaounde Central Prison, Service Note No. 17-PCY-SAF-BP of February 1998.

Upper-Nkam.

A first grade Inspector of Police, Lafon Emmanuel with service number 147133-L posted to work at DSP was charged with violence and assault on a public officer and was sanctioned with reprimand. In another case, Mr. Bassahag Paul a first grade Police Inspector working at the Tiko Police Station at the time of the offence was prosecuted for assault on a public officer. He was reprimand in custody. Mr. Ntamack Daniel a first grade Police Constable with service number 570733-M was charged with the misuse of firearm and was prosecuted with reprimand. In another case, Mr. kamang Marcel a Police Constable posted at GMI No. 10 at the time of the offence was charged with misuse of firearm. He was sanctioned with reprimand. In another case, Mr. Tang Enow Lawrence of CP-SP Limbe was suspended for 3 months for serious unscrupulous act that led to the killing of an individual during a police operation on 07/04/05. Another case of three months suspension from duty was that of Motaze Jean Paul posted to work at CPP-DPSN Litoral who was charged with Gross negligence on the 13/04/05 for giving out a service weapon used to kill a police constable. Atangana Jean a Police constable working at GMI No. 1, Yaounde at the time of the offence was charged with serious unscrupulous act. He shot and killed a citizen on the night of 08 to 09/04/05 and was suspended for 3 months. Toudo Djomo Hervé a Police Constable, of GMI, No. 2 Yaounde, was prosecuted for serious unscrupulous act; shot and killed colleague on 16-17/04/05 with three months suspension.

- **Disciplinary Sanctions on Gendarmerie and Military Personnel**

The government of Cameroon has ensured that sanctions are effectively meted on gendarmerie personnel who are perpetrators of excesses, who kill or inflict bodily or moral harm on citizens. The government sanctioned cases of excesses noted within the National Gendarmerie. For instance; five non-commissioned officers and thirty two gendarmes were punished in 1997, with 125 days of suspension and 621 days of imprisonment²¹ for physical violence. In 1998, three non-commissioned officers and two gendarmes were found guilty and punished with sixty days of suspension and twenty days of imprisonment. A non-commissioned officer and a gendarme were punished with sixty days of suspension and sixty days of imprisonment for capital murder. In addition, thirteen non-commissioned officers and four gendarmes were punished in 1999, with three hundred and fifteen days of suspension and one hundred and ten days of imprisonment for physical violence.²² At the Head Quarters of the Territorial Gendarmerie Group of Douala, Moutombi in February 2005 was Torture to death by a Senior

²¹ Suspension and imprisonment are cumulative disciplinary sanctions.

²² Source: Cameroon third periodic report to the United Nations Committee against Torture.

Officer, two non-commissioned officers and a junior non-commissioned officer. Administrative, disciplinary and pecuniary sanctions²³ were meted on them. After the prosecution commenced, the following persons concerned were remanded in custody. In a murder case by firearm at in 2004 at Carrefour Mvog-Mbi, in Yaounde by a gendarme, the authorities meted sanctions. After the prosecution commenced, persons concerned were remanded in custody.

An Investigation conducted by the Legion Commander for Littoral on the instruction of the commander No. 2 of the Gendarmerie Region to prove the death of Djacba Bello on 27/02/2005 in the cell of the New-Bell Brigade in Douala, concluded that the deceased died as a result of overdose of Indian hemp. No sanction taken because remand in custody was legal. Mr. ESSOLA Etienne a Staff sergeant with service number 12700 was given 20 days of imprisonment (JAR)²⁴ Decision No. 94/LL of 16 May 2005 based on threats with arms. Mr. Bell II Eugène a staff sergeant who was at the service unit at ACB Kolmaya at the time the offence took place was charged with violence on a superior. He was prosecuted with 20 days of imprisonment. According to Decision No. 836/DC/LC of 13 April 2004. In 30 JAR Decision No. 1387/4-DC/GN of 28 September 2005, Mr. Vondou Joël Staff sergeant at the Yagoua Territorial Brigade was charged with Violence occasioning the death of a detainee. In another 20 JAR Decision No. 328 of 23 May 2006 Mr. Yap Kounbou Abdou, a Staff sergeant was prosecuted for Assault and Battery. A Gendarme by name Mr. Oumar Mahamat at the Bokito Brigade was charged with contempt of superior and threats with use of arms. He was sanctioned with 20 days imprisonment (JP) Decision No.1071/4-DC/LC of 18 August 2005.

- **Disciplinary Sanctions on Traditional Rulers**

In Cameroon, traditional rulers are considered auxiliaries of the administration. They are classified into different categories such as: First class chiefs, Second class chiefs and Third class chiefs. Traditional rulers are governed by Decree No. 77/245 of 15 July 1977 to organize chiefdoms. This legal instrument among others focuses on chieftaincy, the role and duties of the chief. Traditional rulers are chosen among families set aside to perform traditional customary authority. Those chosen must meet the physical and moral conditions required, and must have basic skills on how to read and write.²⁵ The choice is made after consultation with some core elders and becomes final upon the approval by the administrative authorities through

²³ Source: Ministry of Defence. In February 2005, after the death of Motoumbi Emmanuel in custody as a result of physical cruelty and while waiting for the findings of the judicial inquiry, the Secretary of State for Defence specially in charge of the Gendarmerie took conservatory.

²⁴ JAR: Imprisonment.

²⁵Article 8 of Decree No. 77/245 of 15 July 1977 to organize chiefdoms.

an order. In the case of First and Second Class Chiefdoms Consultation meetings are held with elders presided over by administrative authorities to wit, the Senior Divisional Officer and the Divisional Officers in the case of Third Class chiefdoms.

Some of these traditional rulers have frequently disagreed with issues relating to their submission to the law and respect for human rights. The subordination of traditional chiefs to administrative authority is guaranteed by the Decree of 1977 which stipulates that:

- the role of chiefs shall be to assist administrative authorities in guarding the people Under the jurisdiction of the Minister of Territorial Administration,²⁶
- they shall equally be responsible for transmitting information of the administrative authorities to their people and ensuring that such information are implemented²⁷
- they shall as well help in the maintenance of law and order, as directed by the competent administrative authorities,²⁸
- besides the aforementioned duties, the chiefs are obliged to carry out any duty that may be assigned to them by the local administrative authority²⁹

Before a traditional ruler is sanctioned, the gravity of the offence must be taken into consideration which include among others, Call to order, Warning, Simple reprimand, Warning with suspension of all allowances for a period not exceeding three months and finally dismissal. Article 29 of the Decree No. 77/245 of 15 July 1977 impliedly prohibits traditional rulers from punishing or extorting from their “subjects”. Any violation of this Decree calls for the dismissal of the traditional ruler in question. The most recent example is the case of the Group Head of Foreke-Dschang, a second class chiefdom who was dismissed by the Prime Ministerial Order No. 111-CAB-PM of 22 August 2005 for “inertia, inefficiency and extortion on the masses”.

Looking at some other cases, they were prosecuted and punished in accordance with the law as stipulated as follows:

- The Second Class Chief of Foulou Lamidat of Mindjivin, Far-North Region was charged by the Court of First Instance and was sentenced to six months imprisonment, suspended for three years and was awarded a fine of 50,000 francs damages for theft, false arrest as a co-offender and accessory in the theft was awarded.

²⁶ Article 19 of Decree No. 77/245 of 15 July 1977 to organize chiefdoms.

²⁷ *Ibid.*, article 20 (1).

²⁸ *Ibid.*, article 20 (2).

²⁹ *Ibid.*, article 20 (4).

- The Lamido of Bagana in the Far-North region was sentenced by the Court of First Instance in Yagoua for two years imprisonment, suspended for three years and was asked to pay a fine of two hundred and fifty thousand francs damages for false arrest and accessory after the fact.

- In the case of the paramount Chief of Bafoussam, the High Court of Mifi sentenced him to five (5) years imprisonment suspended for five years and was asked to pay a fine of one million francs for depredation by band, arson, disturbance of quiet enjoyment and trespass.

- In another land mark case, the Lamido³⁰ of Tcheboa, was prosecuted for false imprisonment and forced labour, the High Court of Benoue charged and sentenced him to one year imprisonment on 24 August 1993. A bench warrant was issued against him.

- The court charged the Lamido of Douroum with extortion on his people; he was convicted and sentenced in two separate cases: in the first case, the issue of defamation and abuse was raised. He was sentenced to one-month imprisonment and a fine of one million one hundred thousand francs on 7 May 2003 and the second charge brought against him was disturbance of quiet enjoyment, destruction of property. The High Court of Mayo Louti on 13 August 2003 sentenced him to two years imprisonment.

- A bench warrant was issued against the traditional ruler of Bantoum III of Bangante in the West Region was sentenced to one-year imprisonment and a fine of ten thousand francs, for false arrest, was awarded to him by the Court of First Instance, Bangangte.

- The Paramount Chief of Balatchi Mbouda in the West Region was prosecuted for the crime of oppression, but the case was discharged and acquitted by the Court of First Instance, Mbouda for want of evidence.

- The Court of First Instance, Nkongsamba gave a suspended sentence of three years to the Chief of Mbouasoum village (Melong). The court ordered him to pay a fine of fifty thousand francs for oppression and ninety thousand francs as damages.

- The Fon³¹ of Awing in the North-West Region was prosecuted for whipping and undressing a church minister.

2. Administrative Fines

This is one of the most frequently used form of extra-judicial measures in Cameroon for offenders of human rights violations in combating terrorism. This mostly applies to security

³⁰Appellation of the traditional ruler in the Northern Region of Cameroon.

³¹ Appellation of traditional head in the North-West Region of Cameroon.

personnel and decision makers who implement decisions that violates human rights. Administrative fines are compensation in terms of finances for damages caused mostly in the execution of their duties. In Cameroon, the quantum of fine is determined by the weight of the damage or injury caused. It should however be noted that administrative fines are levied following the financial disposition of the offender and also based on the negotiation between the administration and the offender. Looking at the situation of human rights violations in the fight against terrorism, it is difficult to bring back to life a particular person that has been killed either intentionally or unintentional. One of the options available is to resort to financial compensation.

Looking at the various fines for offenders of human rights in the Cameroon Penal Code, one could easily be convinced that the various fines are far from being satisfactory because of the small amount awarded. This has been a limiting factor to deter human rights offenders. Therefore, sanctions to human rights violation in Cameroon does not have sufficient deterrent effects on violators. Such measures should be tightened to cause human rights violators mostly the security personnel to deter from their actions. Another difficulty with imposing a huge fine is that it is very difficult for a senior staff to sanction a junior colleague who acted under instructions from the senior staff. This is the case with security personnel. It is also difficult to command and organize security officials who carry out their duties out of frustration.

IV. LIMITED DETERRENT EFFECT OF SANCTIONS ON HUMAN RIGHTS IN THE FIGHT AGAINST TERRORISM

The reason for the introduction of sanctions in our laws by the Cameroonian legislators might be interpreted to the country's efforts to sanction and deter the violation of human rights and acts of terrorism. Criminal sanctions among others has mistakenly been seen as the most effective means to deter serious offences like murder and acts of terrorism. Since the introduction of sanctions in our legal system, they have been an increase in the violation of human rights in the country. Since the introduction of the death penalty in the 2014 anti-terrorism law, the country has witnessed an increase in several attacks in the Northern part of the country. This is evident with recent attacks involving suicide bombing that has been carried out in the Northern part of the country. Some of these attacks perpetrated by Boko Haram led to the loss of both military and civilian lives, including destruction of properties. There are records of gross human rights violations perpetrated by government security forces and administrative authorities such as illegal detention and wrongful imprisonment.

The above mentioned examples demonstrate that sanctions especially capital punishment does

not effectively serve as deterrence to the commission of acts of terrorism and the violation of human rights in the fight against terrorism. In one of the resolutions adopted by the Human Rights Council on the High-Level Panel session on the question of the capital punishment held at the Human Rights Council at its 30th session, most of the delegates noticed that capital sanction did not serve any deterrent effect in the fight against terrorism. They also made mention of the fact that some States have expanded on the use of capital punishment for crimes linked to terrorism. Expressing their deep concern about humanity and damages caused by the Islamic State in Iraq and the Levant (ISIL) and by other terrorist group like the Boko Haram in Africa, reiterated that efforts must be made to fight against threats and hold perpetrators accountable. However, measures to fight against those threats must be in consistent with the common values of justice and human rights. It was clearly mentioned that capital punishment has not deter offenders of human rights violation and persons from committing terrorist acts but has instead transform some of them into martyrs.³²

In line with the above discussions and looking at the applicability of sanctions particularly capital punishment for offences of murder in the United States of America, Nigeria and Iraq, it has been proven that capital sanction does not effectively stop the commission of murder and other minor crimes that concerns human rights violation.

V. CONCLUSION

The importance of sanction in the repression of crimes cannot be undermined. This is because it helps to regulate the society in which we live. Sanction has often been based on the principle of proportionality which requires that sanctions be proportionate to the gravity of the act committed.³³ It is in this light that the death penalty might have been prescribed in the 2014 anti-terrorism law as a sanction for acts of terrorism. But the prescription of this capital punishment has contradict Cameroon's international human rights law obligation for the preservation of the fundamental right to life. This obligation is stated in the Constitution of Cameroon. On like other sanctions, the introduction of death penalty in the above mentioned law is intended to serve as an efficient measure to deter violators. However, it is important to note that since the introduction of sanctions as a major means of punishing violators of human rights, the country has not successfully deterred the commission of terrorist acts and human rights violation by administrative and security personnel especially with the arrest of some military officials in 2018 for the gross violation of the right to life. It is therefore proposed that

³² A/HRC/30/21

³³ Ade Akwo C. M., (2009), a Text Book on Criminology and Penology, p. 166.

more sensitization on the dangers of terrorism could be implemented through the disarmament and rehabilitation centers. Besides, the death penalty could be transformed to longer periods of imprisonment or life imprisonment which might give room for the reformation and rehabilitation of offenders. It is believed that a bad person can still one-day change or be useful to create and sensitize others with their testimonies. The stories of many reformed terrorists have been used as a peace mechanism.
