

TRAFFIC

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ANALYSIS OF

**WILDLIFE
COURT CASES
IN CAMEROON**

JANUARY 2010 – DECEMBER 2022

TRAFFIC REPORT

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PROJECT SUPERVISORS

Sone Nkoke C

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Cressida Stevens

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ACRONYMS AND ABBREVIATIONS

AFLEG	African Ministerial Process for Forest Law Enforcement and Governance
AFRICA-TWIX	Africa – Trade in Wildlife Information Exchange
AGP	African Grey Parrot
ATAU	Anti-Traffic Airport Unit
CBD	Convention on Biological Diversity
CFI	Court of First Instance (Cameroon)
CITES	Convention on International Trade of Endangered Species of Wild Fauna and Flora
CMS	Convention on Migratory Species
COMIFAC	<i>Commission des Forêts d'Afrique centrale</i> (Central Africa Forest Commission)
CPC	Criminal Procedure Code – Cameroon
EAGLE	Eco-Activists for Governance and Law Enforcement (A network of NGOs)
FCA	Financial Crime Academy (an online education provider)
FLO	Forces of Law and Order
IFAW	International Fund for Animal Welfare (International NGO)
INL	United States Department of State Bureau of International Narcotics and Law Enforcement Affairs
INTERPOL	International Criminal Police Organisation
IUCN	International Union for Conservation of Nature (Inter-governmental Organisation)
IWT	Illegal Wildlife Trade
JPO	Judicial Police Officer – Cameroon
JPOGC	Judicial Police Officer with General Competence – Cameroon
JPOSC	Judicial Police Officer with Special Competence - Cameroon
LAGA	The Last Great Ape Organisation (International NGO in Cameroon)
LEA	Law Enforcement Agency
MINFOF	Ministry of Forestry and Wildlife – Cameroon
MINJUSTICE	Ministry of Justice and Keeper of the Seals – Cameroon
NACC	National Anti-Corruption Commission - Cameroon
NAICT	National Agency for Information and Communication Technologies - Cameroon
NGO	Non-Governmental Organisation
NW	North West – A Region in Cameroon
PAPECALF	<i>Plan d'Action sous Regional des Pays de l'Espace COMIFAC pour le Renforcement de l'Application des Legislations Nationales sur la Faune Sauvage</i> (Central African Wildlife Trade Law Enforcement Action Plan – CAWLEAP)
PC	Penal Code - Cameroon
PV	<i>Procès-Verbal</i> (Offence report)
SLECC	Strengthening Law Enforcement Capacity and Collaboration to Combat the Illegal Wildlife Trade in Cameroon (INL-funded CAF project)
SW	South West – A Region in Cameroon
TCAF	TRAFFIC Central Africa Programme Office
TNRC	Tackling Natural Resource Corruption
TNS	Tri-National Sangha - a transboundary conservation complex where Cameroon, the Central African Republic and the Republic of Congo meet
TRIDOM	Dja-Minkébé-Odzala Tri-National Forest landscape spanning Cameroon, Gabon, and the Republic of Congo
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization
WITIS	Wildlife Trade Information System (TRAFFIC's database system for tracking illegal trade in wildlife)
WWF	World Wildlife Fund (an international NGO)
XAF	Central African CFA - <i>Communauté Financière Africaine</i> (African Financial Community) is the official currency of Cameroon, Central African Republic, Chad, Republic of the Congo, Equatorial Guinea, and Gabon
ZSL	Zoological Society of London

EXECUTIVE SUMMARY

Cameroon, like the other member countries of the Congo Basin, is renowned for its rich biodiversity. Despite the importance of these resources, multiple illegal activities lead to their overexploitation and threaten their long-term survival. Many animal species are thus in danger of extinction or already locally extinct, like the case of rhinoceroses in Cameroon. The reasons for the illegal extraction of these species from the natural environment include illegal wildlife trade (IWT). The value of IWT is estimated between USD 7 and USD 23 billion per year, making wildlife crime the fourth largest illegal global trade, behind only narcotics, counterfeiting, and human trafficking (Rosen, 2020).

Cameroon has taken several measures to address the threat of extinction of its wildlife by adhering, on the one hand, to international initiatives such as the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES), the main instrument for regulating trade in wildlife species at the global level and the Central Africa Forest Commission (COMIFAC), a sub-regional intergovernmental organisation that works in the sustainable management of forest ecosystems; and on the other hand, by adopting a set of legislative and regulatory texts at the national level. Under these texts, actions are regularly carried out by the different agencies in charge of law enforcement against offenders, with cases taken to courts.

This study aimed to collect and analyse data on court cases to improve an understanding of the management and prosecution of wildlife cases in the courts of Cameroon. This included identifying weaknesses and gaps in the legal framework, judicial process, and challenges such as corruption and conflict of interest. Based on the findings, the ultimate goal was to formulate recommendations to achieve better management and more deterrent court decisions.

The study covers the period from January 2010 to December 2022 but was done in two parts. The first part covered the period of January 2010 to December 2016 under the project 'Strengthening Regional Collaboration to Combat the Illegal Wildlife Trade in Central Africa in CAF', funded by the US Fish and Wildlife Service (USFWS), but unpublished. The

second study covered the period of January 2017 to December 2022 under the project “Strengthening Law Enforcement Capacity and Collaboration to Combat the Illegal Wildlife Trade in Cameroon (SLECC)”, funded by US Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL).

The same methodology was used during the two study periods and included desk work to review relevant literature and information, structured and semi-structured interviews through questionnaire, direct exchanges with the relevant stakeholders, and live court case monitoring. Together, these methods enabled an in-depth situational analysis of wildlife court cases and led to the proposed recommendations.

The key indicators generally used include the number of court cases over the study period and their locations; seizures carried out by the different law enforcement agencies (LEAs) and the different species; the profile of traffickers arrested and their modus operandi; court case monitoring and assessment. The legal frameworks were also examined and analysed with information gathered on the obstacles to effective wildlife law enforcement.

The main highlights of the results are as follows:

- A total of 675 wildlife cases were sent to court. 324 of these cases during the January 2010 – December 2016 period and 351 cases during the January 2017 - December 2022 period, averaging 52 cases per year.
- These court cases covered eight out of the ten Regions of Cameroon. The two exceptions are the North and the Extreme North Regions, but this does not imply that seizures had never occurred there. The East and the South Regions are shown to be the main wildlife crime hotspots. Douala is shown to be a major hub and exit point for these wildlife specimens.
- MINFOF, the Ministry in charge of wildlife in Cameroon was responsible for the bulk of the seizures and court cases. Out of the 675 cases analysed in this report, MINFOF carried out 582 of them (86%).
- The profile of wildlife traffickers varies

with the evolution of the trafficking chain or network. Poachers are mostly found at the base of the chain, followed by one or a series of middlemen depending on the complexity of the network, and heads of these networks that may be national or international. These wildlife crime actors also have different operating methods – in getting the products, transporting and delivering these products to buyers.

- Wildlife crime in Cameroon is carried out by various people from different backgrounds, social status, gender, and nationalities. While more than 90% of the offenders are Cameroonians and more than 90% male, others are from Nigeria, China, Ghana, Mali, Egypt, and Benin.
- Comprising almost 40% of commodities seized, elephant products are the most traded, with commodities concerned including raw tusks and worked ivory, meat, tails, and bones. Elephant products are also traded with other products. Other heavily traded products include pangolin scales, live primates as pets or their parts, live African grey parrots, sea turtle shells, and leopard and lion skins. Some suspects carried out cyber IWT.
- Of the 675 cases, 518 (77%) were prosecuted with varying degrees of punishment. Prison terms were meted out on some suspects; some received suspended sentences, some were convicted to pay damages to MINFOF, while others were sentenced to serve prison terms and pay damages, or given suspended sentences in addition to damages. Prison sentences ranged from 20 days to 3 years for wildlife cases.
- In addition to wildlife offences, other offences include forgery, possession and circulation of arms and ammunition, trafficking of human parts, kidnapping, illegal immigration, and use of military uniforms. Some suspects were repeat offenders.
- According to reports and discussions with authorities, corruption (here including bribery, influence peddling, negotiations, or any attempt thereof) was directly observed in 162 (24%) of the 675 cases along the law enforcement chain (from ground arrests to courts).

Court case analysis and live court case monitoring under the SLECC project enabled the identification of weaknesses and loopholes in the legal framework surrounding wildlife crime and the management of ensuing cases to create a window of transparency and draw attention to identified gaps. These globally covered the following:

- Slow judicial process as a result of several unnecessary or influenced adjournments. To some MINFOF Officials, this slow and protracted judicial process is a demotivating factor for them to follow up cases or be present during court sessions.
- Misinterpretation of some provisions of the 1994 Wildlife Law, such as transactions, granting of bail, or different Sections addressing prosecution, gives room for poor legal processes and court decisions.
- Influence peddling and corruption resulting in some cases being thwarted, thrown out of courts, not prosecuted, or accorded very minimal and non-deterrent sanctions.
- Insufficient collaboration between different LEAs with conflict of competence observed in many instances. The absence of good collaboration equally leads to badly managed and prosecuted cases.
- Insufficient capacity of law enforcement Officials, with many of these actors being unaware of the importance and protection status of wildlife species, and finding it hard to identify endangered wildlife species in trade or even an understanding of the special wildlife regulatory mechanisms.
- Poor record-keeping makes it very challenging to obtain case files concerning wildlife. This negatively affects the follow-up and analysis of court records.

As could be seen from the number of cases in courts, much effort is put at play by the Government of Cameroon through MINFOF, MINJUSTICE, other LEAs and Partners to combat wildlife crime by enforcing the wildlife law and bringing culprits to book. These efforts are hampered by many obstacles as aforementioned. To address these and to ensure more effective actions and deterrent court decisions, the following recommendations are proposed, some of

which came from discussions with MINFOF and other Government entities:

- Law No 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations under revision should be rapidly enacted to avoid ambiguity in interpretation and hence, low sentences.
- Wildlife protection in particular, and biodiversity conservation in general, should be integrated into the Cameroon development policy and considered important resources.
- Measures should be taken by all the stakeholders, especially the Court Actors, to deliver expeditious judgements to avoid obstacles related to court case management.
- Prosecutors should also systematically look beyond the wildlife offences for connecting crimes such as money laundering and corruption.
- The State of Cameroon, with the support of its partners, must fight corruption vigorously, as this is one of the main obstacles to effective law enforcement and court prosecutions.
- Collaboration between the Stakeholders, including Government entities and NGOs, should be accentuated so that conflict of competence and confusion should be avoided.
- The capacity of the officials concerned with wildlife law enforcement and court case management and prosecution should be improved through short-term sessions such as workshops, or sustained programmes such as the insertion of specialised training modules into the curricula of the different institutions.
- The Government of Cameroon, with the support of partners, should put measures in place to recover pecuniary damages awarded by the courts, and ensure sentences meted out are duly implemented.
- The Government of Cameroon should also put in place mechanisms to raise public awareness about wildlife, the need for their protection and the required engagement of all the citizens.

RESUMÉ

Le Cameroun, comme la plupart des pays du Bassin du Congo, est réputé pour sa riche biodiversité. Malgré l'importance avérée de ces ressources, de multiples activités illégales conduisent à leur surexploitation et compromettent leur pérennisation à long terme. De nombreuses espèces fauniques sont ainsi en danger d'extinction, quand elles ne sont pas tout simplement éteintes localement comme c'est le cas des rhinocéros au Cameroun. Les raisons de l'extraction illégale de ces espèces de l'environnement naturel sont multiples et incluses entre autres, le commerce illégal d'espèces sauvages. La valeur de ce commerce illégal varie entre 7 et 23 milliards de dollars par an et, ce qui fait de la criminalité liée aux espèces sauvages le quatrième commerce mondial illégal, derrière les stupéfiants, la contrefaçon et la traite des êtres humains (Rosen, 2020).

Le Cameroun a pris un certain nombre de mesures pour faire face à la menace d'extinction de sa faune en adhérant d'une part aux traités internationaux telles que la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction (CITES). Outre-la CITES qui est le principal instrument de régulation du commerce sur les espèces sauvages au niveau mondial, le Cameroun a adhéré au traité de Brazzaville de 2005 instituant la Commission des Forêts d'Afrique centrale (COMIFAC), une organisation intergouvernementale sous-régionale qui œuvre dans la gestion durable des écosystèmes forestiers. Au niveau national, le pays a adopté un ensemble de textes législatifs et réglementaires visant à assurer une gestion durable de la faune. En vertu de ces textes, des actions sont régulièrement menées par les différentes agences chargées de l'application de la loi contre les délinquants, avec des affaires portées devant les tribunaux.

Cette étude visait à collecter et analyser des données sur les affaires judiciaires afin d'améliorer la compréhension, les poursuites

et la gestion globale des affaires fauniques devant les tribunaux du Cameroun. Il était question d'identifier les faiblesses et les lacunes du cadre juridique et processuel ainsi que les défis tels que la corruption et les conflits d'intérêts. Le but ultime étant de formuler des recommandations pour parvenir à une meilleure gestion des affaires fauniques et à des décisions de justice plus dissuasives, sur la base des constats ainsi effectués.

L'étude couvre la période de janvier 2010 à décembre 2022 mais en deux parties. La première partie couvrait la période de janvier 2010 à décembre 2016 dans le cadre du projet « Renforcement de la collaboration régionale pour lutter contre le commerce illégal d'espèces sauvages en Afrique centrale dans la CAF », financé par le *US Fish and Wildlife Service* (USFWS), mais non publié. La deuxième partie a couvert la période de janvier 2017 à décembre 2022 dans le cadre du projet « Renforcement des capacités et de la collaboration en matière d'application de la loi pour lutter contre le commerce illégal d'espèces sauvages au Cameroun (SLECC) », financé par le *Bureau of International Narcotics and Law Enforcement Affairs du Département d'État américain* (INL).

La méthodologie utilisée était la même au cours des deux périodes d'étude et comprenait un travail documentaire pour examiner la littérature et les informations pertinentes, des entretiens structurés et semi-structurés par le biais de questionnaires et des échanges directs avec les parties prenantes concernées, et un suivi en direct des affaires devant les tribunaux. Tout ceci a permis une analyse approfondie des affaires judiciaires fauniques et a abouti à formuler des recommandations.

Les indicateurs clés généralement utilisés comprennent le nombre d'affaires judiciaires au cours de la période d'étude et leur localisation ; les saisies effectuées par les différents services de l'application de la loi, les différentes espèces ; le profil des trafiquants

arrêtés et leur *modus operandi*, les poursuites et le suivi des affaires. En outre, le cadre juridique a été examiné et analysé avec des informations recueillies sur les obstacles à une application efficace de la loi sur la criminalité faunique.

Les principaux faits saillants des résultats sont les suivants :

- Au total, 675 cas de la criminalité liée aux espèces sauvages ont été envoyés devant les tribunaux. 324 de ces cas durant la période janvier 2010 – décembre 2016, et 351 cas durant la période janvier 2017 – décembre 2022, soit une moyenne de 52 cas par an.
- Ces affaires judiciaires couvraient huit des dix (80%) Régions du Cameroun. Les deux exceptions sont les Régions du Nord et de l'Extrême-Nord mais. Ce qui ne signifie pas que des saisies n'y ont jamais eu lieu. Les régions de l'Est et du Sud s'avèrent être les principaux points chauds de la criminalité liée aux espèces sauvages. Douala s'illustre comme une plaque tournante et un point de sortie majeur pour ces spécimens d'animaux sauvages.
- Le MINFOF, le Ministère en charge des forêts et de la faune au Cameroun était naturellement responsable de l'essentiel des saisies et des affaires judiciaires. Sur les 675 cas analysés dans ce rapport, le MINFOF en a réalisé 582 (86%).
- Le profil des trafiquants d'espèces sauvages varie en fonction du niveau d'intervention dans la chaîne ou du réseau de trafic. Les braconniers se trouvent majoritairement à la base de la chaîne, suivis d'un ou plusieurs intermédiaires selon la complexité du réseau, et en fin les chefs de ces réseaux qui peuvent être des nationaux ou des étrangers. Ces acteurs de la criminalité liée aux espèces sauvages ont également différentes méthodes de fonctionnement - pour obtenir les produits, transporter et livrer ces produits aux acheteurs.
- La criminalité liée aux espèces sauvages au Cameroun est perpétrée par une variété de personnes d'origines, de statuts sociaux, de sexes et de nationalités différents. Alors que plus de 90% des délinquants sont camerounais, d'autres viennent du Nigeria, de Chine, du Ghana, du Mali, d'Egypte et du Bénin. Il est aussi apparu que la majorité des délinquants sont de sexe masculin soit environ 90%.
- Avec près de 40%, les éléphants sont les espèces les plus commercialisées et les produits concernés comprennent les défenses brutes et l'ivoire travaillé, la viande, les queues, les os, etc. Les produits de l'éléphant sont également commercialisés avec d'autres produits. Parmi les autres produits fortement commercialisés figurent les écailles de pangolin, les primates vivants comme animaux de compagnie ou leurs parties, les perroquets gris à queue rouge vivants, les carapaces de tortues de mer, les peaux de léopard et de lion, etc. Certaines affaires ont également impliqué des transactions commerciales illicites par l'internet.
- Sur les 675 cas, 518 (77%) ont fait l'objet de poursuites avec divers degrés de peine. Si pour certains délinquants des peines de prison ont été infligées, certains ont reçu des condamnations avec sursis, alors que d'autres ont été condamnés à payer des dommages et intérêts au MINFOF, tandis que d'autres ont été condamnés à la fois à des peines de prison et à payer des dommages-intérêts. Dans d'autres cas des peines avec sursis ont été infligées en plus des dommages et intérêts. Selon le droit camerounais, les peines de prison vont de 20 jours à 3 ans pour les infractions fauniques.
- En plus des infractions fauniques, d'autres infractions comprennent la falsification des documents officiels, la détention et la circulation d'armes et de munitions, le trafic de parties humaines, l'enlèvement, l'immigration clandestine, l'utilisation d'uniformes militaires, etc. Certains délinquants s'avèrent parfois être des récidivistes.
- Selon certains rapports et sur la base des discussions avec les autorités, la corruption (les pots-de-vin, le trafic d'influence, les arrangements contre paiement d'espèces, etc.) a été directement observée dans pas moins de 162 (24%) des 675 cas le long de la chaîne d'application de la loi (des arrestations jusqu'au procès devant les tribunaux).

L'analyse et le suivi direct des affaires judiciaires dans le cadre du projet SLECC ont permis d'identifier les faiblesses et les lacunes du cadre juridique entourant la criminalité liée aux espèces sauvages et la gestion des affaires qui en découlent. Ceci en vue de créer une certaine transparence et d'attirer l'attention sur les lacunes identifiées. Celles-ci couvraient globalement les éléments suivants :

- Processus judiciaire lent en raison de plusieurs renvois parfois inutiles et sans fondement valable. Pour certains responsables du MINFOF, ces lenteurs du processus judiciaire est de nature à les démotiver dans le suivi des dossiers lors des audiences.
- Une interprétation erronée de certaines dispositions de la loi de 1994 sur la faune, telles que les transactions, l'octroi d'une caution ou différentes dispositions sur les poursuites, pouvant donner lieu à de mauvaises procédures judiciaires et voire des mauvaises décisions de justice.
- Le trafic d'influence et la corruption se traduisant par des affaires négociées en faveur des délinquants, les rejets de procédures, l'abandon des poursuites, sanctions peu dissuasives.
- Collaboration insuffisante entre les différents services d'application de la loi souvent avec des conflits de compétence observés dans de nombreux cas. L'absence de bonne collaboration conduit également à des cas mal gérés et poursuivies.
- Les capacités insuffisantes des responsables de l'application des lois. Un grand nombre de ces acteurs n'est pas conscients de l'importance et du statut de protection des espèces sauvages, et ont parfois du mal à identifier les espèces sauvages menacées d'extinction faisant l'objet d'un commerce, ou même à comprendre les mécanismes spéciaux de gestion des espèces sauvages.
- La mauvaise gestion des documents et des données rend très difficile l'obtention de dossiers sur les affaires fauniques. Cela affecte négativement le suivi et l'analyse des dossiers judiciaires.

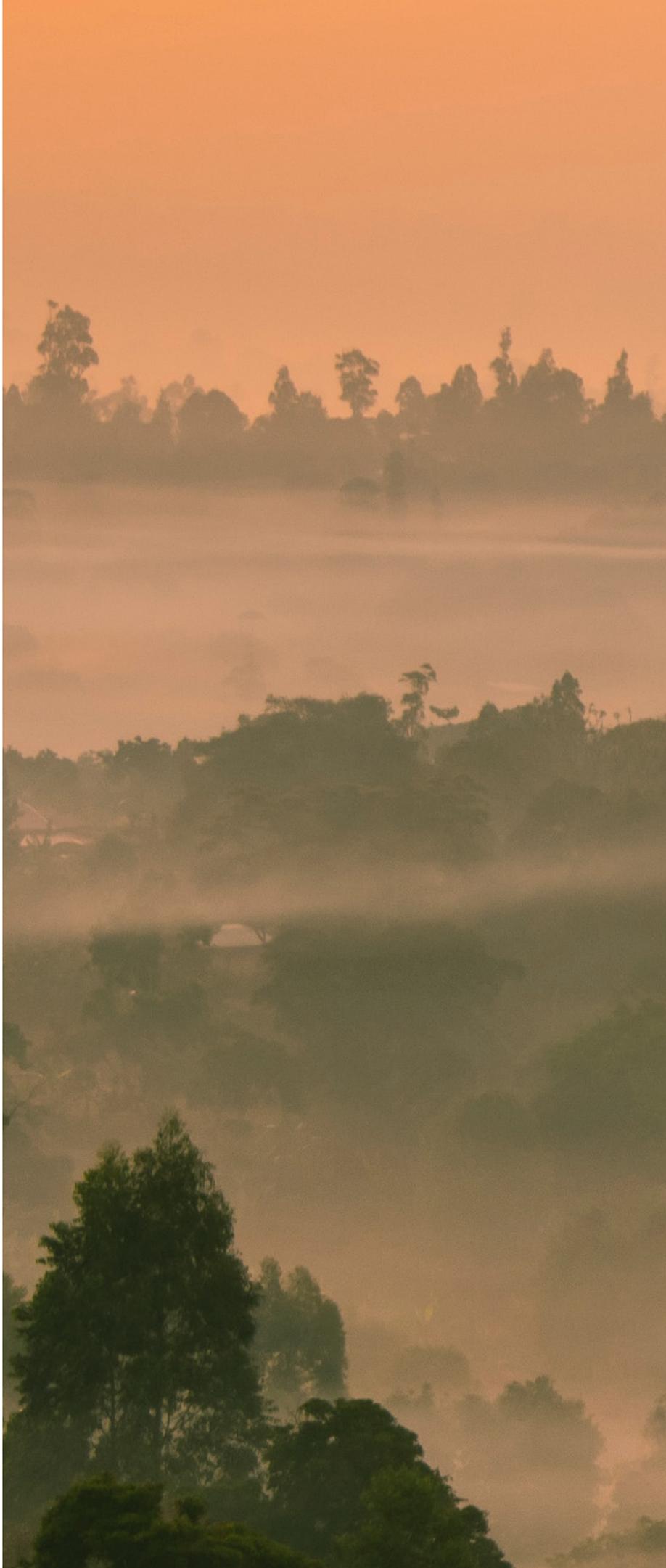
Comme le montre le nombre d'affaires portées devant les tribunaux, beaucoup d'efforts sont

déployés par le gouvernement du Cameroun à travers le MINFOF, le MINJUSTICE, d'autres services de l'application de la loi, avec l'appui des partenaires pour lutter contre la criminalité liée aux espèces sauvages en appliquant effectivement la loi sur la faune et en traduisant les coupables en justice. Ces efforts sont entravés par de nombreux obstacles comme mentionné ci-dessus. Pour y remédier, et pour assurer des actions plus efficaces en vue des décisions de justice dissuasives, les recommandations suivantes sont proposées, dont certaines sont issues des discussions avec le MINFOF et d'autres entités gouvernementales :

- La loi n° 94/01 du 20 janvier 1994 portant réglementation des forêts, de la faune et de la pêche en cours de révision devrait être rapidement promulguée pour éviter toute ambiguïté d'interprétation et donc des peines trop légères.
- La protection de la faune en particulier et la conservation de la biodiversité en général doivent être intégrées dans la politique de développement du Cameroun et doivent être considérées comme des ressources importantes.
- Des mesures devraient être prises par toutes les parties prenantes, en particulier les acteurs judiciaires pour rendre des jugements rapides afin d'éviter les obstacles liés à la gestion des affaires judiciaires.
- Les procureurs devraient également regarder systématiquement au-delà des infractions liées aux espèces sauvages pour les crimes connectés tels que le blanchiment d'argent et la corruption.
- L'Etat du Cameroun, avec l'appui de ses partenaires, doit lutter vigoureusement contre la corruption car celle-ci est l'un des principaux obstacles à l'efficacité de l'application des lois et des poursuites judiciaires.
- La collaboration entre les parties prenantes, y compris les entités gouvernementales et les ONG, doit être accentuée afin d'éviter les conflits de compétence et la confusion.
- La capacité des agents concernés par l'application des lois fauniques et la gestion des affaires judiciaires et des

poursuites devrait être améliorée par des sessions de courte durée telles que des ateliers, ou des programmes soutenus tels que l'insertion de modules de formation spécialisés dans les programmes des différentes institutions de formation professionnelle.

- Le Gouvernement du Cameroun, avec l'appui des partenaires, devrait mettre en place des mesures pour recouvrer les dommages pécuniaires accordés par les tribunaux et veiller à ce que les peines prononcées soient effectivement exécutées.
- Le gouvernement du Cameroun devrait également mettre en place des mécanismes de sensibilisation du public sur la faune, la nécessité de leur protection et l'engagement requis de tous les citoyens.





Yaounde, Cameroon

1. INTRODUCTION

With a total area of 475,442 km² Cameroon has a multiple and diverse mosaic of habitats, ecosystems, and climates, including forests, mangroves, savannahs, and even deserts. It is, like the other countries of the Congo Basin¹, home to a multitude of species of wild flora and fauna.

With well over 9,000 plant species, 910 bird species, 409 mammal species, 250 reptile species, and 200 amphibian species (Nchami, 2010). Cameroon ranks 5th for fauna and 4th for flora diversity in Africa², but is witnessing species decline due to drivers such as loss of habitat, poaching and illegal wildlife trade (IWT). This exponential decline has severe ecological, economic, socio-cultural, conservation, and aesthetic implications for both the local population and the State.

The impact of the IWT, especially on endangered and protected species, cannot be overemphasised. The most well-known example is the devastating decline of Forest Elephants *Loxodonta africana cyclotis* in the Congo Basin, with research indicating a 62% loss from 2002 to 2011 (Maisels et al., 2013). In 2021, the International Union

for Conservation of Nature (IUCN) Red List assessment changed the listing of the African Elephants from Vulnerable to Endangered and Critically Endangered, respectively (IUCN 2021). This is reflected in Cameroon's Ministerial Order No 0053/MINFOF of 1 April 2020, which places the Forest and Savannah Elephant as Class A protected species, corresponding to Appendix 1 of CITES designation.

Many other species face a rapid decline in their population and are threatened with extinction, such as pangolins and African grey parrots, introduced in 2017³ by the State of Cameroon in class A of fully protected species⁴.

IWT has truly become a global industry. IWT was estimated to be worth at least USD19 billion per year (IFAW, 2013), or between USD 7 and USD 23 billion per year, making wildlife crime the fourth largest illegal global trade, behind only narcotics, counterfeiting, and human trafficking (Rosen, 2020). Organised crime entities and militias often use natural resources, especially wildlife trade, to finance their activities. Several reports, particularly in Central Africa, show a direct correlation between the presence of these armed groups

in a given territory and the drastic loss of wildlife that lived there before their occupation (Ondoua Ondoua et al., 2017).

Wildlife trafficking can also undermine the human security of forest-dependent communities and cause local, national, and global economic losses, under some circumstances, it can even pose threats to national security, and the involvement of terrorist and militant groups in poaching and wildlife trafficking has lately received much attention from the international conservation community as well as the US Congress and national governments around the world (Felbab-Brown, 2018).

IWT runs the gamut from illegal logging of protected forests to supply the demand for exotic woods to the illegal fishing of endangered marine life for food and the poaching of elephants to supply the demand for ivory (UNODC, 2016). IWT has grown to become a multibillion-dollar black market business. The volume and scope of IWT vary significantly from local hunting activities and the consumption of wild animals for food on the one hand, to worldwide trading in pets, animal products, and medicines along with ornaments and trophies by well-organized criminal groups on the other hand (Financial Crime Academy – FCA, 2023).

Transnational organised criminal groups operate across borders; their illegal behaviours include laundering the proceeds of their crimes, corrupting officials, or engaging in corrupt acts, and actively working to obstruct justice, and such groups make use of sophisticated, complex transportation and finance networks (UNODC, 2020).

Corruption facilitates all aspects of the illegal wildlife trade (Zain, 2020). IWT often involves sophisticated, well-funded, and organised criminal groups that can operate particularly successfully by involving officials in corruption, whereby those officials facilitate the IWT by abusing their entrusted power, either due to pressure or to privately gain from the crime (Prinsloo et al., 2022). Corruption manifests itself in various ways, ranging from officials receiving bribes and colluding with criminals to abuse of office and embezzlement of

resources allocated to wildlife management and protection (UNODC, 2020).

To address the aforementioned threats to her biodiversity and related socio-economic issues, Cameroon has adopted and is implementing many measures, including adherence and ratification of CITES⁵, a full member of COMIFAC; and a good number of national legislative and regulatory texts centred around the 1994 Wildlife Law.

In the course of the application of these different texts, actions are regularly carried out by various entities or agencies in charge of law enforcement, namely officials of MINFOF, other judicial police officials of general and special competencies including the Police, Gendarmerie and Customs, and under special circumstances the armed forces⁶. These field actions generally result in court cases managed at the level of courts by Justice Officials.

Law enforcement efforts and increasing interventions from the authorities have been highlighted as having a detrimental impact on the ivory business and other IWT activities (Nkoke et al., 2017). Enforcement actions are being carried out by state agencies and in collaboration with partners, as viewed in the number of seizures. An analysis of seizures on TRAFFIC's database - Wildlife Trade Information System (WiTIS), between 2009 and 2019, ranks Cameroon seventh out of 29 countries in Africa that are involved either as origin or transit locations⁷.

The question is whether these measures are enough to mitigate the decline of wildlife populations and fight wildlife crime effectively. Seizure efforts need to result in deterrent court decisions.

This work is carried out under the TRAFFIC Central Africa Programme Office (TCAF) Strengthening Law Enforcement Capacity and Collaboration to Combat the Illegal Wildlife Trade in Cameroon (SLECC) project, funded by the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL), to support Cameroon's efforts to reduce the capacity of criminal groups to conduct their activities by profiting from

poaching and trafficking of protected animals and their trophies, originating in or transiting through Cameroon. Per its objective, the project aims to monitor and analyse wildlife cases in the courts in order to improve prosecution and legal action against offenders.

In 2017, under the USFWS-funded project 'Strengthening Regional Collaboration to Combat the Illegal Wildlife Trade in Central Africa', a similar study, though unpublished, was carried out, titled 'Evaluating Cameroon Government's Efforts to Combat Illegal Wildlife Trade (IWT), 2010 to 2016'. The present work, therefore, builds on that, and the data from both studies will be integrated to give a general overview of wildlife court cases in Cameroon from January 2010 to December 2022. The overall objective of this study was to evaluate government actions and efforts to fight the illegal wildlife trade in Cameroon with a focus on major axes, including policy, legislation, enforcement actions, communication, corruption, and governance issues.

1.1 OBJECTIVES

The main objective of this case study is to improve the information, analysis and understanding of wildlife cases in Cameroon's courts, including identifying weaknesses and gaps in the legal framework and judicial process around wildlife crime to achieve effective judicial decisions. This also includes a necessary focus on pockets of corruption or conflict of interest, to create a deterrent effect that would benefit the fight against wildlife crime.

Specific objectives include:

- To collect and analyse data and information, assess Government policies and efforts on court case management, identify gaps and weaknesses and propose measures or recommendations to mitigate these gaps and ensure the effective fight against wildlife crime;
- To increase stakeholders' operational knowledge and skills base in key areas to bring about a change in the management of wildlife cases by the actors of MINFOF and the Ministry of Justice (MINJUSTICE) to lead to an increase in the number of cases concluded, successful prosecutions and appropriate convictions to deter wildlife crime.
- To improve coordination and collaboration between MINFOF and other Ministries and Agencies in Cameroon charged with wildlife law enforcement, seizures and safeguarding of wildlife products.

1.2 METHODOLOGY

The methodology used here is the same as that used during the 2010 – 2016 study. It includes desk work, structured and semi-structured interviews and field observation.

The key indicators used include the number of arrests resulting in wildlife cases in courts; at the same time, the legal frameworks were examined and analysed. More information was gathered on the obstacles to effective wildlife law enforcement and recommendations for better results.

Additionally, analysis as a result of live court cases monitored under the SLECC project from 2020 to 2022 is included as part of this work, bringing out the gaps and helping to formulate concrete recommendations.

It is intended that the present study will contribute to identifying weaknesses and loopholes in the legal framework and judicial process surrounding wildlife crime; and create a window of transparency, drawing attention to corruption or conflict of interest and resulting in deterrent outcomes in the fight against wildlife criminal activity.

All these enabled a deeper understanding of the issues and data collection for analytical purposes.

1.2.1 DESK WORK

Specific wildlife legislation and other regulatory frameworks were reviewed and analysed. Additional publications from TRAFFIC and other organisations including CITES, UNODC (United Nations Office on Drugs and Crime), IFAW (International Fund for Animal Welfare), LAGA (The Last Great Ape Organisation), and WWF (World Wide Fund for Nature) were used. The documents obtained were supplemented by those found through an extensive internet search on the subject.

1.2.2 INTERVIEWS

Structured and semi-structured interviews were conducted with concerned law enforcement agencies (LEAs) and NGOs including Senior Officials of MINFOF, Ministry of Justice, Customs, Gendarmerie, and the Police. Discussions were held with some WWF, LAGA, and ZSL staff responsible for law enforcement support and court case monitoring work in their respective organisations.

For structured interviews, questionnaires (Annex 1) were prepared and handed out to 54 respondents, including Administrative Authorities (04), MINFOF Officials (16), Police (05), Gendarmerie (04), Magistrates (11), Court Clerks or Registrars (06), Lawyers specialised in wildlife-related litigations (04), and Customs Officials (04). The data collected at the end of the exchanges provided information on the general policy of the State in the management of wildlife-related litigation, the apprehension and management by the authorities of cases of violation of wildlife legislation, the management by judicial police officers of seizures, arrests of offenders, and prosecutions at the level of courts and tribunals. This was supplemented by telephone and email exchanges where physical delivery of questionnaires and face-to-face discussions was not feasible.

Data and information were gathered on arrests, seizures, successful prosecutions of wildlife offences and the efforts put in place by the Cameroon government to combat IWT since 2010 and to quickly identify their strengths and weaknesses.

1.2.3 FIELDWORK

This phase ran alongside interviews in some locations. It was characterised by fact-finding, which entailed accessing information and data. Some government authorities, particularly those based in noted wildlife hotspots responsible for implementing wildlife policies and legal frameworks, were contacted to acquire relevant data and documents. Other structures and individuals in charge of wildlife law enforcement were also contacted for more detailed information on IWT in Cameroon and government efforts.

The places covered are known to be wildlife trafficking hotspots, either because illegal wildlife products regularly come from these locations or from surrounding villages, or because they are transit points for the movement of these products. The towns visited were Bertoua, Abong-Mbang, Djoum, Sangmelima, Ebolowa, Douala, and Yaounde.

This equally enabled the identification of weaknesses and gaps in the legal framework governing wildlife protection litigation, in addition to live court case monitoring under the SLECC project.

The opinions and orientations of the various experts consulted on the subject were considered, and recommendations were made to achieve the desired goal of obtaining effective legal decisions by drastically reducing corruption and conflicts of interest.

1.2.4 LIMITATIONS

- Fieldwork was not carried out in all the regions. It would be useful to carry out the study in the other regions not covered here to gain a complete picture of the efforts put in play by the government to fight wildlife crime.
- Considering the disorganised nature of the court filing system, it was difficult to access court files dealing with wildlife and other criminal matters. However, much data was obtained from the archives of MINFOF pertaining to wildlife cases.
- Live court case monitoring was not extended to cover the national territory but limited to some courts in five Regions (Centre, East, Littoral, South and West).



Home-made firearms and a chimp skull seized from poachers in Dja National Park, Cameroon

2. WILDLIFE POLICIES AND OTHER REGULATORY FRAMEWORKS

2.1 WILDLIFE REGULATIONS

Despite international efforts in stricter regulation, monitoring, and enforcement, illegal wildlife trade is a growing industry and is expanding every day; and there are a variety of factors that fuel illegal wildlife trade that include high-profit margin, high demand, corruption, conflicts, and war (Financial Crime Academy, consulted on 30 April 2023)⁹. These factors are also reflected in Cameroon, and the government has put in place some legal instruments to effectively combat this phenomenon. These instruments have international, regional, and national connotations.

At the international level, the main conventions include:

- CITES, also known as the Washington Convention (1973). CITES is an international agreement between Governments. It aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival⁹. Cameroon became a party to this convention on 5 June 1981, and following section 45 of the constitution this convention was ratified on 3 September 1981.
- Convention on Biological Diversity (CBD). The convention entered into force on 29 December 1993 and has as its main objectives - the conservation of biological diversity; the sustainable use of the components of biological diversity; and the fair and equitable sharing of the benefits arising from the utilisation of genetic resources¹⁰. Cameroon signed the convention on 14 June 1992 and ratified it on 19 October 1994.
- In addition to these conventions, Cameroon is a Party to other conventions regarding wildlife, such as the Convention on the Protection of Cultural and Natural Heritage (Paris, 23 November 1972)¹¹, the Convention on the Conservation of Migratory Species of Wild Animals, more commonly called the Convention on Migratory Species (CMS) or the

Bonn Convention (1979)¹², Cooperation Agreement with International NGOs.

At the continental and regional levels, Cameroon is a Party to the following:

- Convention on the Conservation of Cultural and Natural Resources (Algeria 1968), revised to become African Convention on the Conservation of Nature and Natural Resources (Maputo 2003)¹³.
- Agreement on the Joint Regulations on Fauna and Flora in the Lake Chad Basin (Enugu 1977)¹⁴.
- Convention on Cooperation relating to the protection and development of the Marine Environment and the Coastal Areas of West and Central Africa (Abidjan, 16 March 1981)¹⁵.
- Accord for Cooperation and Consultation among Central African States concerning Wildlife Conservation (Libreville, 16 April 1983)¹⁶.
- Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa and to Establish the Central African Forests Commission (COMIFAC) signed in Brazzaville, February 2005¹⁷.
- The Economic Community of Central Africa States established in 1983¹⁸.
- African Strategy on Combatting Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa, May 2015¹⁹.

In addition to these conventions and agreements at the continental and regional levels, there is also the Brazzaville Declaration of May 2015²⁰ urging coordinated regional and international action against wildlife crime at the end of a meeting on illegal exploitation and illicit trade in African wildlife products.

The 20 Points Declaration strongly advised African States to implement the 'African Common Strategy on Combatting Illegal Trade in Wild Fauna and Flora' and its action plan to deal with the crisis. The conference also recommended that African States take leadership at the United Nations General Assembly (UNGA) in introducing a Resolution on Wildlife Crime with a strong reporting mechanism. The Declaration itself builds on

outcomes agreed at previous international conferences on wildlife crime and illegal wildlife trade, including those of the Elysée Summit on Peace and Security in Africa (December 2013, Paris, France), at the two Conferences on Illegal Wildlife Trade (February 2014, London, UK and the follow-up meeting in the end March 2015 at Kasane, Botswana), the African Ministerial Conference on the Environment (AMCEN, in March 2015, Cairo, Egypt), with a strong focus on Africa-specific challenges and responses²¹.

At the national level, the main piece of legislation governing wildlife is Law N° 94/01 of 20 January 1994²², to lay down Forestry, Wildlife and Fisheries regulations (1994 Wildlife Law) and its subsequent act, which is Order No 0053/MINFOF of 1 April 2020 establishing the modalities for the distribution of animal species in protection classes and repealing Order No. 0648/MINFOF of 18 December 2006 establishing the list of animals in protection classes A, B and C; and Order No. 0056 of 15 April 2020, establishing the modalities for the distribution of animal species of classes B and C in groups of usage latitude and repealing Order N° 0649/MINFOF of 18 December 2006 to lay down the distribution of animals species whose killing is authorised as well as the latitude of killing per type of sports hunting permit.

Section 11 of the 1994 Wildlife Law states that: *"The protection of forest, faunal and halieutic heritages is ensured by the State"*, and **Section 18** of this same law states that: *"It shall be forbidden for anyone to dump, in national forests as well as in public waterways, in lakes and in the sea, any toxic product or industrial waste likely to destroy or modify animal and plant life"*.

In addition to this main Law and the related Orders abovementioned, other regulatory mechanisms on the protection of wildlife in Cameroon include:

- The Cameroon Constitution of 18 January 1996²³ unambiguously states that: *"every person shall have a right to a healthy environment, the protection of the environment shall be the duty of every citizen. The State shall ensure the protection and improvement of the environment."*

- Law N° 2005/007 of 27 July 2005 to lay down the Criminal Procedure Code (CPC)²⁴. The Cameroon CPC spells out the various steps that must be followed in criminal matters, from investigation to execution of judgment. This law also classifies wildlife crimes as misdemeanour offences and provides all the modalities and procedures to be followed to prosecute wildlife offences.
- Law N° 2016/007 of 12 July 2016 to lay down the Penal Code²⁵.
- The Finance law of July 1996, relating to rights and taxes for hunting licenses and other permits issued by the wildlife administration.
- Decree N° 95/466/PM of 20 July 1995 to lay down the conditions for implementing Wildlife Regulations²⁶.
- Decree N° 2005/099 of 06 April 2005 to lay down the organisation of the Ministry of Forestry and Wildlife²⁷.
- Decree N° 2005/495 of 31 December 2005 amending and supplementing certain provisions of Decree N° 2005/099 of 06 April 2005 to lay down the organisation of the Ministry of Forestry and Wildlife²⁸.
- Presidential Decree No 2014/413 of 22 October 2014 to lay down the creation, organisation and function of Anti-Traffic Airport Units (ATAU) within the International Airports of Cameroon²⁹.
- Order N° 0083/MINFOF of 06 February 2008 amending and supplementing certain provisions of Order N° 0649/MINFOF of 18 December 2006 to lay down the organisation of the Ministry of Forestry and Wildlife.
- Decision N° 000857/D/MINFOF of 10 November 2009 to lay down the organisation of the sale of bush meat³⁰.
- MINFOF Emergency Action Plan for Safeguarding Protected Areas; Revised 2015-2017.
- MINFOF Priority Action Plan for Forest and Wildlife Sectors; the 2020 Strategy.
- National Programme for Environmental Management³¹.

2.2 THE STRENGTHS AND WEAKNESSES OF POLICIES AND LEGAL FRAMEWORKS GOVERNING WILDLIFE TRADE IN CAMEROON

2.2.1 STRENGTHS

One cannot talk about the strengths of policies and legal frameworks relevant to wildlife without mentioning CITES. CITES comes with advantages, such as having global coverage with a current membership of 184 Parties, including 183 States and the European Union as of October 2016³². CITES regulates the international trade of over 41,000 different plant and animal species classified under different appendices.

Appendices I, II, and III to the Convention are lists of species afforded different levels or types of protection from over-exploitation³³. Appendix I lists species that are the most endangered among CITES-listed animals and plants; they are threatened with extinction, and CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial, for instance, for scientific research. Appendix II lists species that are not necessarily now

threatened with extinction but that may become so unless trade is closely controlled; international trade in specimens of Appendix-II species may be authorised by the granting of an export permit or re-export certificate. Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation; international trade in specimens of species listed in this Appendix is allowed only on presentation of the appropriate permits or certificates³⁴.

Law N° 94/01 of 20 January 1994 is the main legislation governing the protection and management of Forestry and Wildlife in Cameroon. This law has strong probative sections that can easily prove and sanction a wildlife offence. Some of its strengths include:

- It is a specific law, unlike the Penal Code or the Criminal Procedure Code, which are general laws. Therefore, in situations of

conflict between the wildlife law and any other laws, the wildlife law shall be applied according to the legal maxim "*specialia generalibus derogant*," which means that special laws derogate/supersede the general laws. In other words, special laws are stronger than general laws in their area of application.

- As concerns their status and prosecution of the offence, the wildlife legislation has given wildlife officials the power to act as judicial police officers with special competence (JPOSC) after taking an oath before a competent court. The sworn officials shall therefore have the powers to investigate, establish, and prosecute offences relating to forestry, wildlife and fisheries. They shall also establish facts and seize products collected without authorisation and the objects used to commit the offence, and write a report thereon. The sworn officials shall also question and identify any offender who is caught in flagrante delicto (red-handed) and forward them before the State Counsel as stated in **Sections 141 and 142 of the 1994 Wildlife Law**.
- Generally, in most instances, the law is quite strict and very clear on the criminal responsibility of wildlife offenders as laid down or as expressed in its **Section 101 (1)** which states that: "*Any person found at any time or any place, in possession of a part or a whole of a live or dead class A or B protected animals, as defined in Section 76 of the present law, shall be considered to have killed or captured the animal.*"

Criminal responsibility as per the spirit of Section 101 (1) is one of strict liability and therefore should be deterrent because it gives no avenue for perpetrators of wildlife offences to escape sanctions. Once a wildlife offender has been arrested per the dictates of this provision, they are liable to face full penalties as provided by the law, and without any exceptions to status, personality, nationality, as well as the quantity and the nature of the animal or its trophies.

Section 101 extends criminal responsibility not just to poachers but also to traffickers, collectors of wildlife products and even

middlemen. In effect, the Section is a good weapon to be used in fighting wildlife criminality and, as such secure a deterrent penalty for wildlife perpetrators under **Sections 155 and 158** of the same law.

- The maximum penalty provided by this law in **Section 158** is up to three years imprisonment and up to 10,000,000XAF as fines. These penalties justify that wildlife crimes fall under misdemeanour offences (Sec. 21 PC) and should be considered to be serious.
- **Section 150** extends legal responsibility to accomplices whether natural persons or corporate bodies and such, accomplices shall be given the same penalties as in the case of the main offender.
- **Section 162** doubles the penalties in two instances: (i) where there has been a previous offence or where the offences were committed by sworn officials of the competent service in charge of wildlife or by a judicial police officer with general competence (JPOGC); (ii) in case of escape or refusal to obey orders from officials in charge of control.
- Unlike the offence report or procès-verbal (PV) established by JPOGC, the PV drawn up and signed by the sworn MINFOF official is considered a true record of the facts stated until proven false. **Section 142 of the wildlife law**.
- During court hearings, **Section 147** gives the MINFOF representatives the power to sit and act in association with the State Counsel in uniform and without caps during the prosecution of wildlife offenders. They shall not be refused the right to speak, and lodge appeals as provided for by law in accordance with ordinary law procedure. Such appeals shall have the same effect as those lodged by the Legal Department. In fact, this creates a platform for collaboration between the State Counsel and MINFOF officials for proper investigations and effective application of wildlife laws during a trial.
- Establishment of proof or evidence - proof of guilt for the offender may first of all be noted or appended to the report establishing the facts of the offence. Listing the elements that should be found in the report, the following mentions are

made: the statements and signatures of witnesses and accomplices or possible co-offenders; any other useful information. Evidence may equally be presented before the court by the representative of the services in charge of wildlife, who shall associate with the State Counsel. According to **Section 147** of the Law, this representative shall be empowered to submit any written statements and submissions and make any observations which they deem necessary to protect the interests of the services in charge of wildlife.

- The Cameroonian law recognises the right of MINFOF to associate with the Public Prosecutor in court actions relating to the violation of the wildlife regulation and in fact, considering that MINFOF has legal status and represents the State of Cameroon as a victim in acts of wildlife crime. As such, MINFOF has the right to sue for compensation from any person who is guilty of committing a wildlife-related offence. Damages granted to MINFOF must be calculated taking into account the economic prejudice, the investment made by the State in taking care of the animals and also the 1996 finance law.
- Wildlife legislation has also given wildlife officials custody right of the corpus delicti (both the wildlife products and materials/equipment used to facilitate the accomplished of the offence), seized at the crime scene, **Section 145** of the law. This imposes an obligation for products and materials seized to be securely managed and to ensure their availability in court during prosecution as exhibits.
- To intensify the fight against IWT, the Cameroon government through a **Presidential Decree N°2014/413 of 22 October 2014**, created an Anti-Traffic Airport Units. This agency constitutes three main law enforcement actors as members namely, police, gendarmerie and customs, with the objective of combatting the exportation and importation of contraband goods, including wildlife and its derivatives, in and out of the airports. According to the presidential decree, the Anti-Traffic Airport Unit is to operate only

at international airports. This unit serves as a platform of collaboration between key law enforcement agencies to better tackle international wildlife trafficking within the air transport system.

The government has created a platform and encourages joint enforcement efforts between the police, gendarmerie, customs, judiciary, and NGOs to combat IWT through law enforcement. Some examples are seen today where joint patrols are made in reserves and parks, and arrests, seizures, and preliminary investigations are successfully carried out in collaboration with the police, gendarmerie, and NGOs.

The NGOs provide technical support to these key stakeholders through building capacity, training workshops, seminars, internships, donation of materials, and sensitisation.

Cameroon has introduced a National Biodiversity Strategy and Action Plan³⁵ to improve the well-being of citizens, protect ecosystems and promote alternative livelihoods. Typically, in Cameroon, forests are managed by the state with the assistance of the communities' involvement. It is clearly articulated in this Action Plan that 'in the hierarchy of norms, the protection of Cameroon's biodiversity is shaped by relevant international and regional instruments ratified by Cameroon, biodiversity-related policies, laws and regulations.

2.2.2 WEAKNESSES/GAPS OF WILDLIFE LEGISLATION

These weaknesses can be viewed from two dimensions: those within the texts (endogenic) and those outside of the texts (exogenic).

Endogenic weaknesses can be viewed both from international and national perspectives. At the international level, focusing mainly on CITES, the key weakness of CITES is that the export and import permits effectively acquire a value, opening up possibilities for fraud, theft, and corruption in issuing them. Falsification of CITES permits is a common problem, particularly for some species, as was the case with parrots in Cameroon in the late 2000s. For example, in November and December 2007, 1,220 African Grey Parrots

about to be exported from Cameroon through the Douala International Airport were seized. The traffickers worked directly with some senior MINFOF Officials through complicity and corruption, with the white-collar criminals thriving on this complicity, gaining a legitimate cover and eliminating the risk factor. The methods generally used were forgery and falsifying CITES Permits, and attempting to export more than the permitted quota³⁶.

Theft and sale of blank documents similarly undermine the system. In theory, for an export permit to be issued, the Management Authority of the exporting country must be satisfied that the specimen was not obtained in contravention of the State's laws for the protection of fauna and flora. In practice, however, obtaining a CITES Permit does not go through a rigorous procedure, compounded by low capacity, and in some cases, corruption.

At the national level, the 1994 wildlife law gives provisions for settlements between wildlife officials and offenders. The law on wildlife has accorded only the Minister of Forestry and Wildlife and his regional representatives the right to conclude such transactions and the various rates based on the conditions laid down by the decree (**Section 77 of the 1995 Decree**). In most cases, offenders are arrested in localities very far from the regional structures of MINFOF, and these agents are not always sufficiently equipped with material, and therefore use the option of settlement in some wildlife offences, an aspect that exposes them to corruption.

Section 78, subsection 5(2) of the same Decree provides that "no settlement shall be authorised in case of the killing of an animal that is a totally protected species". And **Section 101** of the 1994 law states that: "*any person found, at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in Section 78 of the present law, shall be considered to have captured or killed the animal.*" Unfortunately, these Sections are not strictly followed because of the loophole provided under **Section 77 (1) of the 1995 Decree** which states that "*in accordance with Section 146 (1) of the Law, infringements of the legislation and/or regulations on wildlife may give rise to*

a settlement, without prejudice to the right of prosecution by the Public Prosecutor".

In matters of settlement, any amount above 500,000XAF is reserved for the lone competence of the Minister. Sometimes, the MINFOF officials who carry out the seizure always find it difficult to contact the competent authority for settlements early enough. Additionally, there is a legally prescribed 48-hour time limit for police custody, making it possible for the perpetrators to go unpunished owing to the fact that at the expiration of the time limit of a police custody order, detention becomes illegal.

Section 147 of the wildlife law tends to create a vacuum which has resulted in ambiguities in its interpretation and application. It states that in cases where settlement is unsuccessful and following prior notification of the offender, court action shall be instituted within 72 hours at the request of the services of wildlife. The confusion, therefore, arises as to whether the 72 hours starts to run at the close of the failed attempt at settlement or upon prior notice of the offender. This provision of the law has equally failed to prescribe the form of the notification. It is therefore assumed that both the notice period and the commencement of the court action fall within the prescribed 72 hours while others have interpreted the 72 hours' time frame as the period for notification. In practice, some wildlife cases have been struck off for non-compliance with procedures (or for procedural gap) due to divergent interpretations.

The Decree of implementation of the law stipulates in **Section 78** that once a settlement is agreed upon, it must be executed within three months. In practice, the offender would undoubtedly be released pending the execution of the settlement. In the event of non-payment of the agreed sum after the expiration of the three months period, it would be difficult to re-arrest the offender and give them prior notice of prosecution within 72 hours, especially where the suspect was provisionally released with or without surety or guarantor. In these instances, even summonses from the State Counsel are usually unsuccessful. This again leads to inefficiency of the law and makes prosecutions very difficult.

Concerning hunting, the 1994 wildlife law provides for participatory management of natural resources through community hunting zones. However, the key problem is that traditional rights holders have been disenfranchised, with the benefits going to those not directly concerned, such as village elites and government officials. Thus, the legislation is somehow contradictory in the sense that on the one hand, it confers rights through hunting zones and on the other hand, it promotes sanctions against hunting. This has always resulted in conflict between people and wildlife officials and the impoverishment of local or traditional hunters.

The wildlife law is also not very clear when it comes to sanctions. Many arguments arise on whether to apply or not to apply the provisions of **Sections 155 and 158** in punishing offences provided for in **Sections 78, 98 and 101** of the wildlife law.

As seen, **Section 155** of the wildlife law punishes from 50,000XAF to 200,000XAF or imprisonment term of 20 days to two months or both such fines and imprisonment for the violation of **Sections 87, 98, 101**. Meanwhile, **Section 158** punishes with fines from 3,000,000XAF to 10,000,000XAF and or imprisonment of from one year to three years or both such fines and imprisonment for the killing and capturing of protected animal be it during the period where hunting is closed or in a protected area or areas where hunting is forbidden.

In effect, the two sections tend to punish the same offence differently. There should have been a comprehensive legal provision to give priority to one of the two sections. However, these two provisions give rise to a wide discrepancy of opinion in court. This contradiction was witnessed in a case before the Yokadouma court in 2012³⁷, where an accused person although found guilty of killing an elephant and being in possession of elephant tusks was instead convicted under **Section 155** whereas he was prosecuted using **Section 158**.

Another weakness of the 1994 wildlife law concerns the taking of oaths. **Section 141 (2)** of the wildlife law provides that the officials

of the administration of forestry, wildlife and fisheries shall at the request of the services concerned and under the conditions laid down by decree, take an oath before the competent court. However, neither the law nor the decree is clear on the modalities and scope (territorial competence) of the said oath. By inference, these Officials are required to take an oath anytime they are transferred to a new jurisdiction even under the same category and rank. For example, a MINFOF official working at Djoum takes an oath there, and later is transferred to Abong-Mbang where he is expected to take the oath upon assumption of duty. Failure to do so renders him a non-JPO, and therefore cannot carry out duties such as arrests, investigations, writing of offence reports, and forwarding offenders and products seized before the court.

Again, the wording of this Section denotes a territorial limitation. This means that the exercise of their powers is limited to the jurisdiction where the oath was taken. From discussions, MINFOF officials pointed out that the issue of “mobile oath-taking” usually slows down and even jeopardises the performance of their duties, especially that of investigations, drafting of wildlife offence statements, forwarding of seized products and suspects before the court and even during prosecution of wildlife cases. To them, it makes the enforcement of wildlife laws ineffective.

Under the 1994 law, only sworn MINFOF officers have the power and capacity to establish facts and seize products collected without authorisation and the objects used to commit the offence, and write a report thereon as stated under **Section 142**. This provision, therefore, tends to limit the scope of action of wildlife officials, knowing very well that there are localities with no sworn officer or where they are very few. In such places, there is always the problem of ineffective law enforcement due to procedural lapses, from investigations to court case prosecutions.

Another area of weakness concerns exit points from Cameroon. The Presidential Decree N°2014/413 of 22 October 2014 created the Anti-Traffic Units within airports to combat IWT. The scope of these Units are limited only to international airports such as Douala and

Yaoundé airports, forgetting that other airports equally give access into and out of Cameroon. Similarly, the composition of the commission is void of MINFOF representative/s, the stakeholder with the administrative mandate to effectively handle offences relating to wildlife contraband. whereas its representatives are present at the level of various international airports of Cameroon, and wildlife products are subject to international trafficking. Also, such specialised units do not exist at the level of seaports, or ground frontiers.

Exogenic weaknesses also exist and include:

- The lack of knowledge of texts and procedures governing the wildlife sector by actors in charge of its implementation constitutes an element of ineffective decisions. Some sitting Judges have a good mastery of the general criminal laws but have never heard about, or used the special 1994 wildlife law with specific prerogatives.
- The weak and low penalties meted out for wildlife crimes are an important factor in the lack of deterrence of the law. Cases abound whereby traffickers continuously take the risk to illegally trade wildlife products knowing that even if arrested, they will spend just a few months in prison, serve the sentence, and come out to continue with their illegal activities.
- Unnecessary judicial delays are another factor. Wildlife matters are mostly cases of *flagrante delicto* which under normal procedure do not have to suffer several or unnecessary adjournments. In some instances, cases are unnecessarily adjourned due to the nonchalant attitude or corrupt practices of the court officials, or simply because an accused, for example, challenged the nature of the product or animal found in his possession, meanwhile the same accused acknowledged it his statement of offence (PV).
- The absence of a centralised database and a formal network for information sharing among the various bodies involved in the application of wildlife law is also another problem that makes the implementation and enforcement inefficient. It also makes the availability

and analysis of court cases very difficult;

- The inability of some officials to quickly identify and recognise seized wildlife products delays investigations and even prosecutions. At times, expert opinion is required to confirm the specimen or species concerned, and this can take months to get an expert report, or the physical presence of the expert in court.
- Another serious issue is the irregular and inadequate designation of the representatives of the Wildlife Administration in wildlife matters. According to the 1994 wildlife law (**Section 147**), the wildlife representatives sit in association with the State Counsel in uniform and without caps. This law appears to refer here to the sworn officer who wrote the offence reports while in the field, and he has the power at the hearing to act as prosecution witness for the state, and produce useful evidence and observations against the accused, especially where they plead not guilty.

In practice, however, during court hearings, there are frequently observed instances of duplications where on the one hand, there is a sworn officer in uniform in service at the territorially competent MINFOF Unit, and on the other hand, there is a second agent in ordinary plain dress designated by the MINFOF central unit following a mission order without any knowledge of the case file for which he is appointed. The result is always a scenario in which one will sit with the State Counsel and the other will sit and follow the trial as any other member of the public.

It is important to raise this fact that judicial delays have often occurred due to delays from MINFOF to appoint/delegate a representative from the central unit, even when the sworn officer who participated in the arrest, seizure, and investigation of the case is indeed present in court to give the evidence.

- Generally, there are obstacles regarding the enforcement of wildlife laws due to a lack of capacity and resources, with poorly funded and understaffed enforcement agencies, inadequate numbers of park rangers, lack of technological facilities, and limited experience and knowledge of wildlife issues.

- Cameroon lacks the resources to effectively monitor their vast natural reserves and parks with part of the challenge being the effective tracking of poachers across its remote forest terrain and those around the borders surrounded by countries witnessing terrorism and other insecurities. The legal authority responsible for the protection and conservation of wildlife is the wildlife administration. These vast natural reserves and parks have very limited park rangers with insufficient materials and equipment, and other relevant resources to effectively combat wildlife criminal activities in and around the protected areas, and along the wildlife trade chain
- from the source to the exit points.
- Lack of collaboration between the entities charged with wildlife law enforcement at several levels. At the first level, there is an accrued lack of collaboration between MINFOF and other Judicial Police Officers (JPOs) including the Police, Gendarmerie, and Customs for ground enforcement and adequate legal procedure. There are also problems of conflicts of competencies and responsibilities. At the second level, a lack of collaboration between JPOs and the Court Officials leads to a misunderstanding of the cases and non-deterrent court decisions.

2.3 PROCEDURE FOR WILDLIFE LAW ENFORCEMENT IN CAMEROON

The procedure to combat wildlife offences is in principle, almost the same as the classic criminal procedure governed by Law No 2005-007 of 27 July 2005 on the Cameroonian Criminal Procedure Code (CPC), but with some particularities in certain stages which are governed by Law No 94/01 of 20 January 1994 to lay down of Forestry, Wildlife and Fisheries Regulations. This special procedure makes it possible to settle the questions of competence and collaboration of the various actors, which may arise throughout this procedure. Thus, the various stages of this special procedure for fighting wildlife offences in Cameroon are the police investigation, the prosecution, and the judicial trial.

2.3.1 THE JUDICIAL POLICE INVESTIGATION

The judicial police investigation is the phase of the proceedings during which wildlife offences are ascertained, wildlife offenders or suspects and their accomplices are arrested, searches and seizures are carried out and, finally, official PVs are drawn up. All these activities of the judicial police investigation are supervised by the competent State Counsel. This stage is fundamental, for it is here that all the elements must be brought together to guarantee the success of the wildlife law enforcement procedure.

The Cameroon CPC provides for two types of judicial police investigations, namely the

flagrante delicto investigation and the police investigation (Nkoke and Nya, 2019). These two types of investigations are applicable in wildlife matters, but the particularity of the judicial police investigation in wildlife matters lies in the quality of the investigator. A distinction is therefore made in this procedure between the main investigator and the secondary investigators.

A - The main investigator: sworn MINFOF officials

Section 141 (1) of the 1994 Wildlife Law provides that sworn MINFOF officials are the principal investigators of wildlife offences. They are, therefore, judicial police officers with special competence (JPOSC)³⁸. The priority competence of MINFOF's sworn officials in judicial police investigations is based on section 84(2) of the CPC, which states that "*However, the judicial police officer shall automatically hand over the case to any agent mentioned in section 80 above by virtue of the special knowledge*". MINFOF's sworn agents are among the agents referred to in **Section 80** of the CPC. This clearly means that it is MINFOF's sworn officers who are primarily competent in the case of wildlife offences. Therefore, they observe these offences, seize protected species or trophies, arrest all suspects caught in *flagrante delicto* in possession of these protected wildlife species/products, and then draw up offence reports against the latter.

During this time, they have the power to take all these wildlife offenders into custody within the required timeframe³⁹. The reports drawn up by these sworn MINFOF Officials have the value of an authentic act. That is to say, they shall be held as a true record of the facts stated therein until proved false⁴⁰. At the end of the investigation, MINFOF's sworn officers, in their capacity as judicial police officers with special competence, must immediately bring the suspects before the State Counsel with territorial competence⁴¹. To do so, they must first send these reports to their hierarchy⁴², who in turn are required to sign a transmission form to be sent to the territorially competent State Counsel.

B - Other investigators

Other investigators are the JPOGC who are involved to some extent in the recording of wildlife offences. They may, of course, be judicial police officers of the Gendarmerie and the Police (Nkoke et al., 2016). In most cases, they are often requested by MINFOF to assist them in the field⁴³. In this case, they may therefore be competent to record connected offences to wildlife offences such as: corruption⁴⁴, procuring influence⁴⁵, assault on public servants⁴⁶, illicit financial flow⁴⁷, financing of terrorism⁴⁸, possession and circulation of arms and ammunition⁴⁹, cybercrime⁵⁰ etc. Even if it is true that some of these offences fall within their exclusive competence⁵¹.

In addition to the JPOGC, there are also JPOSC, such as the Customs and the authorised officers of the National Agency for Information and Communication Technologies (NAICT). In fact, when Customs officers are the first to note wildlife offences, they must immediately withdraw from the case and pass it on to the wildlife administration service with territorial competence⁵². However, they may also report other smuggling offences within their competence (Nkoke et al., 2016). As regards the authorised agents of NAICT, they can contribute their technical skills in locating cyber wildlife criminals. They may also be competent to record cyber wildlife crime.

It should be noted that all these JPOs must relinquish responsibility for wildlife investigations to the territorially competent

MINFOF sworn officers⁵³. They must therefore transmit these investigations to the territorially competent MINFOF services. All reports drawn up must be forwarded to the territorially competent State Counsel.

2.3.2 PROSECUTIONS

Once the wildlife investigations have been completed, the reports and suspects are forwarded to the competent Legal Department to initiate prosecution. In principle, public prosecution is initiated by the State Counsel⁵⁴. But in wildlife matters, it is also set in motion at the request of the administration in charge of wildlife⁵⁵. On receipt of the reports, the State Counsel may declare himself/herself incompetent either territorially or materially. In this sense, they will hand over the case to the Legal Department of the competent court, which may be the military court or the high court in the case of related offences falling within their exclusive competence (Meva, 2015).

If the Legal Department has competence, the State Counsel can either deepen the investigation by making a referral to the initial investigator for further enquiries⁵⁶, or by opening a judicial inquiry. The State Counsel can also close the case without prosecution because the evidence before him does not sustain the charge for a wildlife offence⁵⁷. Or they can initiate prosecutions against the suspects⁵⁸. Prosecution can be immediate in compliance with the rules of *flagrante delicto*, or the State Counsel can at the same time, remand the suspects or release them on bail with or without sureties pending trial. The State Counsel may also initiate legal actions by against the suspect/s by way of direct summons.

2.3.3 THE JUDICIAL TRIAL

Trial in wildlife litigation like in other criminal litigation is the phase wherein the suspect is heard in open court and before a Judge who deciphers from the evidence before him/her whether an accused person is guilty of the wildlife crime charges against him/her or not. Generally, the court with competence to try wildlife cases is the Court of First Instance (CFI) of the place of commission of the wildlife offence and exceptionally, the military or the high court of the place of commission, in the

case of connected offences that fall within their exclusive competencies.

Trials in wildlife matters are particular compared to traditional criminal trials in that the MINFOF's representative plays a key role by acting in association with the state Counsel (**Sec. 147 wildlife law**). Such MINFOF representative sits in uniform and may intervene at any stage of the trial, same as the State Counsel, and they shall not be refused

the right to speak (Nkoke and Nya, 2019). This is because they are said to be investigating the case in the same way as the State Counsel. They can equally make observations and submissions which they deem necessary to their interest and claim damages for the State (MINFOF) in the capacity of Civil Party. Their role is pertinent to give guidance to the State Prosecutor and Judges' decision because most often these judicial authorities are not versed with the wildlife litigation technicalities.



Elephants featured in the most number of court cases studied

3. RESULTS AND ANALYSIS OF WILDLIFE COURT CASES, JANUARY 2010 - DECEMBER 2022

The two studies during two different periods, January 2010 – December 2016, and January 2017 – December 2022 as aforementioned, used the same methodology and the same key indicators in the analysis as follows:

1. Number of Cases by year;
2. Number of cases by region;
3. Seizures by the different LEAs;
4. The different animal species and specimens (products/live animals);
5. The Profile of Traffickers Arrested;
6. Modes of Operation of Traffickers;
7. Prosecutions.

Additionally, under the SLECC project, live court monitoring was done in some parts of Cameroon since December 2020, including Douala, Yaoundé, Bertoua, Abong Mbang, Sangmelima, Djoum, Akonolinga, Dschang, Ambam, Ebolowa, and Mfou jurisdictions (courts selected for locations within known hotspots for wildlife crime and transit). This

activity is continuous but for this study, the analysis covers the period of December 2020 to December 2022 to be consistent with this general court case analysis work.

The results and analysis provide a general picture of the Cameroon Government's efforts in combatting illegal wildlife trade over the years. For the 2010-2016 period, there were 324 cases in the Regions of Adamawa, Center, East, Littoral, North West, South, South West and West; and 351 cases for the 2017-2022 period from Adamaoua, Centre, East, Littoral, West, and South regions, giving a total of 675 cases that were centralised and analysed.

All these cases directly result from arrests carried out by MINFOF and other LEAs. The data used here following the already mentioned methodology was obtained from MINFOF, Courts, Customs, WWF, LAGA of the EAGLE network, and TRAFFIC. For the regions

effectively covered, the following limitations should be highlighted though not greatly impacting the analysis:

- Not all seizures result in court cases and some agencies such as the Customs, Police and Gendarmerie have their procedures, and do not either report cases concerning wildlife to MINFOF or effectively take them to court. In some instances, some cases are not sent to court or are simply rejected because of failure to duly follow the set procedures, hence, not considered in this work.
- Some cases are still undergoing investigations as requested by the Examining magistrate. These cases are also not considered here because they are not fully registered in the court systems.
- Cases are counted following the number of individuals and not networks because criminal liability is personal as per the law or individuals are only personally liable before the courts. However, networks were also analysed to give a better understanding of the actors and the intricate nature of the chain from the source to the end market.
- Because of problems with ineffective filing court systems, it is possible that some cases could have been lost. There are no electronic systems in many courts to ensure traceability. This too, could confuse the number of cases existing in the courts.
- Not all the stakeholders, especially Government Officials, were willing to discuss issues of corruption, such as bribery and influence peddling that might have impacted on the legal proceedings and court verdicts.
- For the 2017-2022 period, no cases were reported from the North West (NW) and South West (SW) Regions of Cameroon because of the ongoing 'Anglophone Crisis'⁵⁹. It is possible that because of this insecure environment, there has been less focus on fighting against IWT, hence, no data on seizures and cases. However, it is also possible that this crisis serves as a cover for traffickers to carry out IWT.

3.1 NUMBER OF CASES ACCORDING TO THE DIFFERENT YEARS

For the 2010 to 2016 period, the number of cases recorded remained fairly constant with a

dip in 2016, giving an average rate of 46 cases per year, as shown in Table 1.

TABLE 1

Number of court cases for the 2010-2016 period.

YEAR	2010	2011	2012	2013	2014	2015	2016	TOTAL
Number of cases	46	50	51	51	45	49	32	324

For the 2017-2022 period, there was a record 92 cases registered in 2018, but the calculated

average during this period is 58 cases per year, as shown in Table 2.

TABLE 2

Number of court cases for the 2017-2022 period.

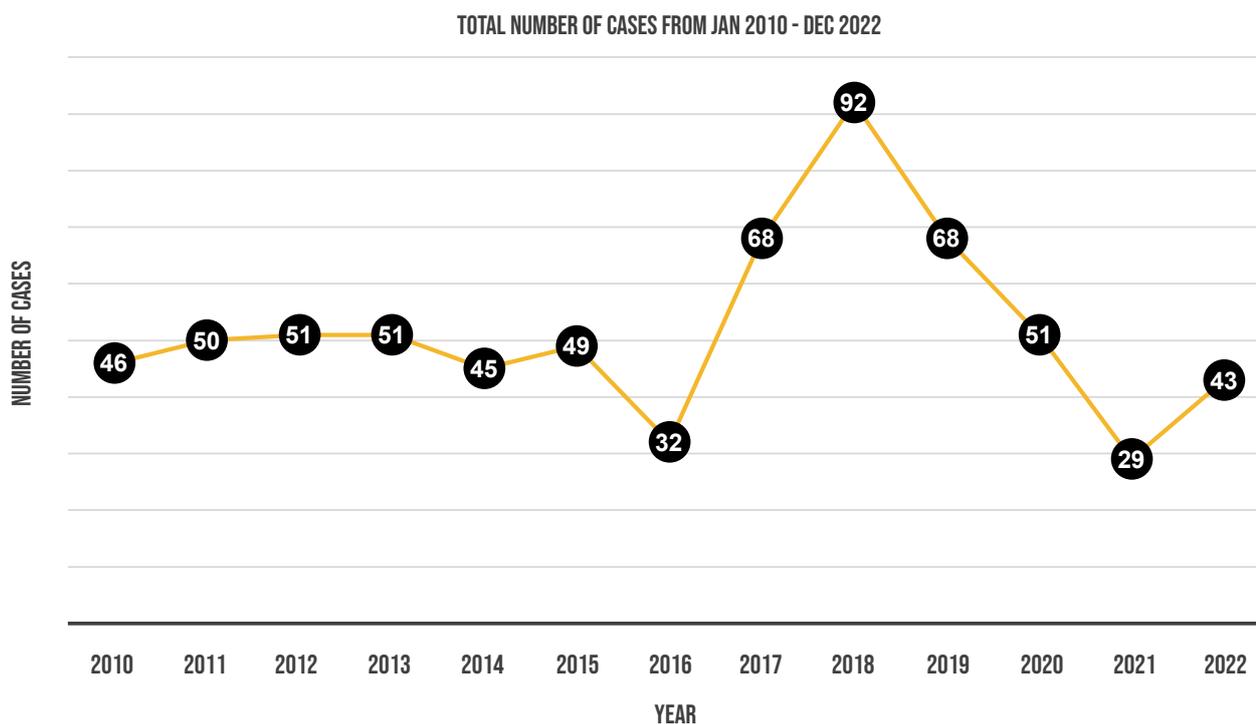
YEAR	2017	2018	2019	2020	2021	2022	TOTAL
Number of cases	68	92	68	51	29	43	351

On combining the results of the two study periods, the total number of cases brought to court after arrests from January 2010 to December 2022 is 675 after following the set legal procedures. This gives an average of 52

cases per year, fairly constant between 40 and 50 cases despite the dips in 2016 and 2021, and the high rates in 2017, 2018 and 2019, as shown in Figure 1 on the next page.

FIGURE 1

Total number of court cases from January 2010 to December 2022.



There is no clear explanation for the sharp dips or drastic increases in the number of arrests and ensuing wildlife court cases, but some arguments put forth by MINFOF include

sustained field actions and support from collaborating NGOs and operations from some other LEAs, especially the Customs.

3.2 NUMBER OF CASES BY REGION

Data received shows that there are court cases in eight out of the ten Regions of Cameroon. The two exceptions are the North and the Extreme North Regions. According to information from MINFOF and Justice Officials, these exceptions are due mainly to legal procedures that were not effectively followed, and some cases are still undergoing investigations. An example given is the case of

4.04 tons of pangolin scales seized at Gashiga – North Region by the Cameroon Customs on 27 March 2021⁶⁰. Discussions with Justice, MINFOF and Customs Officials show that investigations are still ongoing to arrest the traffickers. Table 3 shows the number of cases according to the different Regions for the two study periods, and Figure 2 shows the total percentage of cases per Region for 2010-2022.

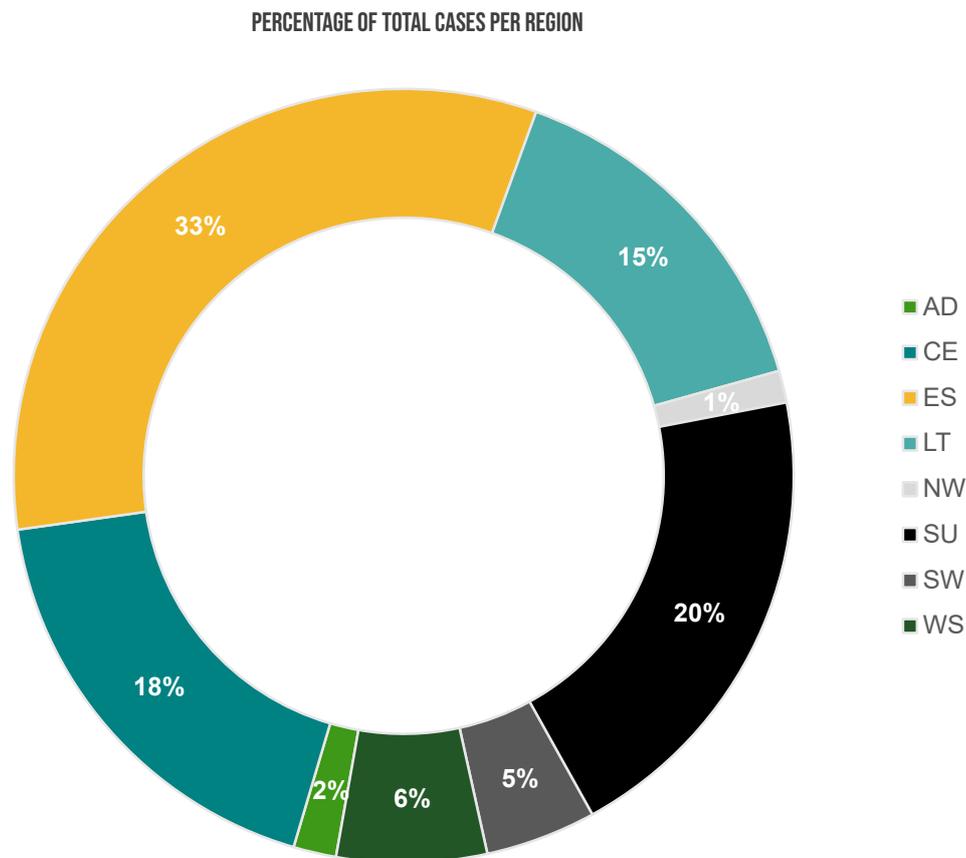
TABLE 3

Number court cases per region for the 2010-2016 and 2017-2022 periods.

REGION	ADAMAWA (AD)	CENTER (CE)	EAST (ES)	LITTORAL (LT)	NORTH WEST (NW)	SOUTH (SU)	SOUTH WEST (SW)	WEST (WS)
No of Cases for 2010 - 2016	02	57	91	33	09	77	31	23
No of Cases for 2017 - 2022	10	66	132	73	00	52	00	19
TOTAL	12	123	223	106	09	129	31	42

FIGURE 2

Percentage of court cases per Region for the total 2010-2022 period.



The East Region with 33% and the South Region with 19% record the highest number of wildlife cases. This is not surprising as these regions are major source and transit areas with numerous national parks such as Lobeke, Nki, and Boumba Bek in the East; Campo Ma'an, and Mengame Gorilla Sanctuary in the South; and the Dja Biosphere Reserve covering both East and South regions. These regions still harbour a considerable wildlife population, such as elephants and great apes. The East and South Regions are part of the Tri-National Sangha (TNS)⁶¹ and the Dja-Minkébé-Odzala Tri-National forest landscape (TRIDOM)⁶² transboundary landscapes and border the Central African Republic, the Republic of Congo, Gabon and Equatorial Guinea. They thus play the role of hubs for IWT within and transiting Cameroon to other countries especially Nigeria, and on to the international markets of Asia and other parts of the world. According to some MINFOF Officials, these Regions are exposed to poachers

and traffickers operating in organised crime syndicates that operate in complicity with networks in Cameroon. Organised poachers (sometimes armed with rifles), set up tents inside parks and carry out poaching activities.

The Centre Region comes next with 18%, and it is also a source, internal end market, and transit area, with Yaounde acting as a hub for products from the East and South Regions and the West Region. The Mbam and Djerem national park⁶³ in the Centre Region is a major source of illegally traded wildlife products.

The Littoral Region with 16%, like the Centre Region, is also a source, internal end market, and transit area for products. The Douala International Airport and the Seaport in this Region act as major exit points for products from other parts of Cameroon towards Nigeria and the international market, especially Asia, as seen from the seizure data.

All the other Regions – Adamawa (Adamaoua), North West, South West, and West for which data was received are also main source, transit, and exit areas. The West Region acts as a major link between the northern and southern parts of Cameroon. It is also a drop-off point for wildlife products such as feline skins and ivory tusks considered prestigious goods for those who possess them, and a sign of cultural power.

Like with the other regions, there is an end-market for mainly bushmeat. It is worth noting that meat from totally protected species is also a product covered by the 1994 wildlife law.

The South West, through the ports of Tiko, Limbe and Idenau, is near Nigeria, and many products destined for Nigeria have been seized at these ports. The Adamawa and North West Regions also have porous borders with Nigeria and IWT occurs in these parts of Cameroon.

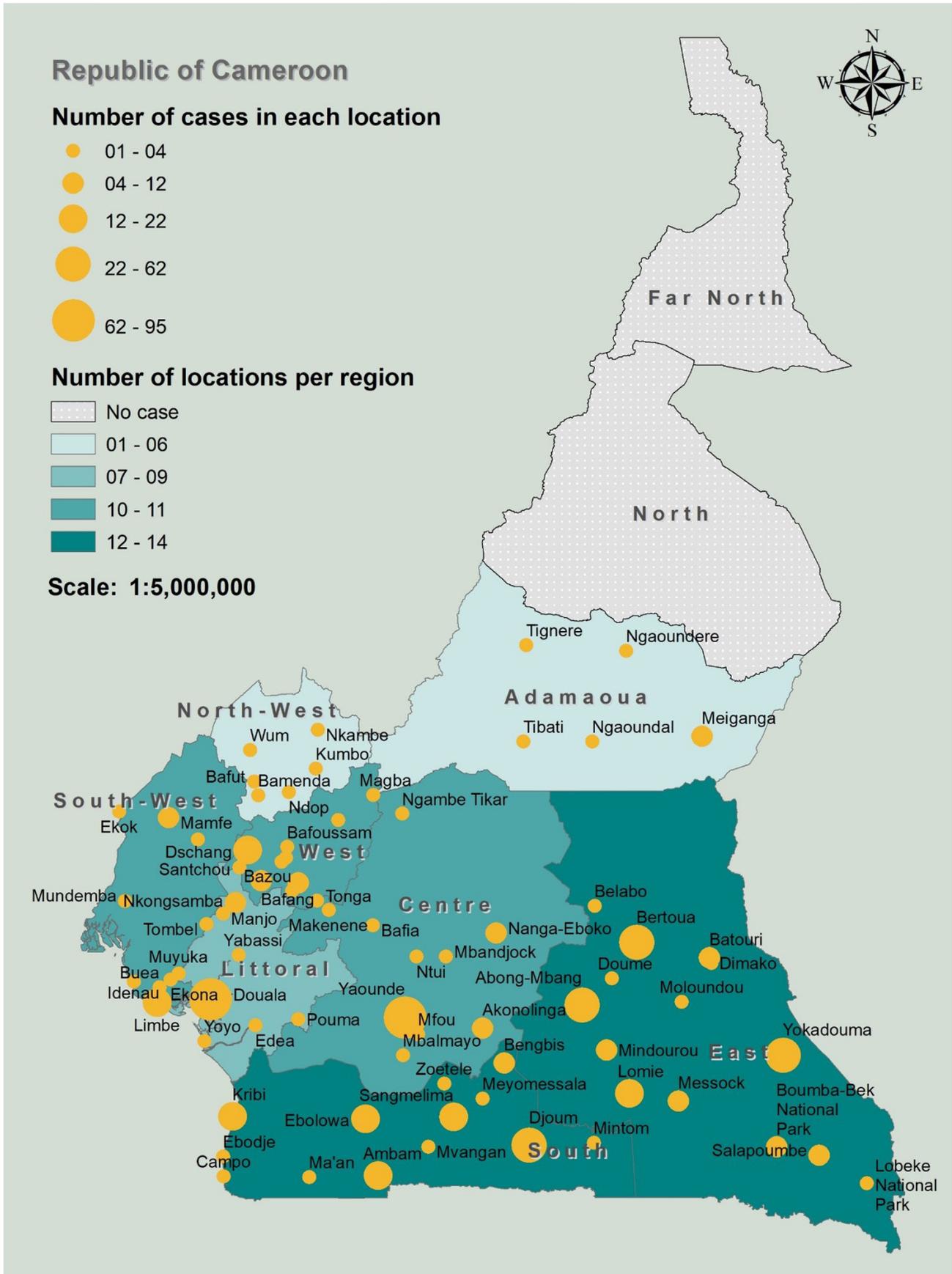
Table 4 and Figure 3 (Map) below capture some prominent hotspots, many as aforementioned acting as first collection points, consolidation points, transit and exit points along the IWT chain. Among these are also places with high urban population density and a corresponding high demand for bush meat and other wildlife products.

TABLE 4

Main hotspots in the different Regions.

REGION	HOTSPOTS (SOURCE, COLLECTION, CONSOLIDATION, EXIT POINTS)
Adamawa	Meiganga, Ngaoundal, Ngaoundere
Centre	Akonolinga, Mbalmayo, Mfou, Nanga Eboko, Ngambe Tikar, Yaounde
East	Abong Mbang, Batouri, Belabo, Bertoua, Lomie, Messok, Moloundou, Salapoumbe, Yokadouma
Littoral	Douala, Edea, Nkongsamba
NW	Bafut, Bamenda, Nkambe
South	Ambam, Bengbis, Djoum, Ebolowa, Kribi, Meyomessala, Mintom, Sangmelima
SW	Buea, Ekona, Idenau, Limbe, Mamfe, Mundemba, Muyuka
West	Bafang, Bafoussam, Baham, Bangangte, Bazou, Dschang, Foumban

FIGURE 3
Main wildlife crime hotspots.



3.3 SEIZURES BY DIFFERENT LEAS

Although MINFOF, as already mentioned is the central authority whose remit is to handle wildlife cases, other agencies specifically the Customs, Gendarmerie, and Police also carry out arrests and either forward the case to MINFOF after writing their report or directly, though rarely, take the case to court via the State Counsel. In other instances, arrests are carried out jointly following a request for support by MINFOF from these agencies where collaboration is good.

Out of the 675 cases analysed in this report, MINFOF carried out 582 of them, which totals 86%. MINFOF also jointly carried out operations with the other LEAs, i.e. the Police, Gendarmerie and Customs. Of significance is the fact that these other LEAs carried out seizures on their own leading to prosecution and counted amongst the number of court cases. Equally good to see is that excluding MINFOF, these LEAs collaborated and carried out seizures, and hence cases concerning wildlife crime, as shown in Table 5.

As already mentioned, MINFOF requisitions the support of other LEAs to carry out seizures and arrest operations. In other instances, joint arrests are carried out at checkpoints with some or all of these LEAs present, during crack-down operations such as in a market, and joint patrols in some protected areas. Other points of note are the exits including ground borders, seaports and airports, where these agencies usually operate jointly.

What is clear is that despite reported instances of conflict of competencies, there is also good collaboration between MINFOF and other LEAs, and between the different LEAs. From this, it is quite clear that MINFOF collaborates and undertakes joint activities with other agencies especially the Police though much needs to be done to improve their collaboration with the Customs.

TABLE 5

Number of cases per Agency/Agencies.

LEA	NUMBER OF CASES	%
MINFOF	582	86.2
MINFOF + Police	25	3.7
MINFOF + Gendarmerie	17	2.5
MINFOF + Customs	8	1.2
Police	11	1.6
Gendarmerie	7	1.03
Customs	14	2.1
Police + Customs	4	0.59
Gendarmerie + Customs	5	0.74
Police + Gendarmerie	2	0.3
TOTAL	675	100

3.4 THE DIFFERENT ANIMAL SPECIES AND SPECIMENS (PRODUCTS/LIVE ANIMALS)

The different specimens (live animals and derivative products) and species are as varied as the places and the profile of the traffickers. During seizures, some of the specimens were from the same species, while others were a mixture of different species depending on the level of the trafficker along the IWT chain. Traffickers of raw elephant tusks and worked ivory pieces, pangolin scales, African

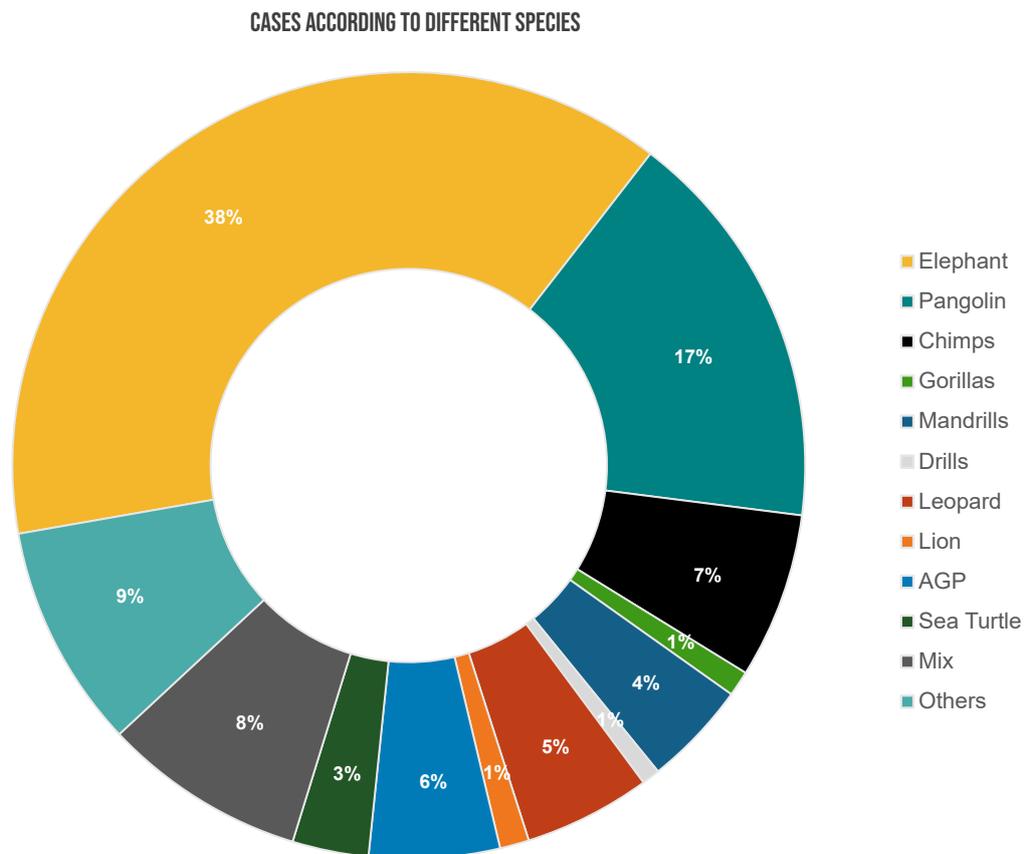
Grey Parrots (AGP), and primates are more specialised than those trading in bushmeat. Trade in elephant products, primate (chimp, gorilla, mandrill) parts and pets, felid (lion and leopard) skins, pangolin scales, sea turtle shells, and live AGP are the most prominent. Table 6 and Figure 4 below show the distribution of the different types of species traded.

TABLE 6

Number of cases per Species.

SPECIES	2010-2016	2017-2022	TOTAL	%
Elephant	132	126	258	38.22
Pangolin	17	95	112	16.59
Chimps	25	21	46	6.81
Gorillas	7	0	7	1.04
Mandrills	13	16	29	4.30
Drills	0	5	5	0.74
Leopard	14	21	35	5.19
Lion	4	4	8	1.19
AGP	19	17	36	5.33
Sea Turtle	21	0	21	3.11
Mix (Elephant, Chimp, Gorilla, Leopard, Pangolins)	56	0	56	8.30
Others (Rhino, Hippo, Ostrich, Crocodile, African forest Tortoise, Agile Mangabey, Duikers)	16	46	62	9.19
TOTAL	324	351	675	100.00

FIGURE 4
Percentage of cases per species.



Elephants account for almost 40% of all the arrests and cases forwarded to court. Illegal trade in elephants is carried out mainly in networks and different products including raw tusks, worked ivory pieces, meat, tails, and bones are all traded with the other products having different sets of clients. Raw tusks and worked pieces are mostly for export, meat for local consumption, bones for medicinal purposes, and tails for prestige and jewellery.

Trade in elephant products is also mixed with trade in products of other species, such as primate parts, felid skins, and pangolin scales, and these are grouped under the label of 'Mix' for ease of analysis. If combined, trade involving elephant products will account for over 50% of all the IWT cases analysed.

After elephants, trade in pangolin scales accounts for 17% of the cases. Elephants and pangolins account for more than half of the

wildlife court cases. Many cases of seizures of pangolin scales concern huge quantities, such as the case of two Chinese nationals arrested in January 2017 in Douala, with 5.4 tons of pangolin scales ready for illegal export to China, with the scales placed inside two containers after packaging in 300 boxes, that were in turn loaded into iron boxes welded into frames that partitioned the containers⁶⁴.

Trade in some species is peculiar to some areas with a high population density or because of habitat types, such as leopard skins in the West Region, sea turtle shells in the coastal towns of Limbe and Kribi, African Grey Parrots in Douala and Limbe that are exit points, elephant products in the East and South Regions, and Douala and Yaounde as main hubs.

Of particular interest is the case of the trade in a rhino horn. In a joint operation of MINFOF

and Customs in June 2020, a lady trafficking a rhino horn from Botswana through Cameroon on the way to Chad was arrested in Douala, with the horn wrapped in her dresses and transported in a travelling bag (**Personal discussions with the Chief of Service for Wildlife and Protected Areas for Littoral – Douala in April 2023**). Rhinos are known to be extinct in Cameroon, and the seizure of this horn shows that Cameroon is also a transit country for products from other parts of Africa.

Apart from AGP and ostriches, many live species were also traded, especially primate babies used as pets.

According to **Section 101 (1)** of the 1994 wildlife law which states that: “Any person

found at any time or any place, in possession of a part or a whole of a live or dead class A or B protected animals, as defined in section 76 of the present law, shall be considered to have killed or captured the animal.” Therefore, these parts are considered as full animals killed. An elephant tail implies a full elephant was killed before obtaining the tail, same with skulls, teeth etc. Table 7 presents an estimated number, quantity and weight of the products and live species for the study period. These quantities were obtained after analysis of the MINFOF offence statement, arrests, and judgments obtained from the various registries of the courts concerned. As stated in the comment section of the table, these are the minimum figures, as there is no systematic weighing or measuring of products after seizure.

TABLE 7
Number/Quantity/Weight of trade items of some species.

TYPE / SPECIES	TRADE ITEM	NUMBER	WEIGHT (KG)	COMMENTS
Elephants	Tusks	411	Over 1,000	The exact weight is not known as all the tusks and worked pieces were not weighed after seizures.
	Worked pieces	789	NA	
Pangolins	Scales		11.1 tons	Here too, this figure is minimal as not all the scales seized were weighed.
Primates (Chimps, Drills and Mandrill)	Live babies	34	NA	The rescued baby primates were all taken to specialised structures.
Ostriches	Live adults	8	NA	Brought from Nigeria.
Parrots	Live	2,542	NA	Some live parrots are regularly released back into the wildlife.
	Trophies / Products	124 heads and 1394 feathers.	NA	
Felids (Leopard + Lion)	Skins	42	NA	Mostly in the West Region but also in different parts of Cameroon. The claws and teeth of these felids are also traded.
Sea Turtle	Shells	104	NA	Mostly in coastal areas – Limbe and Kribi.
Various species	Bushmeat	NA	NA	Total weight is not also known as some were not weighed after seizures.

NA: Not Applicable – Data not available

The different species had different sources and different destinations. The major sources include Cameroon, Congo, Central African Republic, Gabon and Equatorial Guinea, all in Central Africa. Cameroon and Nigeria act as hubs and final destinations of some products.

Pertaining to final destinations, AGPs were mostly destined for Bahrain and Kuwait;

sea turtle shells were being taken to Nigeria and Benin; pangolin scales had mainland China, Hong Kong SAR, and Malaysia as final destinations; raw elephant tusks and worked ivory were being sent to Egypt and Nigeria in Africa, Germany, Italy, France and Spain in Europe, and Hong Kong SAR and mainland China in Asia.

3.5 THE PROFILE OF TRAFFICKERS ARRESTED

The profile of wildlife traffickers varies with the evolution of the value or trafficking chain. Generally, these trafficking networks are well-organised and are made up of poachers at the base of the chain, one or a series of middlemen depending on the complexity of the network, and heads of these networks that may be national or international.

In source areas and where poaching takes place, mostly the local people are involved. These local people have a better knowledge of the forests and usually play the role of poachers, trackers, or carriers.

At the hubs in smaller towns such as Djoum, Lomie, Sangmelima etc., local business people acting as middlemen are involved especially in the collection and centralisation of products from the poachers. These middlemen often sponsor poachers or are the go between those who head up the networks and the poachers. They have enough financial means to supply arms, ammunition and other materials needed for poaching expeditions. These middlemen are also in charge of transporting the products from the collection areas to the main exit cities such as Douala.

At a much higher level in bigger cities and exit points such as Douala and Yaounde, the main traffickers and heads of networks are found pushing the trade from the source to the final market nationally or internationally. And at the end of the chain, in the case of an international network, is the receiver at the end market who in turn supplies the consumers. This group is mainly made up of influential and “white collar traffickers” in-country or overseas, driving the trade from behind the scenes and very wealthy. At a bigger scale than middlemen, they also provide arms and ammunition and ensure the transportation of the specimens to supply the national and international markets.

From the cases collected, the poachers and traffickers have different backgrounds and occupations or professions along the trade chain as follows:

- **Poachers / Lower down the chain:** hunters, farmers, fishermen, tourist guides, housewives.

- **Middle men:** civil servants, including teachers, churchmen, seaport and airport employees, students, photographers, drivers (car and motorbike), technicians, contractors, NGO workers, hairdressers, mechanics, restaurant owners, marine officials, carpenters, lawyers, and artists.
- **Higher up the chain / Heads of networks:** high-level military, administrative and judiciary officials; politicians and wealthy businessmen.

All these persons are found at different levels of the trade chain and have different roles and functions within a network.

Just as the background and occupation, the nationality of those arrested is also varied and include Cameroonians, Nigerians, Chinese, Nigerians, Egyptian, Beninese, Ghanaians, Central Africans, Malians, and Gabonese, as shown in Table 8.

These traffickers are not only males. Out of the 675 cases in total, 45 (7%) are females, arrested for illegally trading in a variety of species and products such as pangolin scales, the meat of protected species (bushmeat), primates (live and parts), and leopard skins.

With 95.4%, Cameroonians naturally make up the bulk of the illegal wildlife traders being the major suppliers; followed by Nigerians who are involved in the IWT of different species sending them mainly to Nigeria and Asia; then Chinese who move easily in the sub-region and carry out IWT in addition to their project activities, shipping the products to Hong Kong SAR and mainland China; and Ghanaians who are mostly involved in the trade of AGPs. The nationals from the other countries equally trade in different species, use their occupation or businesses to launder IWT, and are connected to their countries or other countries in mainly Africa and Asia.

While almost all the traffickers trade in different specimens, others are focused on cyber or Internet trade. Some cyber criminals were arrested engaged in fraud - falsifying government documents and CITES Permits.

They carry out “scam” activities whereby they fooled victims into believing they had animals for sale for payment before delivery of the animals. For example, some said they could supply capuchin monkeys not found

in Cameroon in the first place and others promised baby chimps and rhino horns they did not have either, following investigations after their arrests.

TABLE 8
Nationalities of the Offenders.

NATIONALITY	NUMBER	PERCENTAGE	COMMENTS
Cameroonian	644	95.4%	Mostly at the source areas and as middlemen
Nigerian	15	2.2%	Illegal trade of different species especially ivory and sea turtle shells
Chinese	6	1%	High-level traffickers who move easily within Central Africa and take products to Hong Kong and China
Ghanaian	3	0.44%	Mostly involved in the trade of African Grey Parrots and forgery of CITES permits.
Malian	2	0.3%	Trade in sea turtle shells as well as pangolin scales
Gabonese	2	0.3%	Connected to trade in elephant tusks
Egyptian	1	0.15%	Used his cover as a worker in a construction company to launder IWT in worked elephant ivory
Beninese	1	0.15%	Also, trade in sea turtle shells and send them directly to Benin
Central African	1	0.15%	Involved in IWT of pangolin scales

3.6 MODES OF OPERATION OF TRAFFICKERS

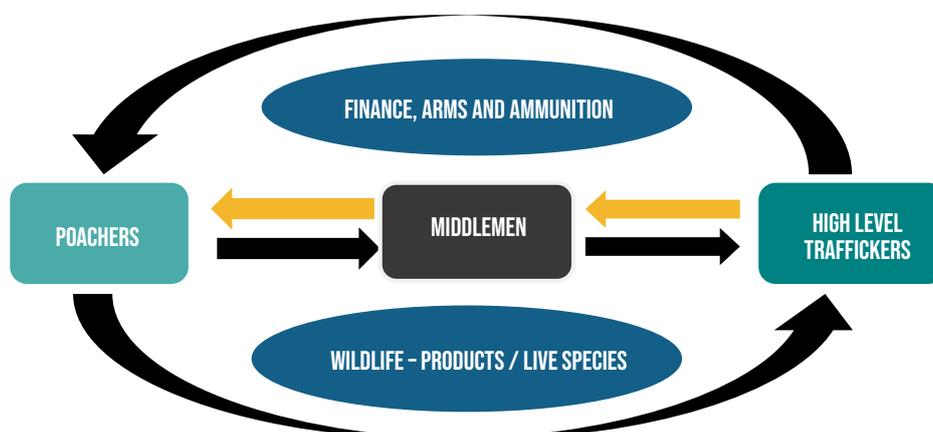
From the cases and discussions with wildlife authorities, it could be deciphered that these traffickers have different methods of operating – in getting the products, transporting, and delivering these products to buyers.

deliver these directly to the high-level trafficker or through the middlemen. The white-collar traffickers also provide cover or collude by bribing authorities on behalf of the members of their network.

As shown in Figure 5 below, high-level traffickers (national and international) provide finances, arms and ammunition directly to poachers or through middlemen; the poachers in turn, after getting products or live species,

In many instances, poaching depends on the availability of financial motivation, arms and ammunition, especially for species such as elephants and great apes.

FIGURE 5
IWT dynamics between poachers, middlemen and high-level traffickers.



For the products to get to the middlemen or high-level traffickers, they are packaged and transported using different methods. For animal parts, meat (fresh or dried) and live species, they are packaged in various types of bags, including plastic bags, market and travelling bags, containers used in transporting ivory, cartons for scales, cages or even clothes for live animals etc.

Transportation is done by on foot, using motorbikes, cars, canoes and boats, depending on the location and the products. Personal cars are used by middlemen high-level traffickers,

and the vehicles of government officials including the military, administrative and judicial authorities are all used to transport products such as ivory from source areas to the bigger cities pending exportation. These vehicles are generally not controlled and hence act as a sure method of transportation of wildlife products. An example is the case in May 2020, whereby three traffickers including two military men were arrested in Yaounde with 380kg of pangolin scales. The military men explained explicitly how they used their military status to avoid arrest during trafficking⁶⁵.

3.7 PROSECUTIONS

As mentioned, Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations is the main legislation on wildlife that provides for and penalises wildlife-specific offences.

Section 3 of the 1994 wildlife law states that “wildlife, within the context of this law, wildlife means all the species belonging to any natural ecosystem as well as all animal species captured from their natural habitat for domestication purposes”. And **Section 101**, (1) says “any person found, at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in **Section 76** of the present law, shall be considered to have captured or killed the animal”.

Sections 154, 155, 156 and 158 of this law capture the different penalties for the corresponding wildlife offences ranging from poaching through illegal possession, circulation and trade. Those addressing wildlife include:

- unauthorised importation or exportation of genetic material for personal use;
- possession of a hunting weapon within an area where hunting is forbidden;
- provoking animals while on a visit to a game reserve or zoo;
- absence of proof of self-defence within the deadline stipulated in Section 83(2);
- contravention of the provisions on hunting as stipulated in Sections 87, 90, 91, 93, 98, 99, 100, 101 and 103;

- hunting without a licence or permit or exceeding the killing limit;
- clearing or setting fire to a State Forest, an afforested or a fragile ecological zone, in contravention of Sections 14, 16(1) and (3), and 17(2);
- falsification or forgery of any document issued by the service in charge of forestry;
- hunting protected animals either during periods when hunting is closed or in areas where hunting is forbidden or closed.

These offences constitute misdemeanours and are punishable, depending on their seriousness ranging from fines of 5,000 to 10,000,000 XAF or imprisonment from 10 days to three years, or both such fine and internment shall be imposed. Each offence identified in this study falls within a specific rung in the supply chain, from illegal killing at the source, through transportation, to the final destination of the species or their trophies, often beyond the country's borders.

Recurrent wildlife offences as defined by law identified during the study include:

- Poaching: illegal hunting on account of the protected status of a species in a protected area or during a period prohibited from hunting, carried out without a permit or with unauthorised means, to kill the targeted species.
- Illegal possession, circulation, and trade of protected species or their trophies: in most cases, they are *flagrante delicto* arrests in which the suspect illegally possesses

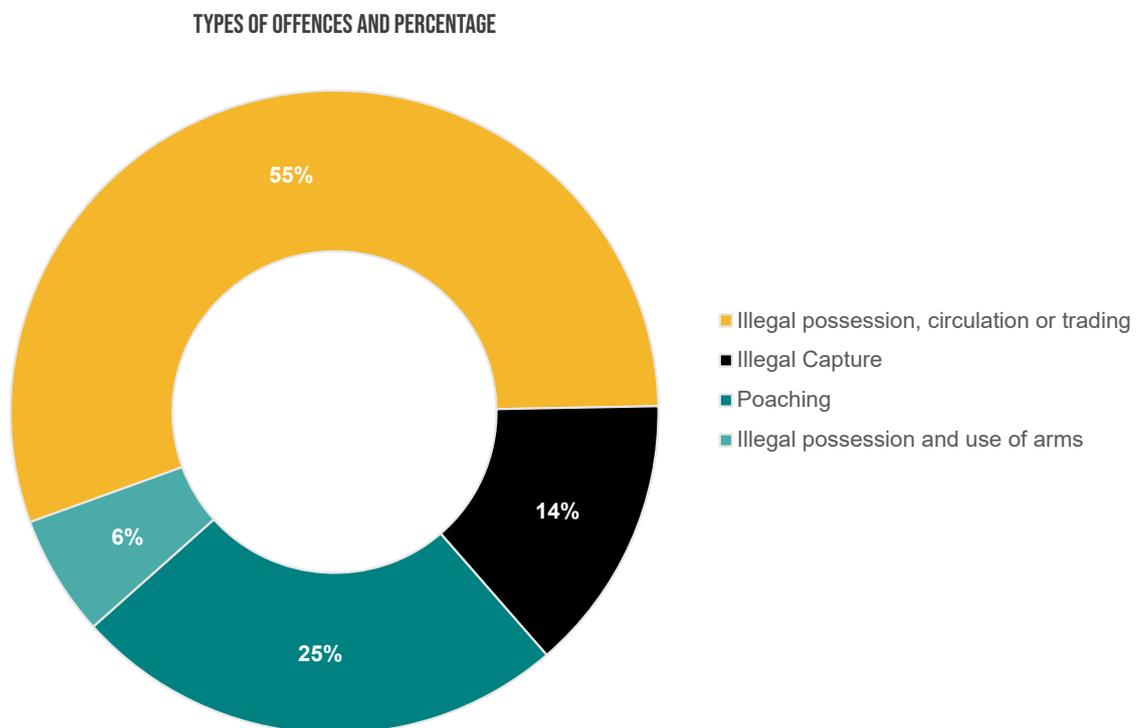
species or their trophies, on them or at their home or is in full act of trading.

- Capture: action to deprive a wild animal of its wild habitat or to collect eggs and remove them from their hatching environment. According to **Section 99 (1)**, “the capture of wild animals shall be subject to the obtention of a permit issued by the administration in charge of wildlife in accordance with the condition fixed by order of the minister in charge of wildlife”.

For the 2010 – 2022 period, 55% of wildlife offences are related to the illegal possession, circulation or trading of protected species or their trophies. Poaching and illegal capture of protected species respectively represent 25% and 14% of the cases. The other offences correspond to the possession of hunting tools in a protected area making up 6%. Figure 6 illustrates the types of offences and the corresponding percentage for the study period.

FIGURE 6

Types of wildlife offenses judged by the Courts and the different percentages.



It should be noted that several other offences are connected to wildlife offences. These include, amongst others, money laundering, cybercrime, weapons offences, corruption, and related offences. In this study, crimes related to weapons, corruption, falsification and murder were identified. These offences are regulated by the following:

- Law N° 2016/015 of 14 December 2016 to lay down general weapons and ammunition regulations in Cameroon;
- Law No 2017/12 of 12 July 2017 to lay down the Code of Military Justice;
- Law No 2016/007 of 12 July 2016 relating to the Penal Code.

During these different legal proceedings, the court can either declare the accused guilty if it finds that the facts against the accused constitute an offence or acquit them if the facts do not constitute an offence⁶⁶. If the accused is found guilty, several types of sentences can be pronounced against them.

Of the 675 cases, 518 (77%) were prosecuted with varying degrees of punishment. Prison terms were meted out on some suspects, some received suspended sentences, some were convicted to pay damages to MINFOF, while others were sentenced to serve prison terms and pay damages, or given suspended sentences in addition to damages. As will be seen in Section 4 of this report, some of the prosecutions were more dependent on the presiding court officials than on the interpretation of the law, and some received low sentences compared to the magnitude of their crime.

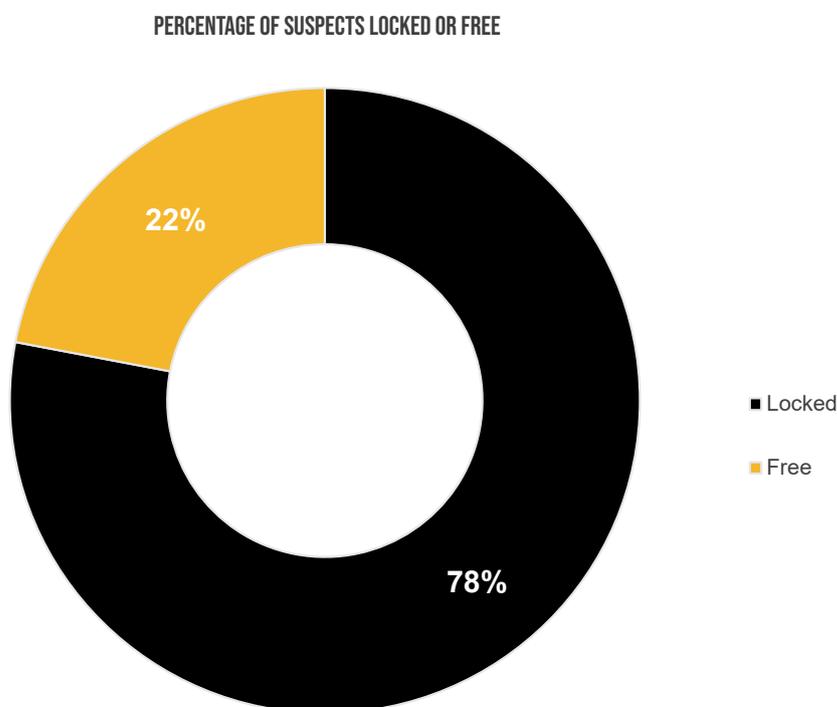
Of the 157 cases (23%) not concluded, some are still ongoing, even after ten years. Others

were judged, but MINFOF lodged appeals; while on some occasions, the suspects are fugitives and procedures are ongoing to arrest them. In other instances, the suspects were simply discharged and acquitted for varying reasons including being a minor of 17 years and therefore not liable to be prosecuted, poor investigation or offence reports (PV) creating gaps that were exploited in court, poor defence, corruption and influence peddling.

In the course of the legal procedure and trial, 289 (89%) and 238 (68%) of the suspects for the 2010-2016 and 2017–2022 studies respectively, were held in custody while 35 (11%) and 113 (32%) respectively, were free either through bail with or without sureties⁶⁷, or because they escaped, or because of influence from highly placed government officials, or bribes and corruption in some cases. Cumulatively, 78% were locked up during the trial and 22% were free, as shown in Figure 7 below.

FIGURE 7

Percentage of suspects locked up or free during trial.



According to reports and discussions with authorities, corruption (here including bribery, influence peddling, negotiations etc. or any attempt thereof) was directly observed in 162 (24%) of the 675 cases during arrests, during questioning at the level of law enforcement officials or at the level of the courts (preliminary investigations and trial) (Figure 8).

Corruption is manifested at different stages of the law enforcement process and in different forms, including:

Corruption during investigations and arrest operations

- Leakages of operational information from law enforcement officials making suspects to become aware of plans for their arrests or of mounted control points,
- The refusal to cooperate between the concerned LEAs,
- The negligence and complicity of certain public officials,
- Failure to arrest despite the presence of protected wildlife specimens.

Corruption at the preliminary investigation

- Lethargy or intentional ineptitude in following the set legal procedures such as deliberate failure to properly write the PVs or failure to inform suspects of their rights,
- Refusal to transmit files to the State Counsel or to accompany evidence (seized specimens or reports) with the PVs,
- Unprocedural release of suspects either during investigations, prosecutions or from prisons,
- Discontinuance of proceedings for no evidential reason,
- Illegal settlement contrary to the provisions in the wildlife legislation,
- Concealment of procedures along the law enforcement chain.

Corruption before the courts and in prisons

- Failure to properly represent the State (MINFOF) in court,
- Deliberate exploitation of the ambiguities of the law leading to misinterpretations and corresponding dispensation of inappropriate sentences.

- Intended convoluted court processes,
- Acceptance of bail without recognisance or credible surety.
- Very few dissuasive sentences,
- Failure to follow up on court decisions,
- Release of convicts without due procedure.

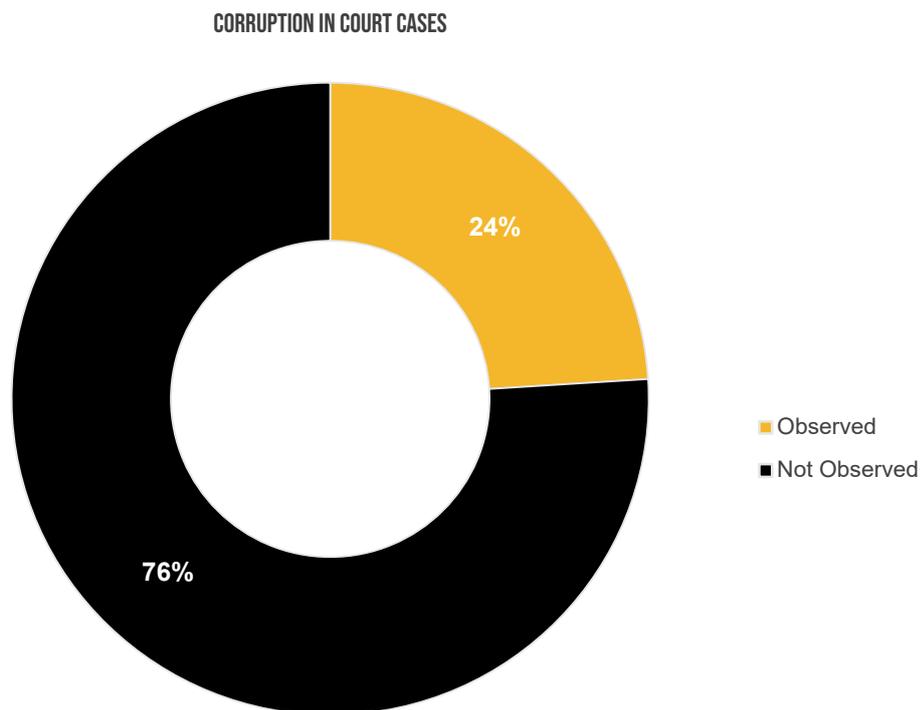
However, corruption attempts are not successful in many instances. For example, after the arrest of three Nigeria-linked network of elephant ivory traffickers in Douala in September 2022; as wildlife law enforcement officials were establishing the PV, they received pressure from family members of the traffickers who proposed money to the officials unsuccessfully, and after witnessing the steadfast attitude of law enforcement officials, they attempted another approach by negotiating for their release before one of the Deputy State Counsels, but this was also met with strong resistance⁶⁸.

Another example is when a trafficker was arrested in Yaounde in July 2021 with over 330kg of pangolin scales, an entire network of people brought pressure to corrupt the brigade commander who heads the unit where he was detained. He received nocturnal visits from some members of a diplomatic mission in Yaounde who came around trying to get the trafficker released by proposing several millions of francs to the commander, who simply refused the money⁶⁹.

It is worth noting, and it should be made clear that cases whereby corruption or other related vices was not observed, does not imply that it might not have occurred. By inference, the number of cases linked to corruption could be higher than captured here. For ongoing cases, there is a high probability to perceive corruption given the precedence observed.

FIGURE 8

Proportion of corruption observed in legal process.



Despite the issue of corruption, several good prosecutions were observed, and good verdicts were obtained. Some examples are shown in Table 9 below.

These sentences vary according to the seriousness of the offence and its interconnected nature to other common law offences. Prison sentences ranged from 20 days to three years for wildlife cases⁷⁰ and six months to 30 years for related offences⁷¹. In almost all the rulings, fines were imposed on the accused persons found guilty, ranging from XAF25,000 to XAF163,000,000 (~USD41 - ~USD266,000 using the average June 2023 rates)⁷².

Apart from purely wildlife offences, some of the cases and hence prosecutions had some aggravating circumstances such as connection to other crimes (forgery, arms and ammunition, trafficking of human parts, kidnapping, illegal immigration, use of military uniforms etc.) and repeated offences (recidivists). Equally of interest is the link of poaching to murder, whereby two suspects were sentenced to 30 years of imprisonment for poaching of elephants, murder, and accomplice to murder, and illegal possession of arms (Kalashnikov) and ammunition by the Military Court of Bertoua – East Region.

TABLE 9

Some striking prosecutions from January 2010 – December 2022.

DATE	PLACE / REGION	NO. OF SUSPECTS	OFFENCE	IMPRISONMENT TERM	DAMAGES AND FINES (ROUNDED UP)	
					XAF	USD AT 1USD = 612.547 XAF
02/08/2011	Abong Mbang – ES	1	Recidivist – illegal killing of, and trade in elephant parts	2 years	980,000	1,600
03/04/2012	Abong Mbang – ES	5	Network – illegal killing of 6 elephants, illegal trade in 12 tusks; unlawful possession of arms and ammunition	18 months each	30,000,000 jointly	49,000
03/04/2012	Abong Mbang – ES	2	Illegal capture and trade AGP	30 months	8,650,000 each	14,000 each
10/07/2012	Abong Mbang – ES	1	Illegal killing of and trade in elephant parts	2 years	3,000,000	5,000
28/08/2012	Abong Mbang – ES	2	Illegal trade of elephant tusks	18 months each	12,000,000 jointly	20,000
02/07/2014	Abong Mbang – ES	1	Illegal trade of elephant tusks and meat	18 months	1,250,000	2,000
02/09/2014	Mundemba – SW	2	Illegal killing of, and trade in elephant parts	3 years each	99,000,000 jointly	162,000
27/01/2015	Yaounde – CE	1	Illegal trade of 72 AGP	18 months	3,475,000	5,600
25/08/2015	Limbe – SW	1	Beninese – Illegal trade in 9 sea turtle shells	2 years	6,560,000	10,700
13/12/2018	Ambam - SU	2	Illegal killing of 1 elephant, illegal trade in 2 tusks; illegal possession of arms and ammunition	1 year each	10.500.000 jointly	17,000
19/09/2018	Bertoua - ES	1	Illegal possession of 4 elephant tusks	3 years	17.000.000	28,000
01/02/2019	Douala / Bonanjo – LT	1	Illegal possession of 153 elephant tusks weighing 471 kg	2 months	100.000.000	163,000
08/05/2019	Military Court – Bertoua - ES	1	Poaching in a protected area, and carrying arms and ammunition	2 years	-	-
08/05/2019	Military Court – Bertoua - ES	2	Poaching of elephants, murder, and accomplice to murder, and illegal detention of arms (Kalashnikov) and ammunition	30 years each	-	-
06/05/2021	Douala / Bonassama – LT	4	Illegal possession of 74 elephant tusks weighing 151 kg, and 1500 kg of pangolin scales	Accused, found guilty and sentenced to 6 months	163.000.000	266,000
07/08/2020	Douala – Bonassama – LT	2	Illegal possession of 3 elephant tusks weighing 26 kg, 600 kg of pangolin scales and 274 AGP	6 months each	90,592,000 Jointly	148,000
29/12/2022	Douala - Bonanjo – LT	3	Illegal possession of 12 elephant tusks weighing 98 kg	12 months suspended for 3 years	2.547.000 jointly	4,100

In an unprecedented move in July 2013, the Court of First Instance of Douala declared itself incompetent to judge the case regarding the arrest of 2 suspects with 18 full elephant tusks and 16 worked ivory pieces after MINFOF had analysed and asked for over XAF50.000.000 (about USD83,000), which under the law only Special Criminal Court has the competence to handle. In this case, some of the tusks were leaked from the national stockpile in Yaounde and

implicated a MINFOF official who was in charge of supervising the security of the stockpile⁷³.

Concerning offences relating to weapons and ammunition of war, they fall within the competence of military courts as provided for in Section 8 of the Military Justice Code. Of the 675 analysed, 18 cases were related to weapons and ammunition offences, and one case was linked to murder using prohibited arms.

For cases already prosecuted during this study, MINFOF has been awarded about XAF1.77 billion (approximately USD2.9 million). Nothing much has been recovered by MINFOF, bringing to the fore, the problem of asset recovery.

In addition to the problem of asset recovery, other issues related to court prosecutions include:

I - EXECUTION OF SENTENCES

The enforcement of court decisions is imperative if the rule of law is to be safeguarded and if deterrence is to be created, particularly concerning wildlife crime. The sentence pronounced by the criminal court must be enforced when all avenues of appeal have been exhausted, and there is no longer any possibility of opposition, appeal, or cassation. In principle, when a decision has become final and irrevocable, it is the responsibility of the party (the Plaintiff) and the State Prosecutor to enforce the final judgment.

The Presidents of all Courts must nevertheless ensure that the orders and judgments of their courts are enforced⁷⁴. In Cameroon, the rate of execution of court decisions is relatively low because many offenders are judged while on bail. In most cases, only offenders detained during the trial serve their penalties in terms of prison sentences and fines. The execution of court decisions or prosecutions thus remains to be determined, both in terms of prison sentences and the payment of damages and fines.

II - ENFORCEMENT OF PRISON TERMS

The prosecution bench of the court that pronounced the sentence is responsible for the execution of prison sentences. The enforcement of prison sentences consists of the secure confinement of convicted persons in prison. Where the court has issued an imprisonment warrant and the convicted person is present at the court hearing, the person is taken directly to jail after the trial. If the convicted person was not present when the decision was pronounced by a Judge, it is up to the Prosecutor to decide when the prison sentence will be served. At this point, it becomes difficult for the Prosecutor to enforce such decisions, especially when the convicted person cannot be easily located. However, the Prosecutor can call in the police to arrest

the convicted person to serve their term⁷⁵ if located. During this study period, 85% of the offenders sentenced to prison terms actually served it, while 15% did not.

III - ENFORCEMENT OF PECUNIARY SENTENCES

Financial penalties consist of fines, costs and damages awarded to the victim if the defendant is convicted. A fine is a pecuniary penalty requiring the convicted person to pay a certain sum of money to the public treasury⁷⁶. The fines provided for by the 1994 law range from XAF50,000 to XAF10,000,000⁷⁷. However, the judge, depending on the gravity of the facts and their assessment, may go beyond or below the amount of the fines provided for by the law. Like court fees, these fines are paid immediately to the chief registrar of the court that issued the decision⁷⁸.

The enforcement of decisions on civil action is the responsibility of the civil party or victim⁷⁹ and is generally carried out by a Bailiff. However, **Section 4 paragraph 1 (a) of Decree N° 2020/016 of 09 January 2020** on the reorganisation and functioning of the Cameroon Debt Recovery Corporation entrusts the latter with the recovery of debts resulting from pecuniary convictions for the benefit of the State, within the framework of legal actions.

Overall, the enforcement of financial sentences in wildlife cases is still limited. Very often, when defendants are granted bail, they no longer appear. If they do occasionally attend the hearings, they disappear as soon as the debates are over to avoid facing the Judge's decision. When the decision is made in the absence of the defendant, it is difficult to enforce it.

During this study, in the majority of cases, only offenders sentenced while in jail served their time. Unfortunately, concerning the damages awarded to the State in the framework of the wildlife litigation, out of more than XAF1.77 billion awarded to the State, only one proof of recovery was identified. This evidence was recorded in MINFOF's wildlife litigation record for the year 2020 in the case of the People of Cameroon and MINFOF against two accused. They were found guilty and sentenced to pay one million XAF to the State of Cameroon as damages.



Green Sea Turtle *Chelonia mydas*



Chimpanzee Pan troglodytes

4. ANALYSIS OF LIVE COURT CASES MONITORED UNDER THE SLECC PROJECT

In addition to the court case analysis from January 2010 to December 2022, live court monitoring has been carried out under the SLECC project in some parts of Cameroon since December 2020, including Douala, Yaoundé, Bertoua, Abong Mbang, Sangmelima, Djoum, Akonolinga, Dschang, Ambam, Ebolowa, and Mfou jurisdictions (courts selected for locations within known hotspots for wildlife crime and transit). This activity is continuous but for this study, the analysis will cover the period of December 2020 to December 2022 to be consistent with the global court case analysis work.

A qualified Legal Assistant was recruited to manage the court monitoring activity and review and analyse findings. Similarly, TRAFFIC developed a case tracking system to monitor court procedures during a case prosecution to

highlight good practices, weaknesses and gaps concerning the interpretation and application of wildlife legislation and procedures, knowledge and skills. It also enabled the identification of weaknesses and loopholes in the legal framework surrounding wildlife crime and the management of ensuing cases, creating a window of transparency and drawing attention to issues of corruption or conflict of interest. This activity complements and reinforces the gaps identified in Section 2 and the court case analysis done under Section 3.

As per the set SLECC project objective of this activity, more than 70 cases were monitored, and some of the gaps identified in courts and related activities in the law enforcement chain include:

4.1 MISINTERPRETATION OF SOME PROVISIONS OF THE 1994 WILDLIFE LAW

Based on current data, a number of wildlife cases are not being brought to court due to out-of-court settlements by the wildlife authorities. **Section 146 of the 1994 Wildlife Law** gives room for settlement (settlement) of wildlife offences and states that, (1) without prejudice to the Legal Department's right of prosecution, offences against forestry, wildlife, and fishery laws and regulations may be compounded; and (2), the settlement as requested by the offender shall put an end to public prosecution, subject to its effective execution within the prescribed time limit. This is a pre-prosecution process that absolves a wildlife offender upon payment of a settlement fee within a specified period. However, there are specific provisions for settlement and hierarchically demarcated. There should be no settlement for "Class A" species, and it is

only the Minister – MINFOF, or the MINFOF Regional Delegate who can authorise settlement. Unfortunately, there are reported instances of settlement by field staff, including meat of some totally protected species.

Additionally, there are no known prosecution cases of bushmeat seizures involving "Class B" species which are partially protected in Cameroon, thereby contradicting the provisions of **Section 101 of the 1994 Law**. Again, there are hardly any court cases where wildlife offenders dealing in "Class A and B" species are later prosecuted upon default of settlement or for recidivism, nor are there any known scenarios where the previous settlement records of an offender are considered as aggravating circumstances in a wildlife lawsuit.

4.2 CORRUPTION AND INFLUENCE PEDDLING

There are a good number of unreported cases where some accused persons have thwarted the judicial process either because they are influential members of the administration, traditional or political units, or have affiliations with such authorities, or because of their financial wealth. Such influence often results in the non-prosecution of some wildlife cases or in the meting out of very minimal sanctions and is generally a pervasion of the entire criminal justice process. This is a general problem of good governance along the wildlife law enforcement chain whereby corruption pathways have been identified. This was similarly analysed under 3.7 above.

Cameroon has set up mechanisms to fight corruption, especially the National Anti-Corruption Commission (NACC), created by Presidential Decree No. 2006/088 of 11 March 2006 relating to the setting up, organisation and functioning of the NACC, placed under the authority of the President of the Republic (Section 1).

According to Sections 2 and 3 of the same Decree, NACC has the power to investigate cases of corruption. NAC may initiate proceedings to check corrupt practices.

It will monitor and evaluate the effective implementation of the Government's Anti-Corruption plan. NACC, among other duties, would collect information, investigate, study cases and publish texts on corruption on the one hand, identify the causes of corruption and propose solutions to competent authorities, on the other hand.

Corruption is also covered in the Cameroon Penal Code (PC) in **Section 134 (active corruption) and 134-1 (passive corruption)**.

Under **Section 134**

(1) Any national, foreign or international civil servant or public employee who, for himself or for a third party, solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office shall be punished with imprisonment of from 5 (five) to 10 (ten) years or with a fine of from XAF200,000 (two hundred thousand) to XAF2,000,000 (two million).

(2) The penalty provided for in Subsection 1 above shall be imprisonment for from one to 5 (five) years and with a fine of from XAF100,000 (one hundred thousand) to XAF1,000,000 (one million) where the

act is not part of the duties of the corrupt person but has been facilitated by his position.

(3) Any national or international public official who solicits and accepts any retribution in kind or in cash for himself or a third party, in remuneration for an act that has or has not been performed, shall be punished with the penalties provided for under Sub-section 2 above.

(4) Aggravating circumstances for magistrates, JPOs, an agent of an anti-corruption institution, a head of a unit or any other official or sworn public official for whom the penalty provided is doubled.

SECTION 134-1: Passive corruption

(1) Whoever makes promises, offers, gifts, and presents or yields to requests liable to result in corruption to obtain either the performance, postponement, or abstention from an act or one of the favours or benefits defined in Section 134 above, shall be punished in like manner as under Section 134 (1) above, whether corruption produced its effects or not.

(2) Whoever makes gifts or presents or yields to requests for remuneration for an act performed or deliberately not performed shall be punished with penalties provided for in Section 134 (2) above.

SECTION 134-2: Exemption from Criminal Proceedings

In the application of Sections 134 and 134-1 above, criminal proceedings shall not be

brought against the person approached, provided he reports the acts of corruption to judicial authorities.

Similarly covered are other offences linked to corruption including:

- Abuse of functions: **Section 140**
- Favouritism: **Section 143**
- Trafficking in influence or influence peddling: **Section 161**

As already mentioned, influence peddling is one of the major ills observed in court case management. Under Section 161:

(1) states that '*any person who, by means of acts, threats, gifts or promises, corrupts a person having real or supposed influence to obtain any advantage whatsoever from the public authority shall be punished by the penalties of Section 160*'.

(2) A civil servant who, for himself or for others, solicits, approves or receives offers, promises or donations to obtain any advantage whatsoever granted by the public authority or by a body placed under the control of the public authority, of the markets, companies or other profits resulting from agreements concluded with the public authority or a body placed under the control of the public authority, thus abusing the real or supposed influence given to him by his quality or his mandate.

4.3 SLOW JUDICIAL PROCESS

According to **Section 101 of the 1994 wildlife law** of Cameroon, "any person found, at any time or place, in possession of a whole or part of a dead class A or B protected animal, shall be considered to have captured or killed the animal. The interpretation of this provision of the law qualifies wildlife offences as one of strict liability and implies that the offence is in the process of being committed and, therefore, a flagrante delicto offence as per **Section 103 of the Criminal Procedure Code (CPC)**. This, consequently, warrants that wildlife offences be prosecuted expeditiously as laid down in

Sections 103(2)(b), 114(2), and 298 - 301 of the CPC. Sadly, court monitoring has observed and recorded delays in wildlife prosecution due to several adjournments for reasons such as the Defendant/s taking more than the statutory time to prepare their case, delays in delegating a MINFOF representative and the absence of such duly delegated representative during trials, the absence of a duly consulted MINFOF Lawyer/s to facilitate the legal process as well as several demands for adjournments by the Defence Lawyer, especially in cases where the Defendant has been granted bail.

From discussions with some MINFOF Officials, this slow and protracted judicial process is

a demotivating factor for them to follow up cases or be present during court sessions.

4.4 INADEQUATE ARRESTS

There are several reports of seizures of wildlife specimens (live animals or their derivative products) without arrests due to the abandonment of these wildlife products upon interception by the wildlife or other law enforcement authorities, which in turn hinders prosecution because there are no suspects to directly answer for their illegal acts. Some of these occurrences are reported to be at checkpoints where the suspects run away; at the airports and seaports due to

insufficient capacity and interest, or the fear to cause diplomatic incidents if foreigners are apprehended.

For some Customs Officials, wildlife products are regarded as normal commodities with monetary value, hence, any seizures related to these are treated as merchandise and not as totally protected commodities subject to legal procedures.

4.5 INSUFFICIENT CAPACITY OF LAW ENFORCEMENT OFFICIALS

Wildlife offences cut across different domains of expertise, for example, the JPOs of general competencies - Police, gendarmerie who assist in the arrest and questioning of suspects, JPOs of special competencies, for example, the customs, and MINFOF with specific mandates and the judiciary - judges, lawyer and bailiffs). Unfortunately, the different stakeholders involved are often limited to the specific knowledge scope of their professional domain. This has resulted in insufficient knowledge of wildlife crime and the legal frameworks and procedures applied. For instance, some LEAs are unaware of the protection status of wildlife

species and find it hard to identify endangered wildlife species in trade. It is also common to find judicial procedural errors and omissions, and ambiguities in the interpretation of wildlife laws and related legislation, often resulting in undesired prosecution outcomes.

An increase in the knowledge base along the law enforcement chain is of prime importance. Improving the quality of investigations and case management is essential to build strong, evidence-based prosecutions that enable Judges to apply the law.

4.6 ADDRESSING PROFESSIONALISM ISSUES AT CERTAIN LEAS

Some LEAs lack the motivation to investigate wildlife offences fully and seriously as part of their duty, partly due to insufficient capacity or low motivation to carry out this work. This often leads to professional negligence with cases of inconsistency and laxity in the follow-up of wildlife cases, especially by MINFOF. This has resulted in cases being thrown out of court for want of diligent follow-up and prosecution.

There is equally the lack of due diligence by some LEAs as revealed in the failure to carry out certain procedural obligations or secure

necessary evidence which either affects the outcome of the case or violates the rights of the Accused and undermines the rule of Law. Examples from MINFOF include failure to file a civil claim or filing late, deliberate omission or errors in the writing of offence reports, Magistrates missing out on considering a duly filed civil claim when rendering verdicts, or simply not ensuring that a translator be present to translate for an Accused who has previously indicated that they do not understand the language of the court.

4.7 LOW VALUE ATTRIBUTED TO WILDLIFE

There is still a general sense of apathy evident in the levity with which wildlife crime is being handled. Some law enforcement officials across the legal chain and at the level of the courts still view wildlife offences as inferior to other grievous crimes of the same categorisation (misdemeanours). For instance, wildlife authorities are likely to resolve some wildlife offences by way of confiscation, or auction sales and settlement rather than

through prosecution. Furthermore, in cases of prosecution, bail is easily granted and most often, sanctions are relatively lower with the offenders receiving the minimum sanctions only commensurate to the time already spent in custody. The likely argument is the notion of attributing more value to human life as opposed to considerations of the importance of wildlife to the environment and humans.

4.8 MINIMAL AND NON-DETERRENT SANCTIONS

The maximum sentence for wildlife offences in Cameroon is three years of imprisonment and a fine of up to XAF10,000,000 or both such imprisonment and fines (**Section 158, 1994 wildlife law**), only which is non-deterrent when compared with the profits from illegal wildlife trade. Often, the jail term awarded to the defendant(s) is only commensurate to the time they have spent in custody, leaving them with the feeling that had their cases been tried more expediently, they would have benefitted a

more reduced sentence. In other cases, those found guilty are given suspended sentences for no justifiable reason, as stipulated under Sec, 54 PC. Such sanctions hardly reflect the gravity of the offence brought before the court; hence there is no deterrent effect. As already covered under Section 3.7 of this work, wildlife offences are not treated seriously as warranted by law, or by the threats they face in the short and long term.

4.9 DAMAGING APPEALS

Although the maximum sentences are rarely awarded, the few heavy sanctions handed down by the trial courts are often appealed against with regrettable outcomes. Some of the consequences of appeals in wildlife litigation include; non-diligent follow-up by MINFOF, an opportunity to delay justice and

frustrate the civil party, drastic reductions in the civil award, and sometimes a quashing judgment of all or part of the judgment of the trial Court by the Court of Appeal. Regrettably, this often settles the matter for good and the offender goes free as it is quite rare to find wildlife cases at the Supreme Court.

4.10 ABSCONDING DEFENDANTS

According to Sections 37 and 222 of the CPC, bail is granted as of right to an Accused or at the discretion of the Judge. Notwithstanding, such a person is deemed to be under lawful custody and stands to face the sanctions laid down in **Section 193 of the PC**.

In many instances, Defendant/s in wildlife trials fail to appear in court upon the granting of bail either throughout the trial or once they have been heard. Sadly **Section 228 CPC** is rarely applied. It states that:

(1) The surety shall be responsible for the appearance of the person released on bail.

(2) In the case of the non-appearance of the person released on bail, the competent authority shall order his arrest and shall summon the surety to produce him.

(3) Failing such production, the surety shall forfeit the sum of money mentioned in the recognisance, subject to being imprisoned in default of payment in accordance with the provisions of section 563 and following. However, a surety shall be discharged of his obligation if he proves that the non-appearance of the defendant was due to force majeure.

Again, a warrant is rarely issued for their arrest upon conviction as prescribed in **Section 426 (1) CPC** which states that 'Where, by a judgment in default, a convict is sentenced to a

term of imprisonment without suspension or to death, the court shall issue a warrant of arrest against him.

4.11 DEFECTIVE COURT DECISIONS OF WILDLIFE CASES AND THE NON-EXECUTION OF SAME

Many of the judgements obtained do not respect the provisions of Section 388 of the CPC) on the particularities of a valid judgment. This makes it difficult to analyse such judgements without a clear understanding of the facts of the case and the process (reason) that led to the conclusions (verdict).

Again, most of these wildlife judgments carry non-custodial sentences like civil awards, which ought to be recovered by MINFOF and

invested back into conservation activities for the benefit of the state. Unfortunately, many wildlife judgments especially those on the award of pecuniary damages, are currently not executed, which defeats the purpose of prosecution, undermines the efforts of committed wildlife officials and State Prosecutors, empowers wildlife traffickers by leaving them with sufficient financial resources to continue fuelling the illegal trade, and stalls the judicial process.

4.12 POOR RECORD KEEPING

Obtaining wildlife case files is challenging for several reasons. Firstly, files for which litigation has not been concluded are inaccessible to institutions or individuals who are not parties to the suit. Another major problem is the unavailability of files, or when available, they are incomplete. Situations of improper classification or non-separation of wildlife case

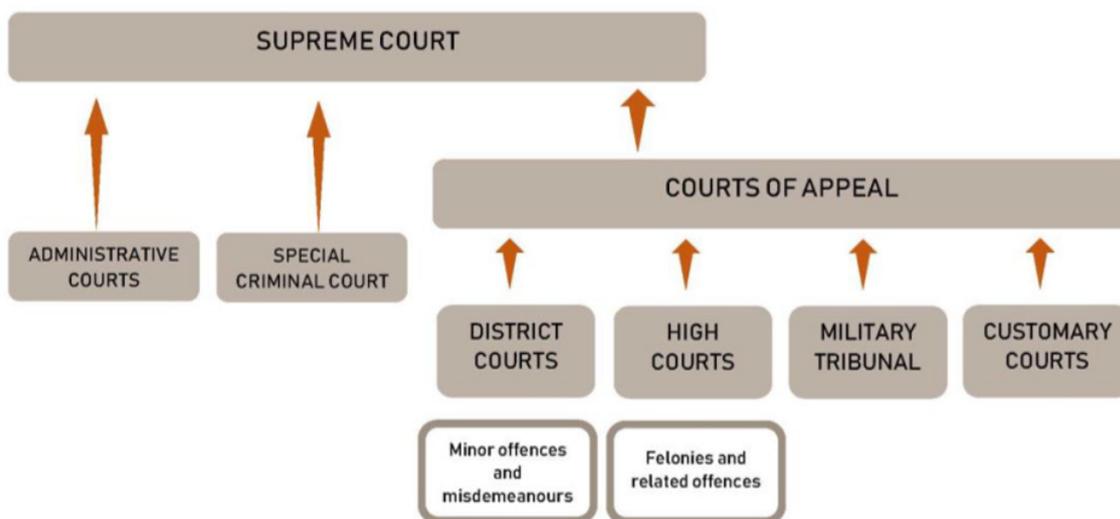
files from other diverse litigations have been observed. Lastly, the legal fee attached to the acquisition of court judgments is unaccounted for (no formal receipt) and therefore hinders conservation partners from obtaining these judgments for data and analysis purposes, given the needed justification for expenses.

4.13 INSUFFICIENT COURT MONITORS TO FACILITATE COVERAGE

The judicial system of Cameroon is headed by the Supreme Court and comprises High Courts, Courts of Appeal, Military Tribunals, Courts of

First Instance and other Special Courts such as the Special Criminal Court, as seen in Figure 9 below.

FIGURE 9
Court Systems in Cameroon.



Source: Ononino and Khayat, 2021.

In Section 288 of CPC:

(1) A trial court shall be a legal body responsible for hearing and determining any matter brought before it in compliance with the law and where applicable, pronouncing the penalty or measure provided for by law.

(2) For the purpose of this Code, the following shall be the ordinary courts of law:

- a) the Court of First Instance,
- b) the High Court,
- c) the Court of Appeal, and
- d) the Supreme Court.

According to the laws of Cameroon, wildlife offences mostly fall under the Courts of First Instance and the Military Tribunals (**Section 21 of the PC, Section 13 of Law No 2006 / 015 of 29 December 2006 on Judicial Organisation, and per the Cameroon Military Code**) for wildlife offences involving firearms, and the Court of Appeal. According to the setting of these courts – (**Sections 13 of the J Judicial Organisation and 3 (1) of the Military Code**), it is evident that wildlife cases are being heard at different courts and in various jurisdictions at the same. There is a need for an increase in the number of court monitors for adequate coverage and data synchronisation.



Dja National Park, Cameroon

5. CONCLUSIONS AND RECOMMENDATIONS

From the quantitative and qualitative data collected, and from direct discussions with the main stakeholders, it is very clear that the Government of Cameroon and its partners are putting in much effort to combat wildlife crime.

Despite the size and transnational nature of organised wildlife crime in Cameroon, and the presence of legal and international frameworks, which in theory should provide the mechanisms for successfully combatting such transgressions, successful prosecutions of criminals are infrequent. If a conviction does take place, penalties are frequently weak. Without a concerted effort and commitment to address this situation, the destruction of Cameroon's wildlife will continue unabated.

Wildlife litigation in Cameroon in this study shows considerable fluctuations, wavering between a quantitative boost in the number of cases brought before the courts, and a worrying shrink in the quality of litigations due to the multiplication of inconsistent, complacent, low deterrent, and in many cases,

unenforced court decisions. Based on these, the report broadly brings out the following conclusions:

- The Government of Cameroon has enacted laws at the international, regional, sub-regional, and national levels. The all-embracing framework is Law No 94/01 of 20 January 1994 governing the management of forests, wildlife, fisheries, and its related Decrees. Equally, important to reinforce the special wildlife legislation, are generic laws contained in the Cameroon Constitution, CPC, PC, and the Military Code. These legal frameworks notwithstanding, records attest to continued activities linked to wildlife crime, thereby implying that these measures on their own are not enough to mitigate the increasing and well-organised nature of wildlife and other connected crimes specifically threatening the survival of wildlife species in Cameroon. It is, therefore, imperative for all the concerned actors to be fully implicated in the fight

against wildlife offences through concrete operational actions and effective and deterrent prosecutions.

- Wildlife crime should not be considered as a standalone offence. Analysis and records show other connected crimes such as those involving murder, trafficking in human parts, insecurity, illicit circulation and use of arms and ammunition, and financial crimes. Advances in technology and internet connectivity, combined with growing demand, have created a new 'cyber' marketplace in Cameroon for the sale and purchase of illegal wildlife products. Law enforcement and Justice Officials should, therefore, holistically consider these connecting crimes during phases of investigations and prosecutions.
- In Cameroon, Justice Officials (State Prosecutors, Magistrates and Sitting Judges) generally have good knowledge and experience in civil and criminal matters but less specialised skills in wildlife legislation and regulations. Efforts to successfully prosecute wildlife offences are hampered both by weak capacity at the court level regarding the interpretation and application of the wildlife legislation, as well as at the field operational level at the point of arrest. Capacity building needs to be increased. The strategy here should be to build the capacity of wildlife law enforcement officials across all sectors so that they have a better understanding of the legislative framework and enhanced knowledge and competencies to conduct effective investigations and court case management. This could be achieved through a series of workshops including practical skills training and providing guides/manuals which are expected to be adopted as professional standard reference tools such as the RRG of TRAFFIC⁸⁰, and those developed by other organisations. An equally important outcome of the workshops will be the improvement in networking and communication between the different enforcement agencies.
- There is an underlying need for improved governance in the judiciary sector to

combat issues such as corruption, conflict of interest, bribery, and favouritism. Examples of corruption in the law enforcement process and, ultimately, court decisions abound. This invariably results in delays in court decisions, purposeful failure by the concerned Officials to act correctly, and poor decisions as already analysed. The use of anti-corruption mechanisms and diligence from the LEAs acting along the law enforcement chain is consequently required for better outcomes.

- There is notable poor collaboration, communication, and coordination between the Justice sector and other LEAs. There is thus a need to generate an understanding of the role in the law enforcement process and the relationship with frontline law enforcement officials as defined in the Criminal Procedure Code and other tools such as the Law Enforcement Guide of TRAFFIC (2016)⁸¹ dealing with the competences, attributions, duties and responsibilities of the different law enforcement agencies and the judiciary. Avenues that encourage inter-agency communication and collaboration need to be developed where they do not exist or buttressed where they exist formally or informally to augment synergised actions geared at fighting wildlife crime.
- Insufficient personnel, financial, and material resources are significant obstructions to potent law enforcement actions and deterrent court decisions. This could be seen in delayed or lack of movement of designated MINFOF Officials to attend court decisions, the inability of Court Officials to view evidence on the ground, poor filing systems, the incapacity of stakeholders to obtain court decisions etc.

To reinforce the identified gaps during the analytical and live court monitoring phases of this work and to obtain substantial and deterrent law enforcement actions and court decisions, the following recommendations are proposed:

FOR THE ATTENTION OF THE PRIME MINISTRY, THERE IS A NEED:

- To accelerate the final revision and enactment of Law No 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations and to upgrade the sanctions such that the penalties become more deterrent. The penalties should be clearly articulated to avoid ambiguity and misinterpretation and hence curb any manoeuvre from the Judiciary Officials. These penalties should also consider crimes linked to wildlife offences such as money laundering and IWT through cyberspace.
- To integrate Biodiversity Conservation into National Development Policy. Wildlife, in particular, and biodiversity, in general, must thus not be viewed as a mere commodity fit for consumption and trade, but as an important natural resource with economic, ecological, socio-cultural, biological, and aesthetic values, requiring the implication of all citizens for their conservation. Several approaches, such as workshops, seminars, sensitisation and education, should be used to create and increase an understanding of the seriousness and impact of wildlife crime on national biodiversity, with emphasised links to national security and organised crimes (such as arms trafficking and financial crimes). This should secure cross-agency commitments using a concerted approach and the active cooperation of all relevant institutions.
- To steer the vigorous fight against corruption and related vices by engaging all the State actors, NACC and NGOs. Anti-corruption methods should cover moral probity and integrity of public officials; precautions taken during investigations and arrest operations; technical and legal assistance to MINFOF, Court, and other LEA Officials; information sharing and collaboration with the Public Prosecutor at all stages of the procedure; informing the general public through the media and even during training sessions; prison visits; and improvement of the working conditions of agents responsible for wildlife and forest control.
- To encourage and supervise the bolstering of collaboration with other law enforcement agencies at the sub-regional, continental and international levels such as CITES, INTERPOL, and World Customs Organization (WCO), to also ensure the application of sub-regional and international conventions governing wildlife conservation and hence addressing wildlife crime across the immediate borders and at the international level. Platforms of importance in this aspect should include PAPECALF (to strengthen cooperation and collaboration among relevant wildlife LE and prosecution authorities at the national level and between COMIFAC member countries to curb illegal trade in wild fauna), AFRICA-TWIX⁸² (Cameroon is one of the central Africa COMIFAC countries that has formally signed up to this platform for cooperation, data acquisition and information sharing between wildlife LEAs in the Congo Basin countries), and the Cameroon - Nigeria Cooperation Framework Agreement on Transboundary Ecosystems Conservation and Sustainable Management of Forestry and Wildlife Resources.
- To guarantee that MINJUSTICE, LEAs and all concerned Government Institutions in Cameroon acknowledge MINFOF as the authority in handling wildlife issues as designated by the State and by law. This would permit the avoidance of the observed cacophony or confusion in the different roles and responsibilities of all concerned in the litigation process such as the management of evidence/exhibits with MINFOF, the designated competent body⁸³.
- To set up a working group made up of representatives of State structures (MINFOF, MINJUSTICE, Police, Gendarmerie, Customs, the Cameroon Debt Recovery Corporation) and NGOs with the aim to identify all the dysfunctions and irregularities marring the smooth recovery of damages awarded in court for the benefit of the State. Recovery of these

damages is now under the competence of the Cameroon Debt Recovery Corporation by virtue of **Section 4 Paragraph 1 (a) of Decree No. 2020/016 of January 9, 2020**, on the reorganisation and functioning of this corporation.

- To ensure the institution of a single oath in place of the oath of duty to which all MINFOF Officials who have attained a certain professional grade should be eligible. This would limit the shortage of sworn officers currently observed in certain localities and reduce the costs and hassles associated with the multiple swearing-in of MINFOF Officials. It should be recalled that only sworn MINFOF Officers are JPOs, thus authorised to conduct preliminary investigations and draw up procedural documents. The absence of a sworn officer in a MINFOF department can seriously hinder the implementation of legal actions in the entire locality.
- To ensure that MINFOF Officials are part of the Anti-Traffic Units within international airports created by the Presidential

Decree N°2014/413 of 22 October 2014

to combat IWT, given that wildlife issues in general are the remit of MINFOF. Additionally, these units need to be created at other exit points, such as seaports and road borders.

- To create channels of recognition and motivation for good field actions or court decisions such as awards of Medals, Certificates of Recognition for Bravery, Letters of Congratulations, or even financial bonuses.
- To synchronise fundraising efforts of MINFOF and other Ministries such as the Ministry of Finance, the Donor community and partner NGOs. Information on financial sources should be shared, and concerted endeavours established between these stakeholders. This would warrant that gaps in personnel, material and financial resources are appraised and considered in the general plan and budgetary provisions of Cameroon, with a special focus on the fight against wildlife and other related crimes in this case.

FOR THE ATTENTION OF THE MINFOF, THERE IS A NEED:

- To work directly with the Justice Officials in the law enforcement and legal process, from the preliminary investigations, through the drafting of PVs to court prosecutions and execution of decisions. These should also include incinerations or auction sales of some specimens, presentation, and proper registration of seized samples as evidence to avoid poor decisions by Magistrates.
- To intensify where they exist, and develop where they do not exist, mechanisms for interagency and other institutional collaboration and cooperation pertaining to operational law enforcement actions and legal procedures. This could be through the signing of mutual agreements between MINFOF and other Institutions, such as that with the Cameroon Army, through existing legal frameworks such as the Anti-poaching Units and CITES Committee, or through the designation of focal points to facilitate collaboration between wildlife litigation actors of MINFOF, MINJUSTICE, LEAs, partner conservation IGOs, NGOs, and civil society. All these will enable a concrete and improved understanding of the different roles and responsibilities, information sharing, communication, and build general synergy.
- To put in place secure and well-equipped facilities to manage seized wildlife products, often subject to mismanagement and theft. As the common seals custody regime is difficult to apply to seized wildlife trophies, it would be appropriate to create secure seal custody facilities at the level of regional delegations or to use some of the provisions of **Order No. 0003/D/MINFOF/SG/DFAP/SDVEF/SC of 7 January 2014**

on the management of ivory and other elephant products, to the management of other seized wildlife products such as pangolin scales, to avoid leakage of the confiscated products back to the black market.

- To engage with other State Institutions and partner NGOs to elaborate and endorse programmes to train all actors involved in the fight against wildlife crime. The training should provide each category, according to its level of intervention, with the tools to enable them to master the subtleties and specificities of the law, the innovations brought about by conventions and other texts of international scope, the smuggling corridors, the techniques for detecting methods of concealing wildlife specimens, hunting methods, the profiles of offenders and, above all, the procedure for repressing wildlife offences. LEAs should make use of TRAFFIC's Rapid Reference Guide and Standard Operating Procedures for wildlife law enforcement actors and other relevant publications as a guide in handling wildlife crime in Cameroon.
- To unilaterally work with all the concerned stakeholders and build on TRAFFIC's capacity-building work through the SLECC project to develop specific training modules and insert them in the different curricula for the benefit of students in the major professional schools dealing with law enforcement and court case management. These include the National School of Administration and Magistracy, the Garoua Wildlife School, the Mbalmayo National Forestry School, and the training centres for the Police, Gendarmerie, and Customs. This would also enable the familiarisation of texts and sustained capacity building about the laws in force.
- To oversee that the Officials in charge of wildlife law enforcement are assisted by duly paid legal professionals. To this effect, MINFOF should engage the services of legal specialists and technicians to ensure the success of its litigation procedures. Despite the training, it is not uncommon to see cases rejected on appeal or annulled in court due to non-compliance with procedures or violation of the rights of the Defence. The process for appointing Lawyers should be decentralised through the involvement of the Regional Delegates or any other competent decentralised service. A permanent group (2 or 3) of MINFOF Lawyers per Region should be designated to speed up court processes and to reduce the costs associated with the travel of a single Lawyer.
- To put in place a secure and centralised national database system to collect and store data relating to all court case types, including wildlife litigation in Cameroon. This secure data management system should enable the tracking of wildlife cases from arrest to execution of sentences. This method would allow the collection of complete information, guarantee legibility in the evolution of wildlife litigation and identify repeat offenders to permit appropriate sanctions. This database should be enriched with data from all LEAs involved in the fight against wildlife crime, such as Justice, Customs, Police, Gendarmerie, and NGOs that support law enforcement actions.
- To promote and strengthen partnership models between NGOs and the Government to support wildlife law enforcement and fight corruption, according to the principles set out in the declaration of the Ministerial Conference on Africa Forest Law Enforcement and Governance Process (AFLEG) in 2003⁸⁴. The presence of independent investigators and jurists within these structures is essential, supporting the identification of trafficking networks, the technical assistance provided to the authorities from the moment of arrest (assistance during wildlife procedures) or the legal follow-up from the first hearing to the pronouncement of the judgement and its effective execution (through jail visits). The independent monitoring of cases also makes it possible to bring up to the highest political level any difficulties encountered during the procedure.

- To work with the major stakeholders in the domain to raise public awareness. This should include information on wildlife law and other regulatory frameworks, the impact of wildlife crime on biodiversity, security, health, economy, and the livelihood of local communities and more particularly on wildlife protection. MINFOF should push for regular dissemination of information, for example, the arrests of traffickers via the written press, social networks, or television. The public and private media, and the communication and media department of NGOs, in collaboration with MINFOF, can play a key role in popularising the law among the general public and sending dissuasive messages. Awareness-raising in primary and secondary schools is also important.

FOR THE ATTENTION OF THE MINJUSTICE, THERE IS A NEED:

- To expeditiously prosecute wildlife offences to minimise unnecessary delays, opportunities for corruption and influence peddling, mismanagement of confiscated wildlife trophies, prosecution costs, and reduce the rate of absconding Defendants.
- For Justice Officials such as State Prosecutors and Sitting Judges to limit the risks of non-appearance of defendants by rigorously respecting the legal conditions of bail, especially in cases of *flagrante delicto* with a view to guaranteeing the appearance of defendants, limiting judicial delays and facilitating the execution of court decisions. The State Prosecutors or examining Magistrates should impose strict bail conditions and, as best practice, refuse bail to minimise flight risks if the bail conditions are not totally met. In the same vein, the trial court should, upon observing the absence of a Defendant during the trial and upon delivery of a judgment in default, take the necessary steps and issue the required warrants to cause the Defendant to appear or cause the Convict to serve their custodial sanctions.
- For Prosecutors to systematically look beyond the wildlife offences before the court for subsidiary offences like money laundering and corruption and ensure that sentences are commensurate to the gravity of the offences. They should also consider aspects such as the profile of the Accused, the wildlife species involved, and the volume of the wildlife products as aggravating circumstances.

FOR THE ATTENTION OF PARTNERS, THERE IS A NEED:

- To pursue the support provided to the Cameroon Government in the wildlife law enforcement process through capacity building, provision of tools, logistical, material, and financial assistance to enable Officials to deploy effectively as required.
- To divulge known and available funding opportunities and support MINFOF in requesting funding through mutual development of implementable and impactful projects on effective wildlife law enforcement and the general fight against wildlife and connected crimes.



Mandrill *Mandrillus sphinx*

ANNEX

Questionnaire for structured interviews

COURT CASE ANALYSIS FOR CAMEROON, JANUARY 2010 – DECEMBER 2022, SLECC PROJECT

I - INTRODUCTION

Dear Respondent, thank you for taking the time to respond to these questions. Your answers and suggestions will help TRAFFIC Central Africa Office (CAF) and the SLECC project to better analyse the wildlife court cases covering the period of January 2010 – December 2022.

II - PROFILE OF THE RESPONDENT

Name and surname:

Gender:

Official position:

Service/Administration:

Workplace/location:

Number of years in service:

Date :

III - QUESTIONS

- 1 – What is your role in wildlife law enforcement/justice and other wildlife conservation process?
- 2 – Do you have any knowledge about the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)? Yes / No. If Yes, please tell us more about it.
- 3 – Do you have any knowledge about the Cameroon Wildlife Legislation and other regulatory frameworks? Yes / No. If Yes, please tell us more about it.
- 4 – Do you have the ability to identify wild animal species/products such as elephant ivory, pangolin scales, feline skins, etc.? Yes / No. If Yes, please tell us more about it.
- 5 – In the course of your work, have you ever participated in a seizure of wildlife specimens (live species or products)? Yes / No. If Yes, please tell us more about it.
- 6 – In the course of your work, have you ever participated in the arrest of a wildlife crime suspect(s)? Yes / No. If Yes, please tell us more about it.
- 7 – In the course of your work, have you ever written in PV? Yes / No. If Yes, please tell us more about it.
- 8 – In the course of your work, have you ever come across issues of corruption, bribery and trafficking of influence? Yes / No. If Yes, please tell us more about it.
- 9 – Can you tell us about the legal procedure you followed after seizures and arrests?
- 10 – Can you tell us how you managed the seized wildlife products?
- 11 – Can you tell us if the wildlife crime was connected to any other crime?
- 12 – In the course of your work, have you collaborated with another Agency / Institution? Yes / No. If Yes, which Agency/Institution and how?
- 13 – In the course of your work, what are the four (4) major challenges you face in managing seized elephant ivory?
- 14 – What would you suggest to improve the law enforcement process in Cameroon?
- 15 – What would you suggest to improve the court case management process in Cameroon?
- 16 – Is there anything else you would like to tell us about your work and the management of seized elephant specimens and other wildlife products?

THANK YOU FOR YOUR PARTICIPATION IN OUR SURVEY.

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LEGISLATIONS AND REGULATORY FRAMEWORKS

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – Resolutions, Decisions and Notifications.
- CEMAC-UMAC Regulations of 2016.
- The Cameroon Constitution of 18th January 1996.
- Law N° 94/01 of 20 January 1994, to lay down Forestry, Wildlife and Fisheries Regulations.
- Law N° 2005/007 of 27 July 2005, establishing the Criminal Procedure Code.
- Law N° 2010/012 of 21 December 2010 on Cybersecurity and Cybercrime.
- Law N° 2016/007 of July 12, 2016, relating to the Penal Code.
- Law N° 2016/015 of 14 December 2016 to lay down general weapons and ammunition regulations in Cameroon.
- Law N° 2017/12 of 12 July 2017 to lay down the Code of Military Justice.
- Finance law of July 1996, relating to rights and taxes for hunting licenses and other permits issued by the wildlife administration.
- Decree N° 95/466/PM of 20 July 1995, setting the terms of application of the 1994 Wildlife Law.
- Decree N° 2005/099 of 06 April 2005 to lay down the organisation of the Ministry of Forestry and Wildlife.
- Decree N° 2005/495 of 31 December 2005 amending and supplementing certain provisions N° 2005/099 of 06 April 2005 to lay down the organisation of MINFOF.
- Decree N° 2006/088 of 11 March 2006 relating to the setting up, organisation and functioning of the NACC.
- Decree No 2014/413 of 22 October 2014 to lay down the creation, organisation and function of Anti-Traffic Airport Units within the International Airports of Cameroon.
- Decree No. 2020/016 of January 9, 2020, on the reorganisation and functioning of the Cameroon Debt Recovery Corporation.
- Decree No. 2020/193 of 15 April 2020 on the Commutation and Remission of Penalties.
- Order No 0648/MINFOF of December 18, 2006, establishing the list of animals in protection classes A, B and C.
- Order N° 0649/MINFOF of 18 December 2006 to lay down the distribution of animal species whose killing is authorised and the latitude of killing per type of sports hunting permit.
- Order No 055/CAB/PM of 06 July 2015, creating the Inter-Ministerial Committee charged with monitoring and implementing the Cameroon National Ivory Action Plan.
- MINFOF Order No 0053/MINFOF of 01 April 2020 of the Ministry of Forestry and Wildlife, reviewing Order No. 0648/MINFOF defining animals into classes A, B, and C.
- Order No 0056 of April 15, 2020, establishing the modalities for the distribution of animal species of classes B and C in groups of usage latitude and repealing.
- Order N° 0083/MINFOF of 06 February 2008 amending and supplementing certain provisions of Order N° 0649/MINFOF of 18 December 2006 to lay down the organisation of the Ministry of Forestry and Wildlife.
- Decision N° 000857/D/MINFOF of 10 November 2009 to lay down the organisation of the sale of bush meat.
- Decision No 0003/D/MINFOF/SG/DFAP/SDVEF/SC of 07 January 2014, outlining the rules and procedures for the marking and management of ivory stocks.
- Circular letter N°0007/LC/MINFOF/DFAP/SDVEF of January 11, 2017, relating to the export of the African grey parrot and pangolin.
- Communiqué N°0052/C/MINFOF/CAB/BNC/CCJ/C8 of April 27, 2021, on the List of Forestry and Wildlife Court Cases for the Second Semester of 2020.

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ENDNOTES

¹ This geographic area located in Central Africa and covering approximately 3,730,474 km² is considered the second largest river basin in the world and is home to dense tropical forests rich in biodiversity. It is estimated that its 160 million hectares of remaining forests contain more than 10% of the world's total biodiversity. See https://fr.m.wikipedia.org/wiki/Bassin_du_Congo.

² https://cameroon.panda.org/about_us/.

³ Circular letter N°0007/LC/MINFOF/DFAP/SDVEF of January 11, 2017, relating to the export of the African Grey Parrot and pangolin.

⁴ Order No. 0053/MINFOF of April 1, 2020, to establish the modalities for the distribution of animal species in protection classes.

⁵ <https://cites.org/eng>.

⁶ A memorandum of understanding was signed to this effect on September 16, 2016, between the Ministry of Forests and Wildlife (MINFOF) and the Ministry of Defense (MINDEF) in order to involve for a better conservation of wildlife and protected areas in Cameroon.

⁷ TRAFFIC, WITIS 2019.

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- ³⁸ Section 142 of Law No. 94/01 of 20 January 1994.
- ³⁹ Section 104 paragraph 2 (b), 118 paragraph 2 et seq. of the CCP.
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- ⁴¹ Section 89 and 114 paragraph 1 of the CPC.
- ⁴² Section 143 paragraph 1 of Law No. 94/01 of 20 January 1994.
- ⁴³ Section 142 paragraph 3 of Law No. 94/01 of 20 January 1994.
- ⁴⁴ Section 134 of the Criminal Code.
- ⁴⁵ Section 161 of the Criminal Code.
- ⁴⁶ Section 156 of the Criminal Code.
- ⁴⁷ Section 8 and 114 of the CEMAC-UMAC Regulations of 2016 - <https://www.sgg.cg/txts-droit-reg/cemac-reglement-2016-01-prevention-repression-blanchiment-capitaux-finances-terrorisme.pdf>.
- ⁴⁸ Section 9 and 121 of the CEMAC-UMAC Regulations of 2016.
- ⁴⁹ See section 2 and following of Law No. 2016/015 of 14 December 2016 on the general regime of arms and ammunition in Cameroon and section 8-f and following of Law No. 2017/012 of 12 July 2017 on the Military Justice Code.
- ⁵⁰ See Law No. 2010/012 of 21 December 2010 on cybersecurity and cybercrime.
- ⁵¹ Military offences fall under the exclusive competence of military JPOs such as those of the Gendarmerie.
- ⁵² Section 84 paragraph 2 of the CPC.
- ⁵³ Section 84 paragraph 2 of the CPC.
- ⁵⁴ Section 60 of the CPC.
- ⁵⁵ Section 147 of Law No. 94/01 of 20 January 1994.
- ⁵⁶ Section 141 (b) of the CPC.
- ⁵⁷ Section 141 (c) of the CPC.
- ⁵⁸ Section 141 (e) of the CPC.
- ⁵⁹ The NW and SW Regions are English speaking regions of Cameroon where there is armed conflict between non-state armed separatist groups commonly known as 'Ambazonians', and the Cameroon military.
- ⁶⁰ <https://www.stopblablacm.com/society/2603-6275-customs-officials-seized-4-4-tons-of-pangolin-scales-in-the-north>.
- ⁶¹ TNS is a transboundary conservation complex in the North-western Congo Basin where Cameroon, the Central African Republic and the Republic of Congo meet. TNS encompasses three contiguous national parks totalling a legally defined area of 746,309 hectares. These are Lobéké National Park in Cameroon, Dzanga-Ndoki National Park in the Central African Republic and Nouabalé-Ndoki National Park in the Republic of Congo. Natural values and features include the ongoing ecological and evolutionary processes in a mostly intact forest landscape at a very large scale. This mosaic of ecosystems harbours viable populations of complete faunal and floral assemblages, including top predators and rare and endangered species, such as Forest Elephants, Gorillas, Chimpanzees, and several antelope species, such as the Sitatunga and the emblematic Bongo. <https://whc.unesco.org/en/list/1380/>.
- ⁶² TRIDOM is the Dja-Minkébé-Odzala Tri-National Forest landscape spanning Cameroon, Gabon, and the Republic of Congo. The Cameroon segment of TRIDOM covers 49,000 km². It is the largest virgin protected area in Cameroon where the focus of communities' efforts is primarily on poaching, and organisations' efforts is use of law enforcement models, land-use planning, and livelihoods support of indigenous peoples. The Nki and Boumba Bek National Parks are part of TRIDOM with significant populations of elephants and great apes, though the threat of poaching remains high. It is important to note that these are still virgin forests with high biological diversity across the transboundary corridors, and their national park status helps maintain the integrity of resources by not only tackling poaching but also establishing a platform for collaboration with local communities and public and private sectors. https://cameroon.panda.org/places_landscapes/jengi_tridom/.
- ⁶³ The Mbam Djerem National Park covers more than 400,000 ha and is the second largest protected area in Cameroon. Its location, transitioning from forest to savannah ecosystems, provides several different habitats to a large number of species including forest elephants, bongo, buffalo, leopards, hippos and others making it the most biologically diverse protected area in Cameroon. <https://www.fondationsegre.org/protection-of-forest-elephants-bongos-and-other-critical-wildlife-populations-of-the-mbam-djerem-national-park-landscape-cameroon/>.
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- ⁶⁵ <https://www.laga-enforcement.org/en/annual-report-2020-R>.
- ⁶⁶ In this case, the court declares itself incompetent to proceed with the civil claim: section 395 of Criminal Procedure Code.
- ⁶⁷ Section 114 du Code de Procédure Pénale.
- ⁶⁸ <https://www.laga-enforcement.org/en/annual-report-2022-R>.
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- ⁷¹ Ruling N°047/2019 of May 8, 2019, of the Military court of Bertoua.
- ⁷² 1USD=612.547XAF: <https://www.oanda.com/currency-converter/en/?from=USD&to=XAF&amount=1>.
- ⁷³ <https://www.laga-enforcement.org/en/annual-report-2013-R>.
- ⁷⁴ Section 545 of the Criminal Procedure Code (CPC).
- ⁷⁵ Section 552 of the Criminal Procedure Code (CPC).
- ⁷⁶ Section 25-1 of the Penal Code.

⁷⁷ Sections 155 and 158 of the 1994 wildlife Law.

⁷⁸ Section 393 (1a) of the Criminal Procedure Code.

⁷⁹ Section 556(3) of the CPC.

⁸⁰ The RRG aims to build the knowledge and skills of the targeted officials as regards the interpretation and application of Cameroon wildlife legislation, other related national penal and criminal procedure codes, code of conduct and professional ethics, resulting in improved investigation and prosecution of wildlife and associated criminal offences. Additionally, it seeks to generate an understanding of the role in the law enforcement process and the relationship with frontline law enforcement officials as defined in the Criminal Procedure Code and other tools; all resulting in a robust fight against wildlife and other related crimes in Cameroon through a greater number of successful prosecutions. <https://www.traffic.org/publications/reports/rapid-reference-guide-cameroon/>.

⁸¹ <https://www.traffic.org/publications/reports/cameroon-law-enforcement-guide/>.

⁸² The AFRICA-TWIX (Trade in Wildlife Information eXchange) tool is currently implemented in several countries of the COMIFAC zone. It consists of a secured mailing list to enable Wildlife trade enforcement authorities in the region to communicate, as well as a database, also secured, to centralise and classify seizure data. This project has been developed following the EU-TWIX model (European Union Trade in Wildlife Information eXchange) which has been operating in Europe since 2005. AFRICA-TWIX supports enforcement authorities, including CITES Management Authorities and Judges, in their work of detection, analysis and monitoring of fraud in wildlife trade in compliance with CITES regulations. The database, a main component of the tool, is designed to become a unique source of centralised information on seizures and infringements detected in African countries. AFRICA-TWIX not only enables strategic analysis but is also a tool to support field enquiries. <https://www.africa-twix.org/>.

⁸³ Section 145 of Law No. 94/20 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations and Order No. 0003/D/MINFOF/SG/DFAP/SDVEF/SC of 7 January 2014 to lay down rules and procedures for the marking, labelling, recording and storing national Ivory Stocks.

⁸⁴ <https://enb.iisd.org/crs/sdyao/>.

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WORKING TO ENSURE THAT TRADE
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TRAFFIC
+44(0)1223 331 997
traffic@traffic.org
traffic.org