



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
2 July 2020
English
Original: French

**Implementation Review Group
First resumed eleventh session
Vienna, 31 August–2 September 2020
Agenda item 4
State of implementation of the United Nations
Convention against Corruption**

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Note by the Secretariat

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II. Executive summary

Cameroon

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

The Convention was signed on 10 October 2003 and ratified by the President of the Republic on 6 February 2006.

Cameroon has a mixed legal system that combines elements of common law and civil law. Duly ratified and published treaties or agreements may be applied directly (art. 45 of the Constitution).

Cameroon was reviewed in 2017, during the first cycle of the review of implementation of the Convention (CAC/COSP/IRG/II/2/1/Add.37).

The main national legislation giving effect to chapters II and V of the Convention are the Constitution, Regulation No. 01/CEMAC/UMAC/CM on the prevention and suppression of money-laundering and the financing of terrorism and weapons proliferation in Central Africa (the CEMAC Regulation), Act No. 2003-008 of 10 July 2003 on penalization of the violation of certain uniform acts of the Organization for the Harmonization of Business Law in Africa, the General Civil Service Regulations (Decree No. 94/199 of 7 October 1994, as amended by Decree No. 2000/287 of 12 October 2000), the Code of Criminal Procedure (Act No. 2005/007 of 27 July 2005), the Electoral Code (Act No. 2012/001 of 19 April 2012, as amended by Act No. 2012/017 of 21 December 2012), the Public Procurement Code (Decree No. 2004/275 of 24 September 2004) and the Criminal Code (Act No. 2016/007 of 12 July 2016).

The main institution involved in the fight against corruption is the National Anti-Corruption Commission (CONAC). Decree No. 2006/088 of 11 March 2006 governs the powers attributed to the Commission and its composition, organization and operation.

During the country visit, the reviewing experts met with representatives of the National Anti-Corruption Commission, the Ministry of Foreign Affairs, the Police, the Department of National Security, the Cameroonian Employers' Association, the Ministry of Defence, the National Anti-Corruption Coalition and the Supreme Court, as well as with Cameroonian attorneys, journalists and representatives of civil society.

2. Chapter II: preventive measures

2.1. Observations on the implementation of the articles under review

Preventive anti-corruption policies and practices; preventive anti-corruption body or bodies (arts. 5 and 6)

In 2010, Cameroon adopted the National Anti-Corruption Strategy. Developed in an inclusive manner over the course of some 30 workshops held throughout Cameroon, it consists of 30 sector-specific strategies. This document was evaluated for the first time in 2015. It is linked to Cameroon's growth and employment strategy paper and is evaluated every five years. This periodic review makes it possible to incorporate new developments in the fight against corruption.

The National Anti-Corruption Coalition carries out awareness-raising campaigns in various sectors, including the education sector. Targeted actions conducted within the framework of rapid-results initiatives provide immediate solutions to thematic issues in the area of corruption. The ninth round of such actions, which are now widely implemented across all government agencies in Cameroon, is currently being carried out.

Cameroon is also a member of the Economic Community of Central African States, the Network of National Anti-Corruption Institutions in Central Africa, the Commonwealth Africa Anti-Corruption Centre and the Action Group against Money-Laundering in Central Africa. The National Anti-Corruption Commission has signed partnership agreements with the French Anti-Corruption Agency and the Egyptian Administrative Control Authority.

Established pursuant to Decree No. 2006/088 of 11 March 2006, the Commission's tasks include monitoring and evaluating the effective implementation of the Government's plan to combat corruption; collecting, centralizing and acting on reports of corruption; carrying out any studies or investigations and proposing measures to prevent or curb corruption; and carrying out, where necessary, physical checks on the implementation of projects and evaluating the conditions governing public procurement (art. 2 of Decree No. 2006/088). Other institutions also contribute to the prevention of corruption, including the National Agency for Financial Investigation, the audit division of the Supreme Court of Cameroon, the branches of the Supreme State Audit Office, the anti-corruption units in all ministries and public institutions as well as the Special Criminal Court. In addition to these institutions, civil society organizations involved in the fight against corruption and the promotion of good governance participate in prevention activities.

The National Anti-Corruption Commission, the Supreme State Audit Office and the National Agency for Financial Investigation have their own legal personality and enjoy functional and financial autonomy. In practice, it appears that only the Commission offers training that staff may require in order to carry out their duties.

Cameroon has provided the Secretary-General with the information concerning the authority referred to in article 6, paragraph 3, of the Convention.

Public sector; codes of conduct for public officials; measures relating to the judiciary and prosecution services (arts. 7, 8 and 11)

The general conditions governing the recruitment and promotion of public officials are set out in the General Civil Service Regulations (arts. 12 and 15). The specific criteria are contained in the corresponding regulations governing the various bodies of civil servants. Decree No. 2000/696/PM of 13 September 2000 establishes the general framework for administrative competitive examinations (arts. 2 and 7). Government employees are recruited either directly or on the basis of a competition. Initial appointments or transfers from one body to another must be conducted in accordance with special or sector-specific regulations. Depending on the requirements expressed by the ministerial departments, the number of vacant posts to be filled is determined by the minister responsible for the civil service on the basis of an annual plan and budgetary allocations.

The Electoral Code sets out the eligibility criteria for elective offices, which include the obligation to be duly registered on an electoral roll (arts. 117, 156, 175, 220 and 251). Persons convicted of an offence may not be entered on the electoral roll (art. 47). The regulation of the funding of political parties is provided for in the Electoral Code (arts. 275–278), which sets out appropriate legal provisions for the control and monitoring of the funding of candidates and political parties and the eligibility criteria for public appointments. Article 277 of the Code requires that a monitoring mechanism be established to verify the allocation or use of funds by political parties or candidates. However, it has not been possible to determine whether this article has been implemented in practice.

Act No. 2004/017 of 22 July 2004 governs non-compliance with the provisions on decentralization relating to the ban on holding more than one post. This law also provides for adequate safeguards in the event of conflicts of interest in the public administration and penalties for civil servants. Civil servants may undertake private gainful activity provided that this activity does not compromise their independence or undermine the public interest work associated with their position. A declaration must be made to the minister responsible for the civil service, who will take

appropriate measures to safeguard the interests of the service (art. 37 of the General Civil Service Regulations).

Cameroon has adopted sector-specific codes of conduct, which are being rolled out across government bodies, and the ISO 37001:2016 standard for the dissemination of anti-bribery management systems. It is a member of the African Organization of Supreme Audit Institutions, whose functions include the promotion of honesty and integrity in public services. Rules of conduct are included in the General Regulations Governing Civil Servants and in the special or sector-specific regulations of certain administrative bodies. Although Cameroon has a system that enables public officials to report acts of corruption at the institutional level, there is no legal obligation to report such acts.

An asset declaration system for public officials was established pursuant to Act No. 003/2006 of 25 April 2006. In addition to this Act, the General Civil Service Regulations contain provisions on the procedure to be followed in the event of a conflict of interest (arts. 37 and 38). The Commission for the Declaration of Property and Assets, which is not yet operational, was established pursuant to Act No. 003/2006 of 25 April 2006. Codes of conduct allow for the institutionalization of gift registries in public bodies in order to address conflicts of interest and bribery.

In addition to the General Civil Service Regulations, the public authorities have set up a standing disciplinary council for the civil service. The penalties incurred by civil servants guilty of misconduct are set out in articles 92–100 of the Regulations. The relevant provisions of the Criminal Code (arts. 17–20, 30, 36 and 42) apply to acts that fall under criminal law.

Cameroon provides for the principle of independence of the judiciary (art. 37, para. 2, of the Constitution and art. 5 of Decree No. 95/048 of 8 March 1995 establishing the Judicial Service Regulations, as amended by Decree No. 2004/080).

Judges are recruited in accordance with the conditions set out in chapter II of the Judicial Service Regulations and the General Civil Service Regulations (art. 11 of the Judicial Service Regulations).

The Higher Judicial Council, established pursuant to Act No. 82-014 of 26 November 1982, serves as a disciplinary body for judges who have committed a disciplinary offence (art. 13 of Act No. 82-014 and arts. 46 and 62 of the Judicial Service Regulations). The Council is chaired by the President of the Republic and its members include the Minister of Justice, three deputies appointed by the National Assembly, three judges and one person appointed by the President of the Republic (art. 1, para. 3, of Act No. 82-014 of 1982). Public prosecutors report to the Minister of Justice (art. 3 of Decree No. 95/048 of 8 March 1995 on the Judicial Service Regulations, as amended by Decree No. 2004/080).

Cameroon has also established an annual rating system (chap. VII of the Judicial Service Regulations). The law provides for initial and in-service training (arts. 17–19 of the Judicial Service Regulations).

Cameroon does not have a code of ethics for judges. Some rules are in place that govern potential problems of incompatibility or conflicts of interest (arts. 15, 16 and 23 of the Judicial Service Regulations).

Public procurement and management of public finances (art. 9)

The principles governing public procurement include freedom of access to public procurement, equal treatment of candidates, the transparency of procedures, efficiency and integrity (art. 2 of Decree No. 2018/366 of 20 June 2018 establishing the Public Procurement Code). Public contracts with a value of over 5 million CFA francs (CFAF) (art. 4 of the Public Procurement Code) must be awarded after a competitive bidding process (arts. 73–74 of the Code) or by direct agreement, which does not require a public call for competition (art. 108 of the Code). The categories of invitations to tender include open tendering, restricted tendering, competitive

tendering and two-stage tendering. Direct award procedures may be applied in certain specific situations listed in article 109 of the Code.

Invitations to tender must state, inter alia, the place where the tender documents may be consulted, the conditions under which tenders are rejected and the criteria governing the qualification of bidders or the evaluation of tenders (art. 86 of the Code). Invitations to tender are published in the public procurement bulletin of the body responsible for regulating public procurement and may be published in other press outlets with broad circulation (art. 88 of the Code).

Each entity is responsible for its own public procurement procedures (art. 6 of the Code). The body responsible for the organization and proper functioning of public procurement mechanisms is the Ministry in Charge of Public Procurement.

Candidates or bidders who believe that they have been treated unfairly in the procurement process may, depending on the stage of the process, lodge an appeal with the contracting authority, the delegated contracting authority or the Appeals Review Committee (art. 170 of the Code). The decisions of the Review Committee are not binding (art. 49 of the Code).

Cameroon has not established a specific procedure for the selection or training of staff involved in procurement.

With regard to the budget preparation process, the system by which financial controllers report on revenue and expenditure was established pursuant to Act No. 2007/006 of 26 December 2007, which sets out the budget process. The participation of society in the process of drawing up the budget is limited.

Each public agency that receives State funding must draw up a provisional budget that is discussed and adopted during budget pre-meetings. Once the deliberations have been concluded, the draft budget is submitted to the National Assembly and the Senate for consideration. This legislation is submitted at the same time as the draft legislation on the use of the previous year's funds, which is drawn up by the audit division of the Supreme Court of Cameroon.

Decree No. 2008/028 of 17 January 2008 sets out the regulations governing the organization and functioning of the Council for Budgetary and Financial Discipline.

Cameroon is a party to the Uniform Act on the Organization and Harmonization of Enterprise Accounting of the Organization for the Harmonization of Business Law in Africa and uses the accounting system established by that organization (art. 24). The State's general accounting system uses these standards. In order to preserve the integrity of the records, the audit division of the Supreme Court of Cameroon holds the documents relating to public expenditure and revenue in order to prevent them from being falsified. The penalties for falsification are set out in articles 144 and 314, paragraph 1, of the Criminal Code.

Public reporting; participation of society (arts. 10 and 13)

Cameroon has taken several steps to enable the public to obtain information on government activities from websites and communication units in each public institution. It has also set up a communications unit in public institutions for media relations and manages an official bulletin in which government decisions are published.

Anti-corruption units throughout the country publish annual reports, which are included in the national report published every year by the National Anti-Corruption Commission. However, a freedom of information law that would give citizens the right to demand access to information and documents of public interest has not yet been promulgated.

The Constitution of Cameroon enshrines the principle of freedom of association. With regard to civil society, the National Anti-Corruption Commission and stakeholders established the National Anti-Corruption Coalition in November 2008. The

Commission also has an office, a toll-free hotline (1517) and a website (www.conac.cm) through which it receives complaints and reports.

In order to ensure that non-State actors, the private sector and civil society participate in the fight against corruption, the Commission has put in place the following measures: the signing of partnership agreements with the Cameroonian Employers' Association, the Public Procurement Regulatory Agency, the National Advanced School of Engineering, and the National Advanced School of Post and Telecommunications; the establishment of the Business Coalition Against Corruption, which is a public-private platform that pools together anti-corruption efforts; and the establishment of the National Anti-Corruption Coalition, a public-civil society platform that pursues the same goals as the Business Coalition Against Corruption but with representatives of Cameroonian civil society. Furthermore, in addition to editing and publishing a regular newsletter entitled the CONAC Newsletter, the National Anti-Corruption Commission hosts the radio and television programmes Espace CONAC. These programmes are designed to educate the public about the dangers of corruption, approaches to take towards corruption and the procedure for submitting a proper whistle-blower report.

Every year, the Commission also organizes workshops as a means of developing and evaluating the implementation of regional anti-corruption plans in which all regional actors participate. In addition, it works with the entire educational community to implement the National Programme for Education in Integrity. Approved training modules are imparted to students at all levels from kindergarten to universities and at vocational training schools.

The Government has set up the Cameroon Business Forum, which is a platform for promoting exchanges and decision-making between the Government and the private sector. This positive initiative should be accompanied by an open discussion – in which the general public participates – about government decisions.

At the time of the country visit, Cameroon had not enacted a freedom of information law that would grant citizens the right to demand access to information and documents of public interest.

Private sector (art. 12)

Act No. 2003-008 of 10 July 2003 on penalization of the violation of certain uniform acts of the Organization for the Harmonization of Business Law in Africa (arts. 8, 17 and 30) and Decree No. 2005/187 of 31 May 2005 regulate the Government's relations with the private sector.

The National Agency for Financial Investigation is a public financial intelligence service attached to the Ministry of Finance. It enjoys financial and functional autonomy in matters that fall within its competence. Its task is to manage and, where appropriate, convey to the competent judicial authorities any information that makes it possible to determine the source of funds or the nature of operations that are the subject of a suspicious-transaction report in the context of the fight against money-laundering and terrorism (arts. 2–3 of Decree No. 2005/187 of 31 May 2005).

However, this is mainly collaboration between government entities, rather than between the authorities and the private sector, to prevent corruption and improve financial reporting and auditing standards. Cameroon needs to strengthen the measures taken to preserve integrity within private sector entities and prevent the misuse of procedures for regulating private entities.

Cameroon does not allow expenses that constitute bribes to be deducted from taxes.

Measures to prevent money-laundering (art. 14)

Cameroon has adopted a comprehensive approach to money-laundering whereby any offence under the laws and regulations of Cameroon constitutes a predicate offence.

Cameroon has established a legal framework to combat money-laundering through Regulation No. 01/CEMAC/UMAC/CM on the prevention and suppression of money-laundering and the financing of terrorism and weapons proliferation in Central Africa (the CEMAC Regulation). This Regulation is largely drawn from the provisions of the Financial Action Task Force and the Action Group against Money-Laundering in Central Africa. At the national level, Decree No. 2005/187 of 31 May 2005 on the organization and functioning of the National Agency for Financial Investigation contains provisions on customer identification. The main provisions of this regime, which relate to the identification of the ultimate beneficial owner, the non-acceptance of anonymous accounts, the risk-based approach, the situation of politically exposed persons and the reporting system, are set out in national legislation. Articles 36 to 38 of the CEMAC Regulation provide for the verification of wire transfers and the retention of documents by financial institutions.

Cameroon is a member of the International Criminal Police Organization (INTERPOL) and the Egmont Group of Financial Intelligence Units. Collaboration with other authorities takes place through correspondents appointed within government entities. The National Agency for Financial Investigation facilitates the sharing of information on suspicious transactions among financial intermediaries.

With regard to feasible measures to detect and monitor the movement of cash and negotiable instruments across borders, Cameroon applies article 15 of the CEMAC Regulation, which sets the reporting threshold at CFAF 5 million. The verification of the identities of customers and beneficial owners is provided for in articles 36 to 38 of the Regulation.

2.2. Successes and good practices

- The establishment and implementation of anti-corruption units in all public and semi-public institutions, as well as in administrative establishments (art. 6, para. 1).
- The power to obtain documents without hindrance in the course of investigations into allegations of corruption (art. 6, para. 2).
- The creation of websites for all public sector institutions (art. 10 (a)).

2.3. Challenges in implementation

It is recommended that Cameroon:

- Transform Presidential Decree No. 2006/088, establishing the National Anti-Corruption Commission, into a legislative text by means of an act of the Parliament (art. 5, para. 1, and art. 6, para. 1).
- Ensure the stability of the leadership of the institution responsible for tackling corruption (art. 6, para. 2).
- Strengthen the independence of the operations of the National Anti-Corruption Commission in connection with the National Anti-Corruption Strategy, particularly in cases where the Commission is required to submit the findings of a corruption investigation to the President, who is a political authority (art. 6, para. 2).
- Take note of international initiatives, such as the International Code of Conduct for Public Officials (art. 8, para. 3).
- Consider legally strengthening the system that enables public officials to report acts of corruption within institutions (art. 8, para. 4).
- Strive to operationalize the Commission for the Declaration of Property and Assets and the asset reporting regime to enhance integrity in public affairs (art. 8, para. 5).

- Establish an effective and independent internal system of review and appeal within public procurement systems (art. 9, para. 1).
- Establish adequate procedures for the selection and training of personnel responsible for procurement (art. 9, para. 1).
- Establish the right of access to information and measures to protect the freedom of the media and the inviolability of privacy (arts. 10 (a) and 13).
- Ensure that annual activity reports detailing cases of corruption at the national level include an analysis of risks of corruption in the public sector, highlighting vulnerable areas and measures taken to mitigate them (art. 10 (c)).
- Further strengthen data collection systems so that cases of corruption may be included in periodic reports on the risks of corruption in public administration (art. 10 (c)).
- Strengthen the independence of the judiciary, including by reforming the composition of the Higher Judicial Council such that it is not subject to interference from other powers (art. 11).
- Continue to strengthen the integrity of the judiciary, including by adopting a code of conduct for judges, and ensure that the judiciary receives adequate training in this regard (art. 11).
- Strengthen collaboration between the authorities and the private sector in order to prevent corruption and improve financial reporting and auditing standards (art. 12).

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

- Cameroon has indicated that it needs technical assistance for the implementation of article 10.

3. Chapter V: asset recovery

3.1. Observations on the implementation of the articles under review

General provision; special cooperation; bilateral and multilateral agreements and arrangements (arts. 51, 56 and 59)

Cameroon does not have a specific law on asset recovery. International cooperation is ensured on the basis of the Code of Criminal Procedure, the CEMAC Regulation and relevant bilateral and multilateral treaties, in particular the Judicial Cooperation Agreement between the CEMAC member States, which covers all criminal offences. In addition, duly ratified or approved treaties or agreements (including the Convention), once published, take precedence over domestic legislation and can be directly applied (art. 45 of the Constitution).

As a member of the Egmont Group, and pursuant to article 82 of the CEMAC Regulation, the National Agency for Financial Investigation may exchange information on request or spontaneously.

Prevention and detection of transfers of proceeds of crime; financial intelligence unit (arts. 52 and 58)

Verification of customers' identities is provided for in articles 29 to 32 of the CEMAC Regulation. When financial institutions are not certain that the customer is acting on his or her own behalf, they must use every means to determine the identity of the beneficial owner (art. 33 of the CEMAC Regulation).

Politically exposed persons are defined in article 1 of the CEMAC Regulation. The definition includes national and foreign politically exposed persons as well as those working for international organizations, their family members and persons known to be closely associated with them. According to article 60 of the CEMAC Regulation,

financial institutions must implement adequate procedures, which are not specified, and ensure that politically exposed persons are the subject of enhanced and continuous scrutiny.

Enhanced scrutiny must be exercised in respect of certain transactions (art. 35 of the CEMAC Regulation) and enhanced due diligence is envisaged for certain customers and transactions, as described in article 43 of the Regulation.

The National Agency for Financial Investigation has not informed financial institutions of the names of persons whose accounts should be subject to enhanced scrutiny. With regard to the United Nations Security Council sanctions lists, the authorities have stated that, in practice, the Ministry of Foreign Affairs transmits the lists of the persons concerned to the supervisory authorities.

Article 38 of the CEMAC Regulation provides for the obligation to keep documents for a period of 10 years from the point when accounts are closed or customer relations are terminated. There is no prohibition on the establishment of banks that have no physical premises and that are not affiliated with a regulated financial group. Correspondent relationships with fictitious banks are prohibited and financial institutions must ensure that they do not maintain a correspondent banking relationship with foreign persons who allow their accounts to be used by fictitious banks (art. 58 of the CEMAC Regulation).

The officials listed in article 66 of the Constitution and article 2 of Act No. 003/2006 on the declaration of property and assets must declare their property and assets inside or outside Cameroon at the beginning and end of the exercise of their term of office or employment (art. 66 of the Constitution and arts. 3 and 4 of Act No. 003/2006). The procedure for declaring property and assets is confidential (article 8, para. 3, of Act No. 003/2006). However, this asset declaration system has not yet been set up.

The obligation to report suspicious transactions is established in article 83 of the CEMAC Regulation. The National Agency for Financial Investigation is responsible for receiving declarations from persons subject to this obligation (art. 14 of Decree No. 2005/187 of 31 May 2005 and art. 66 of the CEMAC Regulation) and may request any private individual or legal entity to provide it with any information in their possession (art. 66, para. 3, of the CEMAC Regulation).

The National Agency for Financial Investigation has staff – known as “correspondents” – assigned to banking and financial institutions and insurance and money transfer companies who send it suspicious transaction reports as soon as any suspicious activity is detected (arts. 13–14 of Decree No. 2005/187).

In accordance with articles 72 and 73 of the CEMAC Regulation, when investigations carried out by the National Agency for Financial Investigation point to facts that may constitute the offence of laundering the proceeds of crime or the financing of terrorism, it may inform the State prosecutor. The prosecutor is required to institute proceedings (art. 73 of the CEMAC Regulation). The National Agency for Financial Investigation may order the blocking of a transaction that is the subject of a suspicious transaction report for a period of 48 hours (art. 74 of the CEMAC Regulation).

Measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation (arts. 53, 54 and 55)

Although Cameroonian legislation does not explicitly provide for the possibility that foreign States may take legal action, the government authorities have stated there is no legal provision preventing them from doing so. Consequently, foreign States may institute legal proceedings and are subject to general internal rules of procedure, including the obligation to demonstrate a legitimate interest and the right to be represented by a lawyer registered with the local Bar. The capacity to act as a party to legal proceedings includes the capacity to initiate civil action before the national courts in order to establish title to or ownership of property and to claim compensation or damages (art. 1382 of the Civil Code and art. 385 of the Code of Criminal

Procedure). At the time of the country visit, such a situation had not yet occurred. Cameroon has not implemented article 53 (c) of the Convention.

A confiscation order issued by the court of another State party in connection with the laundering of the proceeds of crime may be executed (art. 153 of the CEMAC Regulation). Any other confiscation order issued by a foreign State may be executed in accordance with article 16 of the Criminal Code, which relates to the enforcement of foreign judgments. The law does not provide for confiscation without a criminal conviction.

A freezing or seizure order issued by a foreign court may be enforced in accordance with article 16 of the Criminal Code. In addition, a request for mutual assistance for the purposes of seizure may be executed on the basis of article 141 of the CEMAC Regulation, which applies to requests related to money-laundering and the financing of terrorism, or on the basis of article 200 of the Code of Criminal Procedure, which relates to the execution of letters rogatory issued by foreign courts. Precautionary measures to prepare for confiscation related to money-laundering or the financing of terrorism may be requested on the basis of article 152 of the CEMAC Regulation.

As Cameroon has not yet received a request for confiscation from another State, the application of article 55, paragraphs 1 and 2, of the Convention cannot be assessed. The content of requests for mutual legal assistance related to money-laundering or the financing of terrorism is determined by article 142 of the CEMAC Regulation. The Code of Criminal Procedure does not specify the content required for other requests for mutual legal assistance. Under article 45 of the Constitution, however, the Convention can be directly applied.

Cameroon submitted copies of its pertinent laws at the time of the review. The country does not make the adoption of confiscation and seizure measures conditional on the existence of a relevant treaty.

Cameroonian legislation does not explicitly provide for the possibility of giving a requesting State party the opportunity to set out its arguments for maintaining a precautionary measure before that measure is lifted. However, this obligation arises from the direct application of the Convention. The rights of bona fide third parties are protected by article 403 of the Code of Criminal Procedure, article 77 of the Criminal Code and article 153 of the CEMAC Regulation.

Return and disposal of assets (art. 57)

In accordance with article 154 of the CEMAC Regulation, Cameroon may dispose of property confiscated in its territory in connection with a money-laundering or terrorism-financing offence at the request of foreign authorities unless an agreement concluded with the requesting State stipulates otherwise. With regard to other offences established under the Convention, the government authorities have affirmed that Cameroon may return property confiscated in direct application of the Convention.

The rights of bona fide third parties and the rights of legitimate owners are protected by the above-mentioned articles of the Code of Criminal Procedure, the Criminal Code and the CEMAC Regulation. Cooperation requests are, in principle, executed free of charge. However, there is nothing to prevent Cameroon from deducting reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property.

Cameroon has not entered into any asset sharing agreements or arrangements.

3.2. Successes and good practices

- The National Agency for Financial Investigation may ask any private individual or legal entity to provide it with any information in their possession that is likely to support a suspicious transaction report (art. 66, para. 3, of the CEMAC Regulation).

3.3. Challenges in implementation

It is recommended that Cameroon:

- Identify beneficial owners systematically and not only in case of doubt (art. 52, para. 1).
- Adopt guidelines on the enhanced due diligence measures to be applied for certain customers and transactions, as described in article 43 of the CEMAC Regulation (art. 52, para. 2 (a)).
- In accordance with its internal law, inform financial institutions of the identities of persons whose accounts should be subject to enhanced scrutiny (art. 52, para. 2).
- Prohibit the establishment of banks that have no physical premises and are not affiliated with a regulated financial group (art. 52, para. 4).
- Consider taking the necessary measures to implement article 66 of the Constitution by establishing an effective system of asset declaration for the public officials concerned (art. 52, para. 5) and ensure that this system also includes the obligation for the persons concerned to declare that they have an interest in or signature or other authority over a financial account in a foreign country (art. 52, para. 6).
- Ensure that, in practice, a foreign State is able to initiate civil action in the courts to establish title to or ownership of property acquired through the commission of a Convention offence, and to request compensation and damages (art. 53 (a)).
- Ensure that, when having to rule on confiscation, courts or authorities may recognize another State's claim as a legitimate owner of property acquired through the commission of a Convention offence (art. 53 (b)).
- Consider permitting confiscation in the absence of a criminal conviction in certain circumstances in order to provide mutual legal assistance in such matters (art. 54, para. 1 (c)).
- Consider extending provisional measures aimed at preparing to execute a confiscation order to other Convention offences (art. 54, para. 2 (c)), as provided for in the CEMAC Regulation.
- Continue to ensure that consultations with requesting States are carried out before any provisional measures are lifted (art. 55, para. 8).
- Take legislative or other measures to ensure the return of property as specified in article 57, paragraph 3, of the Convention (art. 57, para. 3).
- Consider concluding further bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to the Convention (art. 59).

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

- Cameroon has indicated that it needs technical assistance for the implementation of chapter V.