

Cameroon, Law on the Protection of the Emblem and the Name “Red Cross”

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[Source: Law No. 97-2 of 10 January 1997 on the protection of the red cross emblem and name; *Official Gazette of the Republic of Cameroon*, 1st February 1997, pp. 63-66; available on <http://www.icrc.org/ihl-nat>]

Law No. 97-2 of 10 January 1997 on the protection of the red cross emblem and name

The National Assembly deliberated and adopted,

The President of the Republic promulgates the law that holds as follows:

PART I: GENERAL PROVISIONS

Section 1

Without prejudice to the relevant provisions of the conventions relating to the application of international humanitarian law duly ratified by the Republic of Cameroon, particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols I and II of 8 June 1977, this law shall govern the use and protection of the Red Cross emblem and name.

Section 2

(1) The Red Cross emblem shall be a red cross with four arms of equal length on a white background. The cross shall have an upright and a transverse shaft intersecting at their middles. The cross shall not reach the edge of the flag or escutcheon.

(2) The red cross shall be the dominant element of the emblem. No inscription or pattern may appear on the cross or white background.

(3) In time of conflict, the emblem for purposes of protection shall be a red cross on a white background as defined in (1) and (2) above. It shall be as large as possible to afford the greatest visibility.

(4) The emblem used for purposes of identification purposes shall be in miniature. It may be used solely to identify the Cameroon Red Cross.

PART II: USE OF THE RED CROSS EMBLEM AND NAME

Section 3

The Red Cross emblem may be used for two purposes: identification and protection

Chapter I: Use of the Emblem for Identification Purposes

Section 4

(1) The emblem identifying the Cameroon Red Cross shall be used together with the name “Cameroon Red Cross” or the initials “CRC”.

(2) The emblem shall be in miniature and shall show that the person or the property displaying it is linked to the Cameroon Red Cross.

(3) In time of conflict, the emblem must not be displayed on armbands or rooftops to avoid confusion with the emblem used for protection purposes.

(4) Persons or property displaying the emblem of the Cameroon Red Cross for identification purposes may not, in time of conflict, benefit from the special protection conferred by international humanitarian law.

Section 5

(1) The identification emblem of the Cameroon Red Cross shall be its exclusive property.

(2) It may be in the form of medallions, badges, stickers, scarfs, flags, standards, gadgets or any sign or medium used for the promotion of the Cameroon Red Cross.

Section 6

(1) The president of the Cameroon Red Cross alone shall be empowered to authorize any person to wear the identification emblem of the said Red Cross.

(2) He shall inform the competent authorities thereon.

Section 7

(1) The protective Red Cross emblem shall be the symbol of the protection conferred by international humanitarian law to persons and property, particularly buildings, means of transportation by land, sea or air, in time of international conflict.

(2) However, the protective emblem may be used in peacetime to identify first-aid workers at events attended by large crowds.

Section 8

The following persons may use the protective emblem in time of international or internal armed conflict:

- medical personnel of the Cameroon Red Cross made available to the army medical services;
- civilian medical personnel involved in relief and medical assistance operations;
- civilian medical personnel and national and international workers of humanitarian organizations involved in relief and medical assistance operations;
- personnel of the army medical services.

Section 9

The following medical units, establishments and means of transportation may display the protective Red Cross emblem:

- medical units, establishments and means of transportation of the Cameroon Red Cross, particularly: hospitals, ambulances, ship-borne hospitals, ordinary or motorized boats, aircraft and warehouses;
- civilian medical units involved in search, evacuation, diagnosis or treatment, first-aid and disease prevention operations;
- medical units and transportation equipment of army medical services.

PART III: PROTECTION OF THE RED CROSS EMBLEM AND NAME

Section 10

The Red Cross emblem and name shall be protected by the instruments in force relating to registered trademarks and patterns.

Section 11

(1) The Cameroon Red Cross shall have the exclusive right to use the Red Cross identification emblem and name throughout the national territory.

(2) It shall be the sole institution empowered to:

- order the printing or production of the Red Cross emblem;

- issue diplomas, certificates, cards and attestations bearing the Red Cross emblem.

Section 12

In the event of internal armed conflict or strife, the President of the Cameroon Red Cross and the competent authorities shall jointly define the conditions for using the protective emblem and supervise compliance therewith.

Section 13

(1) The use of the emblem for protective and identification purposes by the members and first-aid workers of the Cameroon Red Cross shall be subject to a membership identity card and a first-aid worker's identity card bearing the signature of the National President of the Cameroon Red Cross or of any other person duly empowered to that end by the said National President.

(2) The membership or first-aid worker's identity card of the Cameroon Red Cross must be presented upon request. It shall be strictly personal and may not be transferred or lent. It may neither be used as a pass in peacetime or in time of internal strife or conflict, nor as an access card for public events.

Section 14

(1) It shall be strictly forbidden for any natural person or corporate body other than those upon whom such right is conferred by virtue of the Geneva Conventions of 12 August 1949, their Additional Protocols I and II of 8 June 1977 and the present law to use the Red Cross emblem and name.

(2) It shall equally be forbidden to use a sign or an appellation constituting an imitation of the Red Cross emblem and name.

PART IV: MISCELLANEOUS AND FINAL PROVISIONS

Section 15

Delegates of the international bodies of the International Red Crescent Movement may use the Red Cross emblem at all times, within the limits fixed by the Geneva Conventions of 12 August 1949.

Section 16

Offences established in relation to the use of the Red Cross emblem and name shall be punished in accordance with Section 330 of the Penal Code.

Section 17

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaoundé, 10 January 1997

Discussion

1. Who may use the emblem of the red cross or red crescent? In what circumstances? (HR, Art. 23(1)(f); GC I, Arts 38-44 and 53; GC II, Arts 41-43; GC IV, Art. 18; P I, Arts 8 and 18; P II, Art. 12)
2. Why do the Geneva Conventions contain detailed provisions concerning the use of the emblem? What problems are these Conventions attempting to resolve?
3. What issues is Art. 44 of Geneva Convention I attempting to clarify?
4. What is the difference between the protective and indicative uses of the emblem? Are authorized uses of the emblem different in time of armed conflict and in time of peace? (GC I, Art. 44)
5. Why does Geneva Convention I largely clarify the use of the emblem by National Red Cross and Red Crescent Societies?
6. Under what conditions may a National Society use the emblem? When may it use the emblem as a protective device? And as an indicative device?
7. When may the ICRC and the International Federation of Red Cross and Red Crescent Societies use the emblem? Are they, too, obliged to abide by the provisions governing the protective and indicative uses of the emblem? (GC I, Art. 44)
8. Why must States (in this case, Cameroon) adopt legislation on the use of the emblem? Is this necessary even where international treaties are considered part of national law under a country's constitutional system? In your opinion, is Cameroonian law totally in line with international humanitarian law? (GC I, Arts 44 and 54)
9. Does this law provide additional guarantees against any misuse of the emblem in time of armed conflict? Or is it limited to specifying the property and persons that may display and use the emblem in time of peace and in time of armed conflict?
10. How does Protocol I clarify Arts 39, 42 and 44 of Geneva Convention I and Art. 18 of Geneva Convention IV? Why is this clarification given? (P I, Arts 8, 18, 37, 38 and 85; P II, Art. 18)
11. Will Cameroon need to amend this law if it becomes party to Protocol III additional to the Geneva Conventions?