

Real Rights: young people engaging with law enforcement



Douala, Cameroon



The Real Rights project has been developed by Baker McKenzie and the Global Initiative on Justice with Children to provide young people – especially young people of colour, minority and vulnerable populations – with specific guidance for interactions with law enforcement. Thanks to the Real Rights project and the pro bono work of over 1,500 volunteer professionals, we have created a clear and accessible data base of answers to child questions when they are in contact with the police – from initial contact, questioning, to stop and report.

If you are interested to support us in this project, click on the "Feedback" button provided in each city page or email realrights@bakermckenzie.com.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

No, the police cannot effect an arrest for simply refusing to answer questions except they strongly suspect you for committing an offence especially in a flagrante delicto situation.

Generally, the police cannot arrest **without** a duly issued warrant of arrest with the exception of a person in the case of a felony or misdemeanour committed flagrante delicto. And sometimes it may also depend on the criminal liability and responsibility of the person.

Section 30:(3) Any person may in case of a felony or misdemeanour committed flagrante delicto as defined in section 103, arrest the author of such an offence.

Sometimes, which is rare, police may arrest someone for the purpose of preserving his/her life.

Police cannot arrest a minor younger than 10! If you are older than 10 but younger than 14, they can only arrest you if they think that you've done something really bad, such as murder or in the flagrante delicto situation. If you are between 14 to 18, it depends on why you were stopped and what you are being accused of.

If you are 18 or older, you need to show your ID card to the police officer (you must own one!) especially if you are being suspected for committing a crime. If you don't, they have the right to arrest you, for maximum 24 hours. Even if they think you've done just some minor thing wrong.

Section 32: Any officer or agent of the judicial police may, in a public place or a place open to the public, and subject to the provisions of section 83 (3), arrest the author of a simple offence who either refuses to disclose his identity or discloses an identity suspected to be false and, where necessary, detain him for not longer than twenty-four (24) hours.

See section 80 of the Cameroon penal Code which stresses that "(1) No criminal responsibility shall arise from the act or omission of a person aged less than ten years.

(2) An offence committed by a person aged not more than 10 years and not less than fourteen years may attract only such special measure as may by law be provided.

(3) For an offence committed by a person aged over fourteen and under eighteen years responsibility shall be diminished.

(4) A person aged eighteen years or over shall be responsible as an adult.

(5) The age relevant to this section shall be that attained at the date of the commission."

Also see Sections 704-705 of the Cameroon Criminal Procedure Code which provide that:

"A minor of twelve (12) to fourteen (14) years of age shall not be remanded in custody, except when he is accused of capital murder or of assault occasioning death. A minor aged between fourteen (14) and eighteen (18) may be remanded in custody only if this measure is considered indispensable."

"A minor of twelve (12) to fourteen (14) years of age shall not be remanded in custody, except when he is accused of capital murder or of assault occasioning death. A minor aged between fourteen (14) and eighteen (18) may be remanded in custody only if this measure is considered indispensable."

<http://www.minjustice.gov.cm/index.php/en/instruments-and-laws/laws/290-law-no-2005-007-of-27-july-2005-on-the-criminal-procedure-code>

What if the officers do not identify themselves?

Ask them for their police ID card. They have to show it to you to prove who they are. Then they must tell you why they want to arrest you. When they bring you away, you may tell another person to follow and check where they are bringing you.

Unless a person is in the act of committing a crime, **the officer conducting the arrest must disclose his or her identity and tell the person being arrested the reason for the arrest**, and when applicable, allow another person to go with the person arrested to determine the place where the arrested individual will be kept.

Cameroon 2005_Criminal_Procedure_Code Section pg. 8 Section 31.

<http://www.minjustice.gov.cm/index.php/en/instruments-and-laws/laws/290-law-no-2005-007-of-27-july-2005-on-the-criminal-procedure-code>

What if an officer just begins speaking to me but does not order me to do anything?

If he just says hello or the like, say hello, too. That's all you have to do then.

If an officer would like to speak to you, they are expected to

- 1) be respectful
- 2) protect your human rights
- 3) respect the rights of others
- 4) use public force and firearms only when extremely necessary to prevent another crime that could hurt others or for self defense.
- 5) not arbitrarily arrest people and to treat those arrested with dignity
- 6) not subject the arrested person to torture or physical violence

(Decree No. 2012/546 art. 8, 17, 27, 34, 35, 40(2), 41(2))

[Cameroun: Le code de déontologie des fonctionnaires de la Sûreté Nationale. - Camerlex \(googleusercontent.com\)](#)

What if the officer is not in uniform or identified as an officer but I think it is one?

An officer who is making an arrest is required to identify themselves and inform you of the reason for the arrest. Likewise, a police officer who is interacting with public is required to state their identity and the police unit they belong to prior to raising any questions to you.

See Crim. Proc. Code of 2005 sec. 31; see Code of Ethics of National Security Officials Art. 29.

Can I tell police I do not want to speak without a lawyer?

Yes, you have the right to remain silent until you have a lawyer.

Section 116 - Cameroon 2005_Criminal_Procedure_Code(402111990.1).pdf

If I sit down, am I resisting?

Whether sitting down can mean "resisting" arrest depends on the context.

For example, if you are being arrested, a police officer must order you to follow him and if you refuse, then police officer can use reasonable force necessary to arrest you. This means that if an officer tells you to go with him or her because you are under arrest, and you sit down, it can be treated as refusing arrest. The officer could then use reasonable force to arrest you. However, no body or psychological harm shall be caused to you.

Another example, however, if you are stopped by a police officer but the officer does not state that you are under arrest and doesn't ask you to follow him/her, merely sitting down likely would not be treated as "resisting" arrest.

Link: Section 30, Cameroon Criminal Procedure Code.

If I am stopped in a group, and some kids run, can I run?

Depending on your age and the reason for the stop, you could be arrested if you run or tell others to run. Even if you are in a situation where it may be legal to run or tell others to run.

You may not run, because police officers may suspect you for running out of guilt for something, and may take all necessary legal measures to arrest you (Criminal Procedure Code, Section 86).

If you are under 10 years old, you are not criminally responsible so you "could" run or tell others to is better not do so (Article 80 of the criminal code).

If you are between 10 years old and 14 years old, you are responsible but not for this particular offence. (Article 80 of the criminal code).

If you are between 14 and 18 years old and there is a valid reason to stop you, then you could be arrested if you run (157 of the criminal code). Indeed it is forbidden in Cameroon to resist or tell others to resist arrest (157 of the criminal code). A valid reason for police to stop you would be a warrant of arrest (section 18 of the criminal procedural code) or a flagrante delicto (article 103 of the criminal procedural code), meaning you have been identified to commit a felony or you just committed it. You cannot refuse and in case of refusal the police officer can use reasonable force necessary to arrest you (article 30 (2) of the criminal procedural code). The police officer shall disclose his identity and tell you of the reason for your arrest unless there you have been identified to commit a felony or you just committed a felony (article 31 of the criminal procedural code).

Criminal code: [Law No. 2016/007 of July 12, 2016, relating to the Penal Code \(wipo.int\)](#)

Criminal procedural code:

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

Can I tell others (siblings, for example) to run?

If you prevent any valid act of a police officer by telling someone to run away, you may be punished with imprisonment for obstruction. Indeed, it is forbidden in Cameroon to resist or tell others to resist arrest (157 of the penal code).

If the other person is a suspect, a police officer is allowed to check his/her identity (Criminal Procedure Code, Section 86 (1))

Criminal code: [Law No. 2016/007 of July 12, 2016, relating to the Penal Code \(wipo.int\)](#)

Criminal procedural code:

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

If the officer's language is not my first language, can I tell them without waiving my rights?

You have the right to remain silent.

(Criminal Procedure Code, Section 116 (3))

Cameroon law does not say anything explicitly about this, but there are various international laws that indicate that telling an officer you do not understand his language would not be a waiver of your rights. You have the right to remain silent and to a lawyer in Cameroon. Fundamental rights such as the right to remain silent or the right to a lawyer should receive a broad protection in Cameroon. Also, we can observe that the right to counsel or to remain

silent is protected during the next steps of the judicial procedure (after the arrest). Thus, it is highly unlikely that indicating to an officer that you don't speak his language would amount to a waiver of your rights.

Article 14.3 (a) and (g) of the International Covenant on Civil and Political Rights. Section 116 (3) of the Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE.

If I did not do anything, can they stop me?

There will be no need to stop me if they consider that I have done nothing wrong.

When Can Police Search Your and Your Surroundings?

Proposed Information

It is important to follow this advice:

- Police can search you only if they have a search warrant against you duly issued by either the State Counsel, an Examining Magistrate or a trial court. In the absence of one, they can only perform a search if you consent to it. However, police may act without a search warrant in cases of a felony or a misdemeanour committed flagrante delicto and generally, not between 6 p.m and 6 a.m with certain exceptions. See sections 93 to 100 (CPC)
- You have the right to say no to searches of your person.
- You have the right to say no to searches of your car, house or other surroundings.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order so you have no choice but to consent.

What if a police officer wants to search my phone?

A police officer may only search your phone in any one of the three situations below:

- he has a duly stamped and signed search warrant;
- the police officer saw you or caught you committing a crime (flagrante delicto); or
- if you gave him permission to do so.

More details:

The search warrant is only valid if it lists your full name, your date and place of birth, your affiliation, your occupation, and your address. When a police officer conducts a search of your phone via a search warrant or because you committed a felony or misdemeanor, the police officer must follow certain rules. First, the search must almost always be carried out in your presence or the presence of your representative as well as two witnesses, which are selected from nearby people. However, if it is an urgent situation, the police officer can search your phone without you or your representative being present if he gets written approval from the State Counsel. The police officer must also be the only one to read through the documents on your phone; no one else is permitted to look through it as he conducts the search.

16, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).
(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE,
§26, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE,
§93, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).
(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §103,

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). If you committed a felony or misdemeanor committed flagrante delicto, the police officer likely can search your phone.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §93, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §97, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). If these criteria aren't met, then the search will be voided and cannot be used against you. (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §100, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §94, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

What if a police officer asks me for my password to my phone?

There are two situations where you need to give the password for your phone to the police:

- if they have a duly issued search warrant.
- if they have caught you in crime (flagrante delicto);

Apart from that, it is up to you. That is, the police must ask for your permission, and inform you about your right to refuse. The search of your phone is only valid if you signed a document about giving the police permission to search your phone.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §§12, 16, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §26, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). The search warrant must also be stamped and signed by the magistrate who issued it or the president of the trial court. (Id.)

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §93, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §103, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §94, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

What if they tell me to give them my password or other access to my phone?

There are two situations where you need to give the password for your phone to the police:

- if they have a duly issued search warrant.
- if they have caught you in crime (flagrante delicto);

Apart from that, it is up to you. That is, the police must ask for your permission, and inform you about your right to refuse. The search of your phone is only valid if you signed a document about giving the police permission to search your phone.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §§12, 16, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §26, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §93, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §103, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law

N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §94,
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

You do not need to be under arrest for a search to be conducted and there are two situations where you need to give the password for your phone to the police:

- if they have a duly issued search warrant.
- if they have caught you in a felony or misdemeanor.

Apart from that, it is up to you. That is, the police must ask for your permission, and inform you about your right to refuse. The search of your phone is only valid if you signed a document about giving the police permission to search your phone.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §§12,16,
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). In order for this search warrant to be valid, it must list your full name, your date and place of birth, your affiliation, your occupation, and your address. (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §26,
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §94,
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

What tools can police use to search me? What technology? (Facial recognition, hidden cameras, finger print searches, etc.)

There is no statutory provision listing the tools that can be used by police but it is assumed that any tool that can facilitate the identification, collection and preservation of the evidence being sought. However, in investigations of crimes punishable by at least two years of imprisonment, the police may take photos of the private premises being searched.

The police may also maintain information in a criminal record. A criminal record is created if you have been convicted of a crime. The criminal record contains a photo of you and your fingerprints.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §92,
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). In this situation, the police officer can take photos of the private premises being searched. (Id.)

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §577,
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Can they search my backpack or other item I am carrying?

A police officer can search your backpack or other items without your permission in three different situations:

- if he has a duly signed and stamped search warrant; or
- if he caught you committing a crime; or
- if you have been arrested.

Apart from these three situations, a police officer must ask for your permission. He must inform you about your right to refuse the permission. He can only search your backpack or item you carry if you sign a document granting the permission for search.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §§12, 16 https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §26, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §93, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §103, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §93, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §96, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §97, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §100, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §35, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §94, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Can they take my picture or record me?

The police can take a picture of you (but only on private ground) and record you, but both photo and recording are only allowed if police are investigating a serious crime. The police must have a written permission from the state counsel, examining magistrate or trial judge for the search.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, Section 92(3), https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Can they ask me where I am going and why?

Yes, they can ask you this. A police officer can question anyone in an investigation, and if he believes that asking you where you are going will help him during this investigation, he may do this.

Also, if they have seen you committing a simple offense in public, they may ask you to disclose your identity. If you refuse or give a false identity, you may be arrested.

(Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §92)(1)(a), https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §32, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Reasons Police May Detain or Arrest You

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law (*flagrante delicto*), or if they suspect that you currently have evidence of a crime; or if a warrant has been issued against you.

- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case. It is a good idea to review any such warrant carefully, to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.
- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

What if I did not do anything illegal, must I speak with the police and answer questions?

Whether you have done anything wrong or not, there is nothing wrong in speaking with the police and answering questions but you are not required to speak with the police and answer their questions if you choose not to. It all depends on the context and you being aware of your rights, and they must inform you of such rights and reasons for talking to you before questioning you failing which you have the right to remain silent or if you are not sure, to request assistance or representation from a lawyer first. However, if you do not answer a police officer's questions, they may be entitled to seek an order from a judge requiring you to be investigated answer their question. If you are stopped by police and being asked questions that you do not want to answer, ask to speak with a lawyer before answering any questions. You may also answer their questions; however, understand that anything you tell the police could be used as evidence against you in court.

What if they tell me something they are investigating that is wrong? Must I correct them?

It depends on whether you are required to make statements or answer questions. If you are already in a position to answer questions or give a statement, you are free to offer any information that may lead to the discovery of the truth. If such information is tantamount to a correction, then it cannot solely be determined by you especially when investigations are still ongoing.

Under section 92(1)(a) of Cameroon's Criminal Procedure Code, a "police officer may, in the course of an investigation, question any person whose statement is likely to lead to the discovery of the truth." As it relates to your rights, section 92(1)(b) states that the person being asked the question "shall appear and answer any question and if he fails to appear, the judicial police officer shall inform the State Counsel who may issue a writ of *habeas corpus* against him." Therefore, while you generally do not need to answer a police officer's questions, police could obtain an order from a judge (i.e. a writ) to require you to answer their questions. If you are unsure whether it is a good idea to answer their questions, ask police that you would like to speak to a lawyer before answering.

Section 92(1) (a) and (b), [Criminal Procedure Code](#).

What if an officer just begins speaking to me but does not order me to do anything?

There is nothing wrong with an officer talking to you as long as your rights to speak and the context of the police officer addressing you, has clearly been made known to you. If it is a casual conversation unrelated to your detention or arrest, and without obliging you to do anything, then it is normal. In that case, it is up to you to decide whether to speak to the officer or not but ensure what your rights are at every point in time.

No. Section 92(1)(b) of the Criminal Procedure Code requires you to appear and answer questions posed to you by police in the course of an investigation; it does not require you to correct statements made by police that may be incorrect.

As noted above, even if you are being asked questions by police in the course of an investigation, you are not necessarily required to answer; however, police officers will have a right to obtain an order from a judge to compel you to answer the questions (failing to comply

with an order from a judge could, in turn, have consequences under Cameroon's criminal law). If you are unsure whether you want to answer a question by police, or whether you should correct police in the context of their investigation, consider contacting a lawyer or a free legal clinic for you cannot afford a lawyer.

Section 92(1) (a) and (b), [Criminal Procedure Code](#).

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

Whether they inform you that you are under arrest or not, they must first tell you why they require you to talk to them and outline the different options you have as rights. So you are entitled to different rights when talking to police under arrest or in police custody. Specifically, when you are arrested or placed under police custody (which simply means are not free to leave police or are detained by police), you must be informed about the police officer's "grounds for the suspicion" and given a chance to give an "explanation" to police to address their suspicions. As a suspect in a criminal investigation, you must also be informed about the allegations against you, if any, and police are required to inform you of your right to speak to a lawyer and right to remain silent when they open their investigation.

When you are not under arrest or under police custody, as noted above, you do not necessarily have to answer questions from police and are generally free to terminate encounters with police; they can obtain an order from a judge if they want you to answer a questions. If you are unsure about your rights when interacting with police, inform police that you would like to speak to a lawyer before answering questions and consider remaining silent before doing so.

Link: Sections 116(3), 119, [Criminal Procedure Code](#).

The Difference Between Police TELLING Me What To Do And Asking Me To Do Something

What is the difference between the police deciding to search me or my belongings (phone, person, backpack) and me agreeing to the search?

The police may only search you if they are in possession of a duly issued search warrant or where it is absent, only if you consent to be searched. However, the police can search you without a search warrant if you are caught by the police while doing something illegal or involved in the commission of a crime. The police can also search you without a warrant if you agree to be searched. It is up to you if you want to agree to the search or not; the police cannot force you to agree. Criminal Procedure Code Ch. II, Section 93(1), [Cameroon Criminal Procedure Code](#).

What if they tell me to give them information versus them asking and me providing answers voluntarily?

Whether you choose to give information requested or provide answers voluntarily would depend on your appraisal of your rights and the implications on you. In either case, there may be legal implications based on what you say. The police can ask you for information while they are learning more about something that was done illegally. While they are asking you questions, you must answer them. But you can reject to answer if otherwise your answer would incriminate you. You do not have to give information without them asking.

Criminal Procedure Code Ch. II, Section 92(1), [Cameroon Criminal Procedure Code](#).

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

- Yes but there are exceptional circumstances where a warrant is not needed. Police officers can legally arrest you without a warrant:
 - In the case of a felony or misdemeanour committed flagrante delicto; or
 - in the case of a simple offence where you fail to disclose your identity. When the officer has probable cause (reason to suspect) that the suspect committed a felony, whether or not the act was done in front of them.

If I did not do anything, can they stop me?

Yes, the police can stop you in a public place to verify your identity or situation if it seems suspicious in any way.

Links:

Section 32 of Cameroon Criminal Procedure Code: "Any officer or agent of the judicial police may, in a public place or a place open to the public, and subject to the provisions of section 83 (3), arrest the author of a simple offence who either refuses to disclose his identity or discloses an identity suspected to be false and, where necessary, detain him for not longer than twenty-four (24) hours."

Section 86:

"(1) Judicial police officers shall be empowered to check the identity and situation of any suspected person, in accordance with the provisions of section 32, and where necessary, may detain him in a special police custody for not longer than 24 hours.

(2) Upon the expiry of this period, the person so detained shall be released, unless the detention is justified on some other legal ground otherwise the judicial police officer may be prosecuted under the provisions of section 291 of the Penal Code."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

Can I ask for the reason they stopped me?

Yes, officers who stop you or who seek to arrest you have the obligation to disclose their identity and inform you about the reason for the stop or arrest.

Link:

Section 31 of Cameroon Criminal Procedure Code: "Except in the case of a felony or misdemeanor committed flagrante delicto, the person effecting the arrest shall disclose his identity and inform the person to be arrested of the reason for the said arrest, and where necessary, allow a third person to accompany the person arrested in order to ascertain the place to which he is being detained."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

Can I advocate for another young person stopped by police if we are stopped together?

Yes you can advocate depending on your age and relationship with the young person, and in what capacity you are advocating:

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- If one of you are below age 10, you can't be detained.
- if one of you are between the ages 10 to 14, you can't be detained unless you are being accused of serious offense, such as murder.
- if one of you are between ages 14 to 18, depends on why you were stopped and what you being accused for.

If the other minor falls into one of these three groups, you could advocate for the corresponding situation.

Links: Cameroon Criminal Procedure Code

Section 704: "A minor of twelve (12) to fourteen (14) years of age shall not be remanded in custody, except when he is accused of capital murder or of assault occasioning death."

Section 705: "A minor aged between fourteen (14) and eighteen (18) may remanded in custody only if this measure is considered indispensable."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

If I think the stop is unjustified, what can I do?

Whether justified or not, you need to act reasonably. If you think or realize the stop is unjustified, calmly explain so to the officers but if they insist as a duty, ensure that you stay within the options available to you as your rights, and seek legal assistance immediately.

The code is not clear, but if you are arrested, the people who arrest you must give you reasonable accommodations, such as being in contact with your family, getting legal advice, and also arranging for your defense.

If the process continues despite arguing that there was no valid reason for the arrest, it may end with a sentence without cause and you can obtain compensation for that.

Section 31: Except in the case of a felony or misdemeanor committed flagrante delicto, the person effecting the arrest shall disclose his identity and inform the person to be arrested of the reason for the said arrest, and where necessary, allow a third person to accompany the person arrested in order to ascertain the place to which he is being detained.

Section 37: "Any person arrested shall be given reasonable facilities in particular to be in contact with his family, obtain legal advice, make arrangements for his defense, consult a doctor and receive medical treatment and take necessary steps to obtain his release on bail."

Section 236: "(1) Any person who has been 10- illegally detained may, when the proceeding end in a no-case ruling or an acquittal which has become final, obtain compensation if he proves that he has actually suffered injury of a serious nature as result of such detention."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

Can I get the officer's identifying information for a future complaint?

Yes, officers who stop you or who seek to arrest you have the obligation to identify themselves and you can request their information for a future complaint.

Where a police officer arrests you (s)he must disclose his identity, except if (s)he arrests you while you commit a serious crime (Criminal Procedure Code, Section 31).

Before fining you, a police officer must first disclose his/her identity to you by producing either his/her professional card or any other document empowering him/her in that regard. (Criminal Procedure Code, Section 610).

Section 31: "Except in the case of a felony or misdemeanor committed flagrante delicto, the person effecting the arrest shall disclose his identity and inform the person to be arrested of the reason for the said arrest, and where necessary, allow a third person to accompany the person arrested in order to ascertain the place to which he is being detained."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

- When a warrant of arrest issued against you has been presented and you have been asked to follow the officers.
- When you are under police custody if you do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not feel free to leave.
- If the following happens without a warrant of arrest, then you are likely under detention which requires proper and substantial justification:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.
- An arrest without rights warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

What if I do not know if I am under arrest?

You have a right to ask and the police officer must clearly tell you who they are, that you are under arrest and must give you the reason(s) why they are arresting you. You can seek the help of a lawyer. While they investigate, that is asking you questions about the crime they are accusing you of, they must treat you with respect. Also, they must give you enough time to rest during this investigation.

If they arrested you and it turns out that there was no reason for it, you may demand compensation from the Government.

Section 119: "(1) (a) where a judicial police officer intends to remand a suspect in police custody, he shall inform him of the grounds for the suspicion and invite him to give any explanation he deems necessary."

Section 122:

"(1) (a) The suspect shall immediately be informed of the allegations against him, and shall be treated humanely both morally and materially.

(b) He shall be given reasonable time to rest fully in the course of the investigation.

(c) The period of rest shall be mentioned in the police report."

Section 236:

"(1) Any person who has been 10- illegally detained may, when the proceeding end in a no case ruling or an acquittal which has become final, obtain compensation if he proves that he has actually suffered injury of a serious nature as result of such detention.

(2) Illegal detention within the context in subsection (1) above shall mean: (a) detention by the judicial police officer in disrespect of the provisions of sections 119 to 126 of this Code."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

What is the difference between detention and arrest?

Detention is when you have been remanded under suspicion of having committed a crime and mostly for investigative purposes (as a suspect) while a warrant of arrest shall be an order given to seize a defendant, an accused or a convict.

When police takes you to a police station before you are being charged with a crime. You may never be charged with a crime. If a police officer suspects that you know about a crime, he may detain you only for a certain period of time.

Arrest is when they keep you in prison after you have been charged with a crime. Arrest is when you are held to take you before the authority that ordered the arrest.

Section 30: (1) "An arrest shall consist of apprehending a person for the purpose of bringing him without delay before the authority prescribed by law or by the warrant."

Section 704: "A minor of twelve (12) to fourteen (14) years of age shall not be remanded in custody, except when he is accused of capital murder or of assault occasioning death."

Section 705: "A minor aged between fourteen (14) and eighteen (18) may be remanded in custody only if this measure is considered indispensable."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

If I am handcuffed, am I arrested?

No, this does not mean that you are arrested. An arrest means that a court has issued an arrest warrant. Until this happens, being handcuffed only means that you are detained by the police.

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

If my liberty is restricted, am I under arrest?

No, you may be "under arrest" or you may be "in detention."

You may also be in "police custody" in a police cell, so that the police has time to establish the truth or investigate (Criminal Procedure Code, Section 118).

Detention in police custody is limited to 24 hours (Criminal Procedure Code, Section 86 (1)).

They can only arrest you if they have a criminal charge against you.

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Section 397: "(1) When the court pronounces a sentence of loss of liberty, it shall issue an imprisonment warrant or a warrant of arrest against the convict.

However, when the convict has indicated his intention to lodge an appeal and if his term of imprisonment does not exceed one year, the court may on the application of the verdict, grant him bail until the time for appeal has expired, if he fulfils one of the conditions provided for in section 246 (g).

(2) Where the verdict released in accordance with the preceding sub-section does not eventually meet an appeal, the Presiding Magistrate shall issue a warrant of arrest against him."

Cameroon Criminal Procedure Code

https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

What To Do After Being Warned of Your Rights

Proposed Information

It is important to follow this advice:

- You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right.
- You are also able to waive your rights (that is, not use them) by, for example, saying 'Yes, I understand my rights but I am ready to talk to you.' This is not a good idea without a lawyer present.
- Make sure you know what you're doing in giving up your rights.

How do things change if I am read my rights by police?

One instance where you may be read your rights by the police is when you are a suspect of a crime and you are being questioned during an investigation since police officers can question anyone during an investigation if they believe the person's statements will lead to the truth. (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §92)(1)(a), https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Your statements made during this investigation can be admitted into evidence. (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §336, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

If you are the suspect of a crime, then the police must tell you about your right to counsel and your right to remain silent (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §116)(3), https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). If they fail to do this, then their questioning of you may be excluded from evidence. (Id.)

Another instance where you may be read your rights by police is when they want to search you but they do not have a search warrant and you have not committed a felony or misdemeanor committed flagrante delicto. (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §94, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf). In this instance, Cameroon's laws do not mention whether police **must** read you your rights nor mention whether you have these rights.

If however the police want to search and seize anything in your possession in this situation, then they must obtain your consent to do this, and they must tell you that you have the right to object to them searching you. (Id.) If they do not tell you of your right to refuse the search, then your consent to the search is invalid. (Id.)

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Does it matter where I am when the police read me my rights? (street, station, police car, etc.)

Cameroon's laws do not mention location when discussing when you are being read your rights.

However, the requirement for the police to read you your rights is when investigations are open and you are being questioned or interrogated by the police. If they fail to do this, then their questioning may be excluded from evidence (Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, §116)(3),
https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf).

Police Questioning You

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions or participate in a police investigation, and you never have to go anywhere with the police unless they have arrested you.
- If police have arrested you and if you are under the age of 18, police are required to immediately notify your parent, caretaker or legal guardian.

Am I required to make a statement?

No, you are not. You have the right to remain silent (Criminal Procedure Code, Section 116).

You have a right to remain silent until you have a lawyer.

No, you are not required to make a statement and you have the right under the criminal procedural Code to remain silent, as the Judicial police officer shall inform you as a suspect of the following:

- your right to counsel
- your right to remain silent

Must police notify my guardian?

Yes, Police must notify your Parents, Guardian and Custodian if you are arrested.

Must I confess?

The law is based on a principle which is called the presumption of innocence. This means that a person is presumed innocent until proven guilty. It also means that the police and the authorities must prove that a person is guilty. The Criminal Procedure Code clearly says that a suspect has the right to remain silent. This also means that a person suspect of a crime cannot be forced to confess to a crime. The police can require a person to state their identity if it is necessary for an investigation.

Cameroon Criminal Procedure Code:

Section 109: Where it appears necessary in the course of an investigation to establish or to check the identity of any person, such person shall, at the request of a judicial police officer or one of the public servants mentioned in section 78 (1), make himself available for that purpose. (2) Any refusal to submit to the identity check shall be punishable as a simple offence of the fourth class.

Section 116: (1) Judicial police officers and agents shall carry out investigations either on their own initiative or on the instructions of the State Counsel. (2) The originals of the Police

case files shall be forwarded to the State Counsel without delay. (3) As soon as investigations are opened, the judicial police officer shall, under the penalty of nullity, inform the suspect of: - his right to counsel; - his right to remain silent (4) Mention of this information shall be made in the report.

What adults can I ask to be with me?

Your parents and/or your guardian and/or Custodian and your Counsel and attorney as well.

Who do police have to contact if I am a legal minor?

The Police has to contact parents, guardian and whom the minor under their custody.

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

- **You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.**
- This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

What if I am just a witness?

If you are under 14, you cannot testify as a witness. However, if you are a victim of a crime, you can testify as a witness.

A child under 14 cannot testify as a witness, unless they are a victim. [Section 187 and Section 322(1), Cameroon Criminal Procedure Code].

When you are at age of 14 or less, you can only testify as a witness if you are a victim of an offence.

This is in accordance to Section 322 witness Chapter.

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- No. The police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to try and get you to talk more.

Can the police lie to me?

The police cannot lie to you and they can also choose not to be completely honest with you.

The law says that any suspect (a person against whom there exists any information or clue which may mean that he may have committed a crime or participated in a crime) shall immediately be informed of the allegations (a claim that someone has done something illegal

or wrong, often without proof) against him and shall be treated humanely both morally (in a way that is considered right according to the code of behavior of society) and materially.

The suspect shall not be subjected to any physical or mental limitation, or to torture, violence, threats or any pressure whatsoever, or to deceit (lies), insidious maneuvers (proceeding in a gradual, subtle way, but with very harmful effects), false proposals (incorrect information), a lot of questioning, or to any other method which is likely to weaken or limit his freedom of action or decision, or his memory or sense of judgment.

The law also says that when the police want to take someone into custody, the police must give him the reasons for the suspicion. The law also just says that in this case, the police shall invite the suspect to give an explanation of their side of the story.

Please also remember that any person being kept guarded by legal authorities may at any time within the period they are kept there, and during working hours, be visited by his lawyer, members of his family, and by any other person following up his treatment while being kept there.

2005 Criminal Procedure Code, Section 119.

2005 Criminal Procedure Code, Section 122 1(a) and 122 (2) and 122 (3).

Do I have to tell the police the truth?

You probably have to tell the police the truth. However, you have the right to be silent until you have a lawyer. This means if you are afraid to tell them anything or if you are not sure, better ask for a lawyer.

(Section 116, Cameroon Criminal Procedure Code 2005).

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

You can write or report the encounter directly to the relevant judicial authorities such as heads of judicial police officers, state counsel or through a lawyer.

What will be the punishment to the criminals if I am a victim of any trafficking crimes?

It depends on the trafficking crime; the punishment varies for drugs and narcotics, trafficking and trafficking in persons, human organs for example.

SECTION 11 of the Penal Code (PC) on international Offences states that the criminal law of the Republic shall apply to mercenary, racial discrimination, piracy, trafficking in persons, slave trade, slavery, trafficking in narcotics, trafficking in toxic wastes, money laundering, cyber criminality, corruption and offences of misappropriation of public property committed even outside the territory of the Republic.

SECTION 342(1) and (2) (PC) on trafficking and slavery of persons penalizes trafficking in persons or slavery shall with imprisonment ranging from 10 (ten) to 20 (twenty) years and with fine of from CFAF 50 000 (fifty thousand) to CFAF 10 000 000 (one million) depending on certain distinct factors such as the capacity of the offender, relationship with and the age of the victim.

Section 91 of Law No. 97/019 of 7 August 1997 on the control of narcotic drugs, psychotropic substances and precursors and on extradition and judicial assistance in connection with the trafficking of drugs, psychotropic substances and precursors states that any person found guilty of violating the legal provisions governing the cultivation, production,

manufacture, extraction, preparation or processing of high-risk drugs including cannabis, shall be punished by imprisonment of 10 to 20 years and a fine of CFAF 250,000 to CFAF 1,250,000 or only one of these penalties. The same penalties shall be applicable to any person involved in the exportation, importation and international trafficking of high-risk drugs including cannabis (Section 92).

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

Firstly, you have a constitutional right to be treated equally before the law. This means that you have the right to be treated the same as everyone else, regardless of your differences. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/43107/97788/F-2103476279/CMR43107%20Eng.pdf>

Secondly, the Cameroon Penal Code which is a piece of law which governs Cameroon's criminal law, provides that racial discrimination is a crime. This Penal Code applies to all individuals and therefore will apply to law enforcement as well. <https://www.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.pdf>

Law enforcement in Cameroon are subject to administrative accountability in respect of discrimination or racism. This means that they can be held accountable for their actions. <https://www.saflii.org/za/journals/PER/2021/3.html>

If you feel that you have been a victim of discrimination or racism, this may be reported to the law enforcement officers' immediate superior. The superior will then investigate the matter and determine what penalty or punishment will be imposed on the law enforcement officer. This may include suspension of the law enforcement officer from his/her work for a period of time. <https://www.saflii.org/za/journals/PER/2021/3.html>

Alternatively, you may institute criminal proceedings against the law enforcement officer. This would mean that you would need to institute formal legal proceedings in a Court. <https://www.saflii.org/za/journals/PER/2021/3.html>

In addition, Cameroon has established the National Commission on Human Rights and Freedoms which is an independent institution which conducts investigations into violations of human rights (including, discrimination and racism). The contact details of the Commission are as follows:

Parc Repiquet
SGBC Building, 2nd floor
P.O Box 20317, Yaounde
Cameroon
Tel: +237 22 22 61 17
Fax: +237 22 22 60 82
<https://cfnhri.org/members/africa/cameroon/>

You can contact this organization and request that they investigate the matter for you.

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

You have to respond on two different aspects:

1- The Constitution of the Republic of Cameroon. The first article of this constitution ensures the equality and non-discrimination of all citizens before the law.

[Cameroon_2008.pdf \(constituteproject.org\)](#)

Second: Penal Code

The Cameroon Penal Code confirms and states that racial discrimination is a crime. This Penal Code applies to all individuals and therefore will apply to law enforcement as well.
<https://www.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.pdf>

What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

It is important to follow this advice:

An improper search while not a crime lawfully defined, it can attract a sanction on the defaulting officer if reported to his hierarchy and can vitiate the legal proceedings as per **Section 100** of the Criminal Procedural Code. which states that failure to comply with the provisions of sections 93 to 99 on searches and seizures shall render the search and seizure null and void. However, where the search has been declared null and void, the articles seized in the course thereof may be admitted as exhibits if they are not contested.

If a person has been illegally detained may obtain compensation when the proceeding ends, by proving that you actually suffered injury of a serious nature as result of such detention.

Section 236 of the Criminal Procedural Code.

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Law is generally described as of March 2023.

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