

LAW N^o 2017/012 OF 12 JUIL 2017

TO LAY DOWN THE CODE OF MILITARY JUSTICE



*The Parliament deliberated and adopted,
the President of the Republic hereby
enacts the law set out below:*

PART I GENERAL PROVISIONS

Section 1: This law relates to the Code of Military Justice.

Accordingly, it lays down the organization of military justice and the rules of procedure applicable before Military Tribunals.

Section 2: (1) Military Tribunals shall be courts of special jurisdiction.

(2) The administrative organization of Military Tribunals shall be laid down by a separate instrument.

PART II ORGANIZATION, COMPETENCE AND PROCEDURE

Chapter I Organization and Competence

I – Area of Jurisdiction, Seat and Composition

Section 3: (1) A Military Tribunal shall be set up in each Region.

(2) However, according to service needs, the President of the Republic may, by ordinance, set up more than one Military Tribunal within the same region or extend the jurisdiction of a Military Tribunal over a number of Regions.

(3) The seat of the Military Tribunal shall be at the headquarters of the Region. However, the tribunal may hold hearings outside its seat. Such hearings shall be referred to as circuit hearings.

Section 4: (1) Notwithstanding the provisions of Section 3 above, the Yaounde Military Tribunal may, under such exceptional circumstances as specified in Article 9 of the Constitution, serious threat to public order and State security or acts of terrorism, exercise nationwide jurisdiction.

(2) The Yaounde Military Tribunal shall also be competent to hear and determine various types of offences committed by servicemen on official mission or during operations in foreign countries.

Section 5: (1) The Military Tribunal shall comprise:

(a) Bench:

- a President;
- one or several Vice-Presidents;
- two Assessors-in-Chief and Alternate Assessors;
- a Registrar-in-Chief;
- one or several Registrars.

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(b) Preliminary Inquiry:

- one or several Examining Magistrates;
- one or several Inquiry Registrars.

(c) Legal Department:

- a State Prosecutor;
- One or several Deputy State Prosecutor;
- One or several Registrars.

(2) The President, Vice-Presidents, Examining Magistrates, State Prosecutor and Deputy State Prosecutors shall be either Military Judges or civilian judicial/legal officers. They shall be appointed by decree of the President of the Republic.

(3) Civilian judicial/legal officers who are members of the Military Tribunal shall be chosen from amongst those serving in the area of jurisdiction of the Military Tribunal where they are appointed. Those to be appointed to the Bench must be at least in the Second Scale.

(4) The President of the Military Tribunal and the State Prosecutor shall be installed at a formal sitting.

Section 6: Notwithstanding the provisions of Section 5(2) above, the Minister in charge of military justice may, due to service needs, temporarily second a military judge of the Legal Department to another Legal Department. Such secondment shall not exceed 6 (six) months.

Section 7: (1) In criminal proceedings:

- (a) all cases that fall within the competence of the Military Tribunal shall be tried by a collegiate bench;
- (b) the collegiate bench shall be composed of a Judge who shall be the President and 2 (two) Assessors, or 3 (three) Judicial Officers.

(2) In misdemeanours or minor offences:

- (a) cases shall be tried by a single Judge;
- (b) notwithstanding the provisions of Section 7 (2) (a) above, the Tribunal may, by an interlocutory decision of its own motion or at the instance of the State Prosecutor or one of the parties, rule that a case be tried by a collegiate bench.

(3) In any case, where the collegiate bench of the Military Tribunal is presided over by a civilian judicial officer, the 2 (two) Assessors must be members of the defence forces.

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II – Competence

Section 8: The Military Tribunal shall have exclusive jurisdiction to hear and determine:

- (a) military offences and war crimes;
- (b) crimes against humanity and crimes of genocide;
- (c) offences relating to acts of terrorism and the security of the State;
- (d) offences of piracy and unlawful acts against the safety of maritime navigation and platforms;
- (e) offences committed by servicemen or civilian personnel serving in the defence forces, with or without civilian co-offenders or accomplices, in a military establishment or in the exercise of their duties;
- (f) offences against the law governing 1st, 2nd, 3rd and 4th category weapons, as specified in the law to lay down general weapons and ammunition regulations in Cameroon;
- (g) offences committed using the weapons falling under the categories referred to in Section 8 (f) above;
- (h) armed robbery;
- (i) offence involving servicemen or persons considered as such, committed in wartime or in an area subjected to a state of emergency;
- (j) offences committed by civilians in a military establishment affecting military equipment or installations, prejudicial to the physical integrity of a serviceman, or disrupting normal service;
- (k) offences relating to the purchase, importation, sale, production, distribution, wearing or keeping of military effects or insignia as defined by the regulations in force;
- (l) all other offences related to those referred to above.

Section 9: Minors aged 18 (eighteen) years who are offenders, co-offenders or accomplices in the cases referred to in Section 8 above shall fall within the jurisdiction of courts dealing with juvenile delinquency. In such cases, the State Prosecutor shall refer the case files to the competent legal department after separation of the proceedings, as appropriate.

Section 10: Foreigners who are offenders or co-offenders or accomplices in the cases referred to in Section 8 above shall, subject to international conventions that provide for exemption from jurisdiction or rules relating to diplomatic immunities, fall within the jurisdiction of the Military Tribunal.

Chapter II
Procedure Applicable

I - Prosecution

(i) Criminal Investigation in Military Justice

Section 11: (1) The offences referred to in Section 8 (a), (e), (i), (j) and (k) above shall be investigated and recorded in a report drawn up by military criminal investigation officers only. The offences referred to in Section 8 (b), (c), (d), (f), (g), (h) and (l) shall be investigated and recorded in a report drawn up by civil or military criminal investigation officers.

In all cases, criminal investigation officers shall conduct their investigations in accordance with the rules set out in the Criminal Procedure Code.

(2) Except otherwise specially provided, criminal investigation officers shall, without delay, forward originals of preliminary investigation reports to the State Prosecutor, and copies thereof to the Minister in charge of military justice.

Section 12: (1) Within the framework of procedures concerning the offences referred to in Section 8 above:

- (a) preliminary investigations shall be conducted under the control and supervision of the State Prosecutor;
- (b) criminal investigation officers may conduct house searches, home visits and seizures only in accordance with the Criminal Procedure Code. However, in case of urgency, risk of disappearance of material evidence or threats to cause bodily harm or death to third parties or criminal investigation officers, the latter may at any time conduct house searches, home visits and seizures by order of the State Prosecutor, through any means leaving a paper trail;
- (c) the duration of remand in custody shall be 48 (forty-eight) hours, renewable once;
- (d) upon the expiry of the period specified in subparagraph (c) above, the duration of remand in custody may, on the written authorization of the State Prosecutor, be extended by 2 (two) other periods of 48 (forty-eight) hours each;
- (e) delays due to distance provided for by the Criminal Procedure Code shall apply;
- (f) each extension shall be mentioned in the report;

- (g) criminal investigation officers shall forward daily a list of persons detained to the State Prosecutor and a copy thereof to the Minister in charge of military justice.

(2) Failure to comply with the provisions of subparagraphs (b), (c), (d), (f) and (g) above may attract disciplinary sanctions against the defaulter, without prejudice to criminal proceedings and actions for damages.

(II) Institution and Conduct of Criminal Proceedings

Section 13: (1) Criminal proceedings shall be instituted before the Military Tribunal by the State Prosecutor under the conditions provided for by the Criminal Procedure Code.

(2) for all reported cases, the State Prosecutor shall be bound to refer to the Minister in charge of military justice.

(3) The Minister in charge of military justice shall, as and when necessary, decide to institute proceedings for the cases referred to in Subsection 2 above.

(4) The Minister in charge of military justice may, at the instance of the President of the Republic, enter a *nolle prosequi* at any stage of the proceedings before judgement is passed by the Military Tribunal.

(5) Suing for damages shall be done in accordance with the rules set out by the Criminal Procedure Code.

Section 14: (1) On the authorization of the Minister in charge of military justice, the State Prosecutor may, in writing, and thereafter verbally, request a *nolle prosequi* at any stage of the proceedings and before judgement on the merits is delivered, where such proceedings are likely to undermine social interest and public order.

(2) In the matters provided for under Section 13 (4) and (1) above, the examining magistrate or trial court shall record the discontinuance of the criminal action and order the cancellation of any warrant against the beneficiary of the cancellation of proceedings. He shall continue examining the civil action within the matter.

(3) The suspension of criminal proceedings shall not preclude the reopening of the matter where it becomes necessary or where fresh facts as defined by the Criminal Procedure Code are discovered.

II - Preliminary Investigation

Section 15: (1) (a) Preliminary inquiry shall be conducted in accordance with the rules set out in the Criminal Procedure Code, except where otherwise provided for in the Code of Military Justice. However, the complaint in conjunction with civil action shall not be brought before the examining magistrate.

(b) Notwithstanding the provisions of the Criminal Procedure Code relating to remand in custody, the examining or trial judge may remand to custody any serviceman who commits an offence that seriously undermines military discipline, even where such offence is not a crime.

(2) Once the Examining Magistrate deems that the judicial inquiry is concluded, he shall forward the case file to the State Prosecutor for his final submissions. The latter shall return the case file to the Examining Magistrate within 5 (five) days.

(3) Where the Examining Magistrate upholds the charges preferred against the accused, he shall commit the latter for trial before the military tribunal. In case of no charges upheld or insufficient grounds, or where the offender is not identified, the Examining Magistrate shall enter an order for dismissal.

(4) In all cases, the order to terminate proceedings shall be notified to the parties. The State Prosecutor shall forward a copy thereof to the Minister in charge of military justice.

(5) Where the preliminary inquiry reveals that the accused has co-offenders or accomplices under the jurisdiction of the Military Tribunal, or that the accused may be prosecuted for acts other than those referred to in the matter brought before the tribunal, the Examining Magistrate shall transmit the case file to the State Prosecutor.

(6) Where the Examining Magistrate declines jurisdiction, he shall cancel the remand warrant, refer the accused and the case file to the State Prosecutor who shall, subject to appeal against the order, to the Legal Department of the competent court.

Section 16: The Examining Magistrate may also conduct judicial investigation outside the seat of his court. This shall be known as circuit investigation.

Section 17: The Examining Magistrate handling a matter and the members of the bench should, for those who are members of the Defence Forces, have at least the rank of the suspect, the accused, or the most senior defendant.

Section 18: Appeals against the orders of the Examining Magistrate shall be those provided for by the Criminal Procedure Code.

III - Procedure before trial courts

Section 19: (1) The procedure applicable before the Military Tribunal shall be the ordinary law procedure, subject to the special provisions provided for by this law.

(2) Matters shall be referred to the Military Tribunal in the following manner:

- (a) by a direct summons of the State Prosecutor.;
- (b) by a committal order of the Examining Magistrate;
- (c) by a committal order of the inquiry control bench of the Supreme Court;
- (d) by the interrogation report of the legal department in case of flagrante delicto.

Section 20: (1) The date of the first hearing shall be fixed by the President of the Military Tribunal, after consultation with the State Prosecutor.

(2) The State Prosecutor shall notify the cause list to the Minister in charge of military justice and, for information purposes, to the Procureur General of the Appeal Court.

Section 21: The President of the Military Tribunal shall summon members of the said tribunal at the set date and time.

Section 22: (1) Proceedings before the Military Tribunal shall be conducted in accordance with rules set out in the Criminal Procedure Code.

(2) The tribunal shall, through one and the same judgement, rule first, on subsidiary issues and objections, and then on the merits of the case. It shall, by a separate decision, rule on any objection made on grounds of public policy.

Public policy exceptions shall be all exceptions which, if accepted, would end the proceedings pending before the court.

Section 23: Members of the Bench of the Military Tribunal may be challenged under the conditions as to form and substance provided for by the Criminal Procedure Code.



Section 24: (1) The judgements of the Military Tribunal shall:

- (a) be delivered immediately, or within 15 (fifteen) days of the conclusion of proceedings, where the hearing takes place at the seat of the court, and 30 (thirty) days in circuit court;
- (b) be written before they are delivered;
- (c) set out the reasons upon which they are based in fact and in law, under pain of being null and void.

(2) Costs shall be determined and awarded in the judgement.

Section 25: (1) Judgements of the Military Tribunal shall be subject to application to set aside or appeal.

(2) The form and time-limits of application to set aside or appeal shall be those of the Criminal Procedure Code.

(3) Appeals filed against the judgements of the Military Tribunal shall comply with the rules provided for by the Law relating to Judicial Organization in Cameroon and the Criminal Procedure Code.

(4) The State Prosecutor responsible for prosecution at the Appeal Court, in examining the said appeals, shall exercise all powers provided for by the Criminal Procedure Code.

(5) In case of an appeal to the Supreme Court, he shall ensure the procedures relating thereto.

Section 26: The legal provisions relating to free legal aid and objections concerning stamp duty and registration formalities, registry fees and charges for the duplication of the appeal case-file shall apply to proceedings under the jurisdiction of Military Tribunals.

Chapter III
Special Provisions

I - Procedure in Wartime

Section 27: The following provisions shall apply in wartime:

- (a) in criminal matters, the Military Tribunal shall be composed of the President, the Military Judge and military assessors;
- (b) in misdemeanours or simple offences, cases shall be tried by a military judge;
- (c) notwithstanding the provisions of Section 27 (b) above, the Military Tribunal may, by interlocutory decision of its own motion or at the



instance of the State Prosecutor, rule that a case be tried by a collegiate bench;

- (d) assessors who are not judicial officers called to the bench shall be Generals or Senior officers of the defence forces or persons ranking as such, appointed by decree of the President of the Republic;
- (e) where the accused belongs to the National Security, penitentiary administration, forestry or customs services, one of the assessors must be a member of the said corps;
- (f) the Military Tribunal shall sit following a simple summons issued by its President 48 (forty-eight) hours before the hearing;
- (g) the Military Tribunal shall rule in first and last instance;
- (h) the accused or suspect shall brief counsel within 24 (twenty-four) hours;
- (i) application for damages shall be inadmissible;
- (j) the Military Tribunal shall be bound to declare the confiscations provided for by the instruments in force.

II - Special Jurisdiction

Section 28: (1) Where a Military Judge is likely to be charged with an offence falling within the jurisdiction of ordinary law courts, the provisions of Sections 629, 630, 631 and 632 of the Criminal Procedure Code shall apply.

(2) However, one of the three Judges handling the case must be a military judge.

(3) The Minister in charge of military justice shall forward the petition to the President of the Supreme Court.

Section 29: Where the offence falls within the jurisdiction of the Military Tribunal, the Minister in charge of military justice shall appoint a Judge to examine the case, and 3 (three) other Judges at least equivalent in rank to the accused who may try the case in first instance. He shall also appoint the representative of the Legal Department.



PART III MILITARY OFFENCES

Chapter I General Provisions

Section 30: (1) Military offences shall be any serious breach of duty and military discipline punishable under this Code.

(2) The sentences and measures applicable to offences punishable under this Code shall be those provided for by the Penal Code.

(3) The Penal Code shall remain applicable for acts not specifically criminalized under this Code.

(4) The criminal liability regime, as well as conditions for adjusting a sentence by a judge shall be those specified under Book 1 of the Penal Code, except otherwise specially provided for.

Section 31: (1) For the purposes of this law, serviceman shall mean:

- (a) in peacetime, any personnel of the Defence Forces, notably the National Gendarmerie, the Army, the Air Force or the Navy.
- (b) in wartime or during a state of emergency, besides the personnel referred to in subparagraph (a) above, personnel of mobilizable reserve, personnel of the forces or corps which, in the performance of their daily duties, carry war or defence weapons, in particular personnel of the National Security, the Prison Administration, Forestry Services and paramilitary customs officers.

(2) Civilian personnel in service at the Ministry in charge of defence shall be considered as military personnel in the case of offences committed within military premises or in the exercise of their duties.

Chapter II Offences Against the Obligation to be Present at Place of Work

Section 32: Desertion within the country in peacetime

(1) Any serviceman who, without the authorization of his superior, is absent from his place of duty for 8 (eight) successive days, or who, while on mission, leave or permission fails to report for duty within 15 (fifteen) days of the set return date shall be punished with imprisonment of from 6 (six) months to 3 (three) years.

However, any serviceman who following training has not yet completed 3 (three) months of effective service shall be declared a deserter only after 30 (thirty) days of absence.



(2) The following shall be considered aggravating circumstances:

- being a regular officer;
- taking away a weapon or any other service equipment;
- desertion of duty;
- confinement to barracks.

(3) In all the cases referred to in subparagraph (2) above, the penalty shall be doubled.

(4) Any deserter who voluntarily reports for duty and gives a valid reason may benefit from mitigating circumstances.

(5) The time-bar for prosecuting desertion shall be reckoned as from the day when the deserter reaches the retirement age for his rank.

Section 33: Desertion abroad in peacetime

(1) Any serviceman who:

- (a) without prior authorization, crosses the national boundaries and stays abroad for at least 72 (seventy-two) hours;
- (b) while in desertion within the meaning of Section 32 above, crosses the borders of the Republic of Cameroon;
- (c) while on mission or on duty abroad, keeps away from his/her place of duty or mission for 48 (forty-eight) hours without the authorization of the mission chief or detachment chief;
- (d) while on mission abroad, remains there without a valid reason and without leave of absence for 14 (fourteen) days after the end of his/her leave of absence;

shall be punished with imprisonment for from 2 (two) to 5 (five) years.

(2) In the case of aggravating circumstances as provided for under Section 32(2) above, the penalty shall be doubled.

Section 34: Desertion in wartime and/or with conspiracy

(1) Desertion in the presence of the enemy, whether at home or abroad, shall be punished with imprisonment for from 10 (ten) to 20 (twenty) years.

Any serviceman engaged in battle with an armed group or in an armed attack operation shall be deemed to be in the presence of the enemy.

(2) Desertion with conspiracy shall be punishable with imprisonment for from 5 (five) to 10 (ten) years.



(a) Conspiracy shall be consultation between at least 2 (two) soldiers with a view to deserting.

(b) The conspiracy leader, that is, the most senior serviceman in the highest rank, shall be excluded from mitigating circumstances and shall be punished with the maximum sentence.

(3) Every act of desertion with conspiracy in wartime or in the presence of the enemy shall be punished with life imprisonment.

(4) Any serviceman who deserts to join the enemy shall be punished with the death penalty.

Section 35: Incitement to desertion

(1) Whoever, by any means whatsoever causes, incites or encourages desertion shall be punished with imprisonment for from 6 (six) months to 3 (three) years.

(2) Where such acts are perpetrated in favour of an enemy army, the penalty shall be life imprisonment.

Section 36: Abandonment of duty

(1) Any serviceman who, while on duty or having been assigned to duty, deserts his/her duty post without the authorization of his immediate superior, or without a valid case of force majeure or supervening impossibility, shall be punished with imprisonment for from 3 (three) months to 1 (one) year.

(2) Duty post shall mean any place where the serviceman has been sent or is found on the orders of his/her superiors to carry out a mission.

(3) Where the serviceman was on sentry or sentinel duty at the time of abandonment, the penalty shall be imprisonment for from 6 (six) months to 2 (two) years.

(4) Where such abandonment occurs in the presence of the enemy, rebels or rioters, the penalty shall be imprisonment for from 5 (five) to 10 (ten) years.

(5) Where the offender is the duty officer at the time of the offence or where he/she is a Regular Officer, the penalty shall be imprisonment for from 10 (ten) to 20 (twenty) years.

Section 37: Falling asleep on sentry-duty

(1) Any serviceman found asleep while on sentry or sentinel duty shall be punished with imprisonment for from 1 (one) to 3 (three) months.

(2) The maximum penalty for falling asleep on sentry-duty in wartime or in the presence of the enemy shall be 3 (three) years imprisonment.

Chapter III **Insubordination and Misconduct**

Section 38: Failure or refusal to appear before military courts

Any serviceman who, save in case of lawful excuse, fails or refuses to attend a military court hearing to which he/she has been summoned shall be punished with imprisonment for from 2 (two) 6 (six) months.

Section 39: Insubordination

(1) Any serviceman who refuses to obey or execute a lawful command given by his/her superior shall be punished with imprisonment for from 1 (one) to 5 (five) years.

A command shall mean a mandatory one-off order given by a superior to perform a specific task or act.

However, obeying a patently unlawful command, as defined in the regulations, shall incur the criminal liability of the subordinate, without prejudice to that of the superior.

(2) In the presence of the enemy or rebels, insubordination shall be punished with life imprisonment.

Section 40: Breach of rules

(1) Any serviceman who breaks a set rule shall be punished with imprisonment for from 6 (six) months to 3 (three) years.

(2) A rule shall mean a measure, prescription, recommendation or instruction issued permanently to the army in general for the performance of its duties and for its functioning, or on a one-off basis to a single serviceman or a group of servicemen for purposes of a mission.

Section 41: Revolt

(1) Any two or more servicemen shall be considered to be in a situation of revolt when they meet to:

- (a) jointly refuse, at the first command, to obey the orders of their superior;
- (b) take up arms and act against the orders of their superior;
- (c) engage in violence, destruction and degradation, or make use of their weapons.



(2) In the cases referred to in sub-paragraphs (a) and (b) above, the revolting serviceman shall be punished with imprisonment for from 5 (five) to 10 (ten) years.

(3) In the case referred to in sub-paragraph (c) above, the penalty provided for in paragraph (2) above shall be doubled.

(4) The instigator of the revolt shall be punished with the maximum penalty.

Section 42: Misconduct towards a superior officer

(1) Any serviceman who, while on duty, issues threats or insults against a superior officer either verbally, in writing or through gestures shall be punished with imprisonment for from 6 (six) months to 5 (five) years.

(2) Where the contempt occurred off duty, the penalty shall be from 6 (six) months to 2 (two) years.

(3) Where the subordinate was not aware that the victim was a superior officer, the penalty may not exceed 6 (six) months.

Section 43: Flag desecration

(1) Any person who, through words or gestures, desecrates the national flag shall be punished with imprisonment for from 3 (three) months to 3 (three) years.

(2) Any serviceman who fails to pay respect to the national flag shall be punished with imprisonment for from 6 (six) months to 5 (five) years.

Section 44: Desecration of a sick or injured serviceman

(1) Any medical officer, military health worker or serviceman who conducts or causes the conduct of a medical test on a serviceman without his/her informed consent or discloses the illness or medical status of a sick or infected serviceman shall be punished with imprisonment for from 1 (one) to 3 (three) months and fine of from CFAF 100 000 (one hundred thousand) to 1 000 000 (one million).

(2) Whoever, without provocation, uses insulting or disparaging language or gestures towards a sick or injured serviceman about an illness or disability, shall be punished with imprisonment for from 3 (three) months to 3 (three) years and fine of from CFAF 200 000 (two hundred thousand) to 2 000 000 (two million).

Moreover, where violence is used on a sick or injured serviceman, the penalties shall be doubled.



(3) Any serviceman or member of the defence forces who commits an act of discrimination against a serviceman based solely on the latter's medical status shall be punished with imprisonment for from 1 (one) month to 1 (one) year and fine of from CFAF 100 000 (one hundred thousand) to 1 000 000 (one million).

Chapter IV

Assault, Abuse of Authority and Other Attacks

Section 45: Assault on a superior

(1) Any serviceman who, while on duty or during service, assaults or injures his superior, shall be liable to imprisonment for from 10 (ten) to 20 (twenty) years.

(2) The same penalties above shall apply where the victim was on sentry or sentinel duty at the time of the incident.

(3) Where the offence did not occur while on duty or during service, the penalty shall be imprisonment for from 6 (six) months to 5 (five) years.

(4) Where the offender was not aware that the victim was a superior officer, the penalty shall not exceed 1 (one) year.

Section 46: Misconduct towards a sentry

Any serviceman who makes offensive remarks, disparaging gestures or threats against a sentry or sentinel, shall be punished with imprisonment for from 6 (six) days to 6 (six) months.

Section 47: Violence against subordinate

(1) Any serviceman who, save in case of self-defence or third-party defence, perpetrates violence or assault on his/her subordinate, shall be punished with imprisonment for from 6 (six) months to 3 (three) years.

(2) Where the victim was on sentry or sentinel duty at the time of the offence, the penalty shall be doubled.

Section 48: Misconduct towards subordinate

Any serviceman who, without provocation, insults his/her subordinate in writing, through speech or gestures, shall be punished with imprisonment for from 6 (six) months to 2 (two) years.

Where such insult took place without the presence of the subordinates of the victim, the penalty may not exceed 2 (two) months imprisonment.

Section 49: Sexual harassment

(1) Any serviceman or person considered as such who uses the authority conferred on him by his position to harass another by issuing orders, uttering threats, imposing constraints or exerting pressure in order to obtain sexual favours, shall be punished with imprisonment for from 6 (six) months to 2 (two) years and fine of from CFAF 200 000 (two hundred thousand) to 1 000 000 (one million).

(2) Where the offence is committed within the framework of military training or a military course, the penalties shall be doubled.

Section 50: Unlawful command

(1) Any serviceman who takes over a command post without a lawful order or ground, or who retains a command post against the orders of his superiors, shall be punished with imprisonment for from 6 (six) months to 5 (five) years.

(2) The penalties shall be doubled where the events took place in a zone of operations.

Chapter V **Offences against Military Supplies**

Section 51: Abstraction in zone of operations

(1) Whoever abstracts items from a wounded, sick or dead serviceman in a zone of operations shall be punished with imprisonment for from 5 (five) to 10 (ten) years.

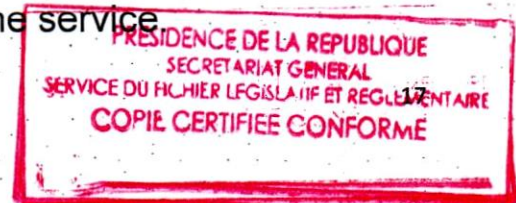
(2) Where, in addition to the acts referred to in Sub-section (1) above, such person engages in violence against the serviceman, the penalty shall be the death sentence, regardless of the grounds for such violence.

Section 52: Dissipation of military effects

(1) For the purposes of this Code, "military effects" shall mean all movable and immovable property which, by nature or purpose, is allocated for use by the armed forces.

(2) Any serviceman who dissipates or fails to produce a piece of weapon, equipment or outfit, or any other object assigned for use on duty or entrusted to him for service purposes, shall be punished with imprisonment for from 6 (six) months to 5 (five) years.

(3) The maximum penalty shall be fifteen (15) years, where the dissipated items were essential for the functioning of the service.



Section 53: Misappropriation

(1) Any serviceman who misappropriates military effects, under Section 52 above, shall be punished with:

- (a) life imprisonment, where the military effects concerned are worth more than CFAF 500 000 (five hundred thousand);
- (b) imprisonment for from 15 (fifteen) to 20 (twenty) years, where the military items concerned are worth more than CFAF 100 000 (one hundred thousand) and less than or equal to CFAF 500 000 (five hundred thousand);
- (c) imprisonment for from 5 (five) to 10 (ten) years and fine of from CFAF 50 000 (fifty thousand) to 500 000 (five hundred thousand), where the worth is less than or equal to CFAF 100 000 (one hundred thousand).

(2) The penalties set out in Sub-section (1) above may not be reduced through acceptance of mitigating circumstances below 10 (ten), 5 (five) or 2 (two) years respectively, and a suspended sentence may under no circumstances be pronounced.

(3) In the cases provided for under Section 87 (2) of the Penal Code, the minimum sentence shall be 5 (five) years, 2 (two) years and 1 (one) year respectively, and a suspended sentence may not be pronounced, save for mitigating circumstances.

(4) The confiscation provided for under Section 35 of the Penal Code shall be pronounced, together with the forfeitures provided for under Section 30 of the Penal Code, for at least 5 (five) years and at most 10 (ten) years.

(5) Publication of the decision must be ordered.

(6) Where the military effects concerned are worth more than or equal to CFAF 50 000 000 (fifty million), the misappropriation of military effects by servicemen shall be tried by the Special Criminal Court.

(7) Where the military effects concerned are worth less than CFAF 50 000 000 (fifty million), the Military Tribunal shall have jurisdiction and the legal provisions relating to the return of the *corpus delicti* and the discontinuance of proceedings provided for with respect to the Special Criminal Court shall apply thereto.

(8) Moreover, the prerogatives vested on the Minister in charge of Justice and the Procureur General of the Special Criminal Court shall, where necessary, be exercised by the Minister in charge of military justice and the State Prosecutor before the competent military court, respectively.

Section 54: Theft of military effects

(1) Any serviceman who abstracts, fraudulently obtains or pledges military effects shall be punished with imprisonment for from 5 (five) to 10 (ten) years and fine of from CFAF 100 000 (one hundred thousand) to 1 000 000 (one million).

(2) The penalties provided for under Subsection (1) above shall be doubled where the acts were committed:

- using violence;
- carrying a weapon;
- by breaking in, scaling or using a false key;
- using a motor vehicle.

Section 55: Unlawful transfer of military effects

(1) Any serviceman who illegally transfers military effects shall be punished with imprisonment for from 5 (five) to 10 (ten) years and fine of from CFAF 100 000 (one hundred thousand) to 1 000 000 (one million).

(2) The maximum penalty shall be 15 (fifteen) years, where the transferred effects were essential for the functioning of service.

Section 56: Possession of stolen military effects

(1) Whoever holds or possesses military effects following theft as set out in Section 54 (1) above, either with full knowledge of the facts or having any reason to suspect its *ex delicto* nature, shall be punished with imprisonment for from 5 (five) to 10 (ten) years and with of from CFAF 100 000 (one hundred thousand) to 1 000 000 (one million).

(2) In case of a crime as provided for under Section 54(2) above, the penalties shall be doubled.

Section 57: Dishonesty

(1) Any military commander who fails to hand over to servicemen effects or money intended for them shall be punished with imprisonment for from 1 (one) to 5 (five) years.

(2) Any serviceman who, within a military facility or post, fraudulently abstracts any object belonging to an individual shall be punished with the penalties provided for under Sub-section (1) above.

(3) In the case provided for under Sub-section (2) above, in the event of acceptance of mitigating circumstances, the sentence may not be less than imprisonment for 2 (two) years.

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Section 58: Destruction of immovable military property

Any serviceman who deliberately sets fire on or destroys by any means whatsoever a structure, building, military facility or immovable accessory used for national defence purposes, shall be punished with imprisonment for from 10 (ten) to 20 (twenty) years.

Section 59: Destruction of movable military property

(1) Any serviceman who knowingly breaks or renders unusable any object or parts of armaments, barracks, equipment or outfit, vehicles, devices and aircraft belonging to the defence forces, entrusted to him/her for service purposes or assigned for use by the military, shall be punished with imprisonment for from 1 (one) to 10 (ten) years.

(2) Any serviceman who knowingly destroys, burns or shreds original documents, registers, minutes or records of the military authority shall be liable to the penalties provided for under Sub-section (1) above.

Section 60: (1) Where the acts provided for under Sections 52, 53 (1) (b) and (c), 54, 55, 56, 57, 58 and 59 above were committed during wartime or crisis, a state of emergency or in a zone of operations, the penalties shall be doubled.

(2) The maximum penalty shall be 30 (thirty) years in the cases provided for under Sections 54(2) and 56.

Chapter VI **Offences Against Honour**

Section 61: Treason

Any Cameroonian serviceman or any serviceman working for Cameroon who:

(1) takes up arms against Cameroon;

(2) delivers to the enemy supplies of the army, plans or places of war or naval arsenals, military ports or airports, or the basic order, codes or secret of a military operation, expedition or negotiation;

shall be punished with the death penalty.



Section 62: Collusion with the enemy

The death penalty shall be pronounced against any serviceman who:

- conspires with the enemy for the benefit of the latter;
- participates in a conspiracy to thwart the conduct of a military operation;

- causes the flight or prevents conscription of servicemen during a military operation.

Section 63: Espionage

(1) Whoever knowingly in a clandestine manner or under false pretence enters a place of war, a military post or establishment, to obtain documents or information in the interests of the enemy;

(2) Whoever provides the enemy with documents or information likely to undermine military operations or jeopardize the safety of military positions, posts or other establishments;

shall be considered a spy and punished with the death penalty.

Section 64: Hiring

(1) Whoever causes, encourages or assists Cameroonian servicemen to join the enemy shall be punished with life imprisonment.

(2) Where the offender is a soldier, he/she shall be punished with the death penalty.

Section 65: Dereliction of duty

(1) Any serviceman who makes himself /herself temporarily or permanently unfit for duty with a view to escaping service obligations, shall be punished with imprisonment for from 1 (one) to 5 (five) years.

(2) Where such acts occur in the presence of the enemy or in a zone of operations, the penalty shall be doubled.

(3) The penalties provided for under Sub-sections (1) and (2) above shall be imposed on physicians, pharmacists and medical personnel who are accomplices.

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Section 66: Capitulation

Any military commander who capitulates without having exhausted the means of defence at his/her disposal, or without having done all that is required by duty and honour, shall be punished with life imprisonment.

Section 67: Depredation by band

(1) Servicemen who, acting in a band, plunder by removing or destroying property at the expense of individuals shall be punished with imprisonment for from 5 (five) to 10 (ten) years.

(2) Where the plundering is committed by using weapons, physical violence or breaking the door or surrounding fence, the penalty shall be from 10 (ten) to twenty (20) years.

(3) The instigator of the plunder or the officer found guilty shall be punished with the maximum penalty.

PART IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Section 68: The ordinance referred to in Section 3(2) above shall be tabled before the bureaux of the National Assembly and the Senate for purposes of ratification.

Section 69: Matters on which final judgements have not been delivered on the date of entry into force of this law shall continue to be tried in accordance with the instruments under which they were initiated.

Section 70: All previous provisions repugnant hereto, in particular Law No. 2008/15 of 29 December 2008 to organize military justice and lay down rules of procedure applicable before Military Tribunals, the Decree of 19 February 1940 and the Decree of 21 March 1940 to render enforceable in Cameroon the Code of Military Justice of March 1928, are hereby repealed.

Section 71: This law shall be registered, published according to the procedure of urgency and published in the Official Gazette in English and French./-

YAOUNDE, 12 JUL 2017


PAUL BIYA
PRESIDENT OF THE REPUBLIC