

PRISONS IN CAMEROON
REPORT OF THE SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF
DETENTION IN AFRICA

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
Report to the Government of the Republic of Cameroon
on the visit of the Special Rapporteur on
Prisons and Conditions of Detention in Africa
From 2 to 15 September 2002

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Introduction

Dates of the visit and composition of the delegation

Commissioner Dr. Vera Mlangazuwa Chirwa, Special Rapporteur on Prisons and Conditions of Detention in Africa (a mechanism of the African Commission on Human and Peoples' Rights), visited places of detention in Cameroon from 2-15 September 2002.

The objective of the visit was to assess and document the conditions of detention in Cameroon, make immediate recommendations when necessary and initiate co-operation with the Government of Cameroon towards the improvement of prison conditions in the country.

The Special Rapporteur was accompanied by:

- Mr. Nega Girmachew, Legal Officer, African Commission on Human and Peoples' Rights,
- Dr. Alpha Oumar Sankarela Diallo, Physician in Chief, Security and Prison Services, Guinea,
- Mr. Damien Ray, PRI
- Mrs. Christine Daure, PRI
- Mr. Akono Jaco, Interpreter
- The ACHPR wishes to thank them for their contribution to this mission.

Places Visited

The delegation visited the following prisons and detention centres:

- 1. Yaounde Central Prison**
- 2. Gendarmerie Nationale**
- 3. Garoua Central Prison**
- 4. Garoua Police Station**
- 5. Garua Gendarmerie**
- 6. Maroua Central Prison (Maison d'Arrêt)**
- 7. Maroua Police Station**
- 8. Maroua Gendarmerie**
- 9. Douala Central Prison (New Bell)**
- 10. Douala Police Station**
- 11. Douala Gendarmerie**
- 12. Bamenda Central Prison**

- 13. Bamenda Police Station**
- 14. Bamenda Gendarmerie**
- 15. Mfou Women's Prison (Yaounde)**
- 16. Bafang Principal Prison**

These prisons and places of detention visited represent about 6000 prisoners and/or detainees, which is about 35% of the total prison population in Cameroon.

General situation in the Republic of Cameroon

Geography

Cameroon is situated in Central Africa, with an area of 475,440 square kilometres. The Atlantic Ocean, Central African Republic, Chad, Congo-Brazaville, Equatorial Guinea, Gabon, and Nigeria surround it.

Population

The total population is approximately 16,000,000, of which Christians constitute 35%, Muslims 22%, and Indigenous beliefs 40%. The population is divided into more than 200 ethnic groups, of which 31% are Cameroon Highlander, Equatorial Bantu 19%, Kirdi 11%, Fulani 10%, Northwestern Bantu 8%, Eastern Nigrific 7%, and other African 13%.

Age wise, approximately 42 % belong to the age group 0-14 years, 55% to 15-64 years, and 3% to 65 years and over. There are about 24 major African language groups spoken in Cameroon. However, English and French are the official languages of the Republic. Due to the fact that the majority (three-quarters) of the population live in francophone areas, there is an evident bias in favour of the French.

Economic Features

Cameroon has such major industries as petroleum production and refining, food processing, light consumer goods, textiles, lumber, coffee, cocoa, cotton, rubber, bananas, oilseed, grains, root starches, livestock, timber, bauxite, iron ore, and hydropower. Agriculture constitutes 42% of the economy while Industry accounts for 22%, and Services hold 36%. Cameroon's principal exports include timber, coffee, cocoa, cotton, banana, and rubber. It has generally enjoyed stability, which has permitted the development of agriculture, roads, and railways, as well as its petroleum industry.

As in many African countries, the majority of the Cameroonian population is rural and agriculture accounts for 25 percent of the gross national product (GNP). The country has a recorded mean per capita GNP of approximately

\$607 (455,250 CFA francs). Around 50% of the population is estimated to live under the poverty level. (2001 est.)

Political History

The first inhabitants of Cameroon were the pygmy Baka tribes and the first European contact was in the 16th Century with the Portuguese who didn't, however, stay long. The earliest permanent settlements were started in the late 1870s, with Germany emerging as the major European Power. Cameroon remained under German protectorate until 1919 immediately after the end of the First World War, when the latter's military occupation was brought to an end. It did not, however, attain independence until 1960 as it was put, at the end of the First World War, under the mandate of British and French administration following the division by the League of Nations in 1922. The French had control over four-fifths of the territory (French Cameroon) while the British controlled the remaining one-fifth (the Northern and Southern Cameroon). At independence, Ahmadou Ahidjo, the leader of the Union Camerounaise and who had served as prime minister since 1958, was elected as the country's first president.

In 1961, there was held a referendum in which Southern Cameroonians voted in favour of union with the Republic of Cameroon, while northern Cameroonians voted to merge with Nigeria. Despite this, the present Republic of Cameroon comprises of two states: East Cameroon (comprising the former French zone) and West Cameroon (comprising the former British portion). After the merging, in 1966, of the dominant parties in the two areas, i.e. Union Camerounaise and the Cameroon National Democratic Party, forming the Union Nationale Camerounaise (UNC), the president at independence, Mr. Ahidjo, was re-elected president of the Republic.

A new Constitution was promulgated in 1972 abolishing all separate state institutions and providing for a strong executive president, a national executive council of ministers responsible for the president, a unicameral national assembly and a fully centralised administration. Three years later, Ahidjo was again re-elected president. He appointed Paul Biya as the Prime Minister. In spite of the alleged autocratic rule under Ahidjo, the latter was re-elected for a further five-years term. He, however, resigned in 1982, transferring the presidency to Paul Biya. In 1985, the UNC was renamed the Rassemblement démocratique pour le peuple camerounais (RDPC), with President Paul Biya getting re-elected in 1988, 1992, and 1997.

The Constitution was amended in 1980 providing for the establishment of a multi-party system and the first multi-party legislative elections were held in 1992. The main political parties include: the Rassemblement démocratique du peuple camerounais (RDPC) which is chaired by President Paul Biya, the Social Democratic Front (SDF), the Union national pour la démocratie et le progrès (UNDP), the Union des populations camerounaises (UPC), the Union démocratique du Cameroun (UDC), and the Mouvement pour la défense de la République (MDR).

Like any other Country, the government has three "arms": The Executive, the Legislature, and the Judiciary. The President of Cameroon holds executive power in the government as per the reforms introduced to the Constitution in 1996. He is given a broad range of powers and is able to carry them out without consulting the National Assembly. He is the chief of state and commander of the armed forces and is elected by universal suffrage. The 1996 amendment to the Constitution extended his term from five years to seven and introduced a two-term limit. The federal ministers, including the prime minister, are appointed by the President and, by statute, are not permitted to be members of the legislature. The President also appoints the governors of the country's provinces.

The 1996 amendments to the Constitution introduced a second Chamber, the Senate, to the Cameroonian National Assembly which consists of 180 delegates elected by direct popular vote to serve five-year terms, and in whom legislative power is vested. The President of the Republic can either lengthen or shorten the term of the legislature, which meets three times a year with the main responsibility to pass laws and regulations. The Senate is composed of delegates who are partially directly elected and partially appointed.

With respect to the judiciary, the Republic inherited not only two different cultures and languages from its colonial masters, but equally two legal systems - the French Civil Code and English Common Law. Irrespective of this heterogeneity, however, the judicial system of Cameroon is largely based on the French system. The judiciary is subordinate to the Ministry of Justice, which is part of the executive's structure. The highest judicial body is the Supreme Court. Other courts are the appeals courts, regional courts, and magistrates' courts (Courts of First Instance). The President appoints Supreme Court judges while the National Assembly elects those at the High Court of Justice (consisting 9 judges and 6 substitute judges). The Supreme Court may review the constitutionality of a law but only at the request of the President.

Unfolding of the Mission

Consultations Undertaken by the delegation

1. Government Authorities

During discussions with various authorities, the delegation explained that the aim of the visit was to examine the state and condition of prisons and detention centres in the country with a view to make recommendations to improve them.

The Special Rapporteur would have loved to meet with the President of the Republic had it not been for His prior engagements outside the country. The

delegation, however, had many very useful discussions with relevant Ministers, Governors of Provinces, the Officers in Charge of prisons, and the staff of the Ministry of Territorial Administration and Decentralization at various prisons. The authorities put at the disposal of the delegation all the necessary facilities for the smooth running of the mission. The Special Rapporteur appreciated the spirit and manner in which the authorities took note of the immediate observations she made concerning the prisons and detention centres the delegation visited in Cameroon. The Special Rapporteur wishes to acknowledge the commitment and the spirit of openness of the Government of Cameroon to improve the conditions of prisoners/detainees in the country.

The Special Rapporteur and her delegation held consultations with the following officials:

- Mr. Jean-Marie Atangono Mebora, Secretary General, Office of the Presidency
- Mr. Jean-Pierre Soh, Chargé de Mission, Office of the Presidency
- Ms. Melono Odette, Attaché, General Secretariat, Office of the Presidency
- Honourable Mr. Amadou Ali, Minister of Justice
- Mr. Nomo Awono, Secretary General, Ministry of Justice
- Mr. Abba Sadou, Special Advisor to the Prime Minister
- Mr. Dion Ngute Joseph, Minister Delegate in Charge of Commonwealth Affairs, Ministry of External Relations
- Mr. Ndoumbo Eloungoce Nestol, Secretary General, Ministry of External Relations
- Mr. Messi Berono Hermann, Director, African Affairs and Inter-African Cooperation, Ministry of External Relations
- General Oumarou Djam Yaya, Inspector General, Secrétariat d'Etat à la Défense chargé de la Gendarmerie
- Colonel Godwe Mandandi, Directeur Emploi et Structure, Secrétariat d'Etat à la Défense chargé de la Gendarmerie
- Mr. Pierre Minlo'o Medjo, Delege, Délégation Générale à la Sûreté Nationale
- Mr. Jean Emile Eko, Secretary General, Délégation Générale à la Sûreté Nationale
- Mr. Mbia Meka, Chief of the Civil Security Division, Délégation Générale à la Sûreté Nationale
- Ms. Mbimba, Chef de la Cellule Juridique, Délégation Générale à la Sûreté Nationale
- Mr. Assiga, Sous Directeur du Personnel, Délégation Générale à la Sûreté Nationale

- Mr. Marafa Mamidou Yaya, Minister of Territorial Administration and Decentralization
- Mr. Kouambo Adrien, Delegation Minister, Ministry of Territorial Administration and Decentralization
- Mr. Emmanuel Oteh, Secretary of State in Charge of Penitentiary Administration, Ministry of Territorial Administration and Decentralization
- Mr. Pongmoni Jean-Marie, Director of Penitentiary Administration, Ministry of Territorial Administration and Decentralization
- Mr. Yene Ossomba Victor, Governor, the Province of Maroua
- Mr. Baba Ngamdji, Permanent Secretary, the Governor's Office, the Province of Maroua
- Mr. Louis Eyeya Zanga, Governor, the Province of Garoua

2. NGOs

A meeting was organized at Hôtel Mont Fébé with NGOs actively involved in the field of prisons and human rights. These NGOs were: Association pour le Développement et la Santé (ADS), Organisation Associative Développement [CODÉYO – OPD (OAD)], Service des Volontaires pour L'Encadrement et le Développement Intégré (SEVEDI), and ACAT-Lithoral.

After recalling her mandate, the Special Rapporteur introduced the objectives of her mission in Cameroon. She stated that her mission in Cameroon was to analyze the conditions of detention in the country and to initiate a constructive and permanent dialogue with the Government with a view to the improvement of the conditions of detention in Cameroon. Thereafter, the members of the NGOs represented introduced their respective activities in the fields of prisons and protection of human rights. These NGOs enlightened the Special Rapporteur on the existing problems in prisons and on the problems faced by the Cameroonian society in general. They also spoke of the few improvements made by the authorities in collaboration with civil society.

Generally, the NGOs spoke of the bad conditions of detention. In fact, according to them, prisons are still overcrowded, the prisoners' diet is inadequate and of a poor quality, the hygienic conditions are bad and medical care insufficient. They also raised their concern at the slow pace of the administration of justice as many suspects continue to languish in detention for years waiting for judgment.

The NGOs noted the political will demonstrated by the authorities to allow some NGOs access to prisons. This, however, is minimal and they suggested a wider access be granted to all NGOs and members of civil society. Nevertheless, the NGOs raised the problem of the negative image society had of prisoners and recognized their role in terms of awareness

raising as well as the need to develop education programmes in the field of human rights.

The delegation also met with Mr. Zoran Jovanovic, Regional Delegate, the International Committee for Red Cross (ICRC), Mr. Beat Schneider, Assistant Regional Delegate, ICRC, Mr. Maziar Mostafavi, Delegate in charge of Protection, ICRC, representatives of the Mbororo Social and Cultural Development Association (MBOSCUDA), and Cardinal Tumi, the Archdiocese of Douala.

3. Local Press

A press conference was held at Mont Fébé Hotel. In addition to freelance journalists, the following media and research institutions were represented at the same: The Herald, Cameroon Tribune, Journal L'Action, J'Informe, Radio TV Siomtou, Le Zenith, CRTV-Radio, GIC-R.V.S., International Club for Peace Research, and Liberty and Human Rights League.

Cooperation received during the visit

Talks were held with the Cameroonian authorities in an excellent spirit of cooperation. The Special Rapporteur would like to express her gratitude to all the relevant Ministries and authorities for their time and readiness to hold discussions with the delegation, and for appointing the variolus personnel to assist the delegation. She would also like to highlight the invaluable assistance extended to her delegation by the Ministry of External Relations and, particularly, through Ms. Nama Chantai, Chief of Service at the Specialized Institutions of the African Union, and Mr. Godwe Alain of the Protocol and Consular Affairs Directorate, and the NGO De l'autre cote ("From the Other Side") for playing an instrumental role in facilitating the various visits.

The delegation benefited from a very satisfactory cooperation on the part of those responsible and of the staff of the places visited. The Special Rapporteur would like to underline the fact that the delegation was given quick access to all the prisons it wanted to visit, even some of them unscheduled, and was allowed to have private conversations with any prisoners it chose to interview.

It is undeniable and appreciated that in the course of the visit the officers in charge and their personnel divulged a lot of information in relation to the prison institution and the delegation very much appreciated the briefings made by all responsible in the administration to the benefit of the mission. At the end of each visit, and based on these discussions, the Special Rapporteur was able to make some recommendations to the authorities, which gave rise to several exchanges of views.

The Special Rapporteur also wishes to point out that staff as a whole were very flexible with regard to their work hours so that the visits were carried out as smoothly as possible and according to the wishes of the Special

Rapporteur. She was especially pleased by the exemplary eagerness on the part of both staff and prisoners to welcome her and discuss matters with her.

However, in spite of this generally positive picture, the Special Rapporteur was not given the relevant and up-to-date statistics depicting the overall prisons and prisoners situation in the country. With respect to the Special Rapporteur's wish to clarify some particular concerns that she had received when preparing her visit, however, the authorities were willing to provide her with explanations as the mission progressed.

In general, the Special Rapporteur was very pleased with the spirit of cooperation shown by the authorities and urges all the parties concerned to take into consideration the comments and recommendations made in this report in a constructive manner.

Context of the visit

Prison and judicial authorities in Cameroon, as in many countries worldwide, face adverse public opinion. Cameroon faces the problem of mob justice. Capital punishment is not yet abolished and there are many capital cases. There is a severe financial shortage facing the penitentiary. In fact, the Special Rapporteur was informed that there has been no significant increase made to the budget for prisons since the colonial era. Difficult prison conditions prevail in the country also due to the archaic nature of prison buildings, most built during the colonial era. Prison overcrowding is thus an acute problem. Corruption in the administration remains a concern at all levels: police, prison, and judiciary. The Special Rapporteur was informed that the authorities were keen to fight this scourge and have intensified their efforts. It was noted, however, that a lot remained to be done in this regard.

To ameliorate the prison situation, the government has since adopted an open-door policy to benefit from external assistance to prisons. NGOs and various local/international organizations provide various important services to prisoners. Corruption, however, seems to be a menacing feature plaguing efforts at all stages: police, prison and judiciary. Some institutions do exist to fight it, but a lot remains to be done. The Special Rapporteur was informed that given the myriad of challenges faced by the government, prison reform was not generally seen as a priority. This is compounded in the general public opinion that prisoners should not be accorded with privileges and that reform in the sector is not relevant.

Findings

The prison system

Prisons in Cameroon fall under the Ministry of Territorial Administration and Decentralization. However, such important institutions as the Presidency, the Ministry of Defence, and the Delegation for National Security are also closely

involved in the administration of prisons. Legislation 92/052 of 27 January 1992 governs the penitentiary in the country.

Under the authority of a principal administrator, there is a Prison Service Directorate with sub-departments for prison studies, administration, organisation and production, staff and health. There are three main categories of prisons: central prisons, located in the capital city of the provinces, principal prisons which are linked to magistrates courts accommodating all categories including pre-trial prisoners, and secondary prisons that only accommodate sentenced prisoners and are spread across the country. The prison administration has about 72 prisons in total. This figure, however, does not include other detention centres and/or Gendarmerie, run by the Ministry of Defence and/or the Delegation for National Security.

Two types of penal regimes are being applied in the country. The Common law based Penal Code, which is applied in the Anglophone areas while Criminal Prosecution Code, which is applied in the Francophone regions. Legal assistance is provided for in the law, but practically, due to its being poorly remunerated, not too many lawyers are willing to provide such a service.

Under Cameroonian law, many authorities can deprive a citizen of his/her liberty without much control nor time limitation. Such officials as governors, préfets, sous-préfets and chiefs of districts can arrest people for 15 days of "garde à vue" (police custody), which can be indefinitely renewed.

Conditions of detention

Prison population

It was not possible to establish a figure for the total population of convicted prisoners and those on remand ahead of the mission. The Special Rapporteur wishes to note that some figures for these two categories held in prison were supplied to the delegation later without any difficulty by the prison authorities. Due to the unavailability of comprehensive figures, however, the delegation had to work on the basis of estimates supplied by the prison administration without being able to confirm them.

In prisons

The Special Rapporteur was provided with the following rough statistics depicting the size of prison population at the places the delegation visited.

Prison	Capacity	Head-count	Men	Women	Minors	Convicted	Death-row	Foreigners	Remand
Yaunde Central	870	3059	2803	111	57	699	21	2216	57
Garoua Central	220	930	835	12	26	321	3	470	57
Maroua Central	150	602	530	8	28	227	9	350	34
Douala Central	182	2396	2310	62	74	359	17	2036	N/A
Bafang Central	54	224	203	9	8	N/A	N/A	N/A	N/A
Bamenda Central	N/A	669	554	11	31	327	6	289	N/A
Mfou Central	106	237	224	13	3	91	N/A	121	N/A

The Special Rapporteur was informed that there has been a significant increase in prison population in the country, thereby worsening the problem of prison overcrowding. Out of 15,000,000 inhabitants, the prison population is around 20,000. Roughly, the capacity of the prisons visited was around 1700, but, at the time of the visits, however, they were holding about 8117 prisoners, indicating a staggering overcrowding rate of approximately 450%. The rate becomes even more disturbing with particular prisons like the Douala and Maroua Central Prisons. There, prisoners severely complained of lack of air when locked in their cells.

The delegation informed the authorities that overcrowding had adverse effects on prisons and their population, namely, on rehabilitation programmes the government might wish to introduce, creation of unsafe conditions of detention (in terms of lack of beds, blankets, bathrooms, etc.), nurturing promiscuity and transmission of diseases; difficulty in keeping the premises clean; difficult working conditions for staff, and lack of exercise where space is limited, etc.

According to the authorities, the increase in the prison population cannot be attributed to an increase in criminality, but to a concurrence of factors, including: lack of access to justice, a very slow judiciary, too many persons

awaiting trial due to unchecked application of remand, lack of an effective parole system, and inefficiency to undertake a speedy investigation of cases. To help reduce overcrowding, the Special Rapporteur suggested the wider application of such measures as mediation, suspended sentences, probation, reduction of sentences, partial release, community service, and amnesty.

Generally, men, women and minors are kept separate in prisons, but due to overcrowding, this has not been applied uniformly in all the prisons visited. The Special Rapporteur noted that there is no separation between the accused and the convicts, or between convicts depending on the nature of the offence committed. And with respect to the sick, only those with contagious diseases are temporarily isolated from other prisoners. Again the authorities indicated that overcrowding and lack of space were the reasons for their failure to effectively separate prisoners into strict categories. It is noted, however, that men and women prisoners are separated. There is also an effort to separate minors, adults and the sick although not widely employed.

In police stations and the gendarmeries

In police stations people are not only detained while awaiting trial, but also while waiting for the courts to give a verdict or for the investigation to come to an end. Here as well, there is a worrying level of overcrowding (Yaounde Police Station) due, among others, to the following reasons: frequent adjournment of hearings by the courts, often due to transport problems or lack of personnel to escort the prisoners to court; lack of respect for the legal limit of detention allowed in relation to police custody; delayed enquiries due in particular to transport problems; arrest of people before the investigation is concluded; insufficient possibilities of legal assistance; and the large number of prisoners held due to bail related problems, bail having been set too high or refused or for being unable to contact ones family to seek for help.

Premises

Almost all the prisons visited were built during colonial times. They are in a very bad shape, and are at an advanced stage of dilapidation. It is evident that they lacked constant maintenance and repair. It is also difficult to maintain and rehabilitate them because their architecture is incompatible with cheap modifications. The authorities indicated that they lacked sufficient funds to make any improvements. Even if they wished to improve prison conditions, they are faced with the negative public opinion on prison reform and the fact that to do so is not an economic priority for the country.

The delegation noted that ventilation and lighting are common problems across the prison premises visited. It becomes worse at such severely overcrowded prisons as the Yaounde and Douala (New Bell) Central Prisons where prisoners complained of suffocation. The same is true with police cells. It's noted that in most of them, fans are a luxury and openings and/or

windows are not available. Also in most of them, the roofs leaked and the walls were falling apart due to neglect. Also appalling were the hygienic and health facilities exacerbated by the overcrowding of the cells. Except for the relatively new prison building at Bafang Principal Prison and the Mfou Women's Prison, the rest of the detention centres fall short of the minimum standard sanitary requirements and exhibit neglect of the highest order. There is no regular maintenance and disinfecting of the premises. The premises smelt of some sort of unpleasant odour, and prisoners appeared in their tattered and visibly filthy apparels. The delegation also noted that since there were constant shortages of water and bathing facilities, including soaps, some of the prisoners visited had a foul bodily odour. In general, most of the prisons, police stations and the gendarmeries visited exhibited a serious failure to meet minimal hygienic requirements.

The delegation generally noted that Cameroon does not have a general model for the construction of prisons and detention centres, which seems to have contributed, to a major extent, to the unhealthy living conditions in the prisons. Particular reference is made to the situation in such central prisons as Yaounde, Douala and Bamenda where the inadequacy in size and the low quality in nature of the buildings coupled with apparent disregard for their maintenance keeps to be a constant source of unnecessary prisoners' suffering. The delegation was also seriously concerned over the effect such conditions may have on the security considerations for both prisoners and staff alike.

Bedding

Due to the high prison population density, prison facilities are highly strained. The prison administration supplies detainees with a bed only. Sometimes, sheets are provided. However, most prisoners sleep on mattresses laid out on the floor at night and folded up during daytime. Pillows are a luxury. Prison authorities, however, allow prisoners to bring in their own mattresses, sheets and pillows. Prisoners who are not so provided for complained of suffering from cold as they were forced to sleep on the floor. In Marua Central, however, prisoners sleep on the floor due to the regions hot weather.

Of a particular concern in this regard raised by most inmates in the main Central Prisons is the alleged fact that new inmates would have to pay a certain amount of money either to the cell masters or directly to some wardens in order to secure a space to sleep in any of the numerous cells. This forms part of the general problem of extortion alleged by the inmates.

In the police stations and the gendarmeries, the detainees are not provided with any sleeping implement whatsoever. Due to lack of space and resources, appropriate bedding and related facilities are not provided. Most prisoners share mattresses and even their own personal blankets.

Food

The prison administration provides food in Cameroonian prisons. Prisoners are allowed to receive food from outside the prison. In most prisons, women prisoners are sent out to do the shopping for food items for both men and women prisoners. The menu is poor and the quantity inadequate. The common menu varied from fufu, corn/ millet, fish, green leaves and occasionally meat. Babies and infants detained with their mothers are not supplied with a special diet except for sometimes milk. Inmates take only one meal per day, at lunchtime, prepared by inmates assigned to work in the kitchen. Yet, they are not trained for this task. The delegation noted that prisoners are not allowed to request additional rations. Food is not well cooked and falls short of meeting minimum hygienic requirements. There are no standard kitchens and sometimes, food was cooked in open air and using unhygienic utensils. The Special Rapporteur tasted the food prepared by prisoners at the various prisons and noted that in addition to its being badly cooked, insufficient, and lacking good taste, it failed to meet the daily standard nutritional requirement for an adult human being. One notable exception, however, was the Mfou Women's Prison where prisoners reported that food was satisfactory.

With respect to police stations and the gendarmerie, inmates are not generally provided with food by the administration. They are, however, allowed to receive food from outside. The Special Rapporteur raised her concern that some inmates may not have relatives or anyone to bring them food and may be left to starvation. She mentioned that some of them told her that they shared food so as not go hungry for days in detention. She also added that some reported that wardens refused to give food to prisoners brought by visiting relatives and friends, and at times help themselves to it.

In general, prisoners complained of the quantity and quality of the food they received. In particular, the Special Rapporteur was concerned by the sight of many noticeably malnourished prisoners at Douala Central Prison (New Bell), which fact she brought to the immediate attention of the prison authorities.

Contacts with the outside world

Although the delegation was informed by the prison authorities that prisoners enjoyed visits from and maintained contacts with relatives and friends, the prisoners reported a number of irregularities:

- There is no uniform visiting regime across the prison system;
- Prisoners requesting to meet their visitors are harassed, and sometimes attacked (New Bell);
- Visits arbitrarily denied (Marua Central);
- Fees demanded of visitors and prisoners alike (New Bell, Bamenda Central) and the former subjected to excessive checks;

- Most visits frustrated due to the fact that inmates imprisoned in institutions far away from their localities (New Bell, Bamenda Central, Mfou Women's Prison, Bafang Principal);
- Prison wardens arbitrarily blocked letters to families and friends, and refused to hand out such to prisoners (Marua Central, Bamenda Central);

Prisoners and the authorities alike reported that visits by NGOs, religious entities and civil society organisations, however, were encouraged. Radios are generally allowed in prisons. In police stations, inmates reported that contact with the outside world was relatively better. Telephone calls, however, were denied to inmates due to various reasons at most of the detention centres visited.

Leisure, exercise, work, access to education and other programmes

While such activities were reported non-existent in almost all police stations and the gendarmerie, prison authorities reported that generally, leisure, exercise, work, access to education and related activities are not widely available to inmates due to extreme congestion, lack of resources, strict regime of prisoners control, and lack of qualified specialised prison staff like social workers. The main prisoners' complaints in this regard included:

- Structure and layout of the prisons restricting free space that could be used for sports and other leisurely activities;
- Lack of access to external markets for handicraft and items made by prisoners;
- Lack of appropriate training, skills development, and specific professional trainings in most of the prisons with a view to prepare them for reintegration into the society;
- Lack of procedures enabling prisoners to continue education interrupted at the time of incarceration;
- Lack of books and library facilities;
- Lack of cheaper distance education facilities;

In most prisons, inmates lived by strictly applied open-air hours usually running from 8:00 am. - 5:00 pm. during which they are mostly allowed to engage in various activities. Inmates in Mfou Women's Prison engaged in minor sport activities on the courtyard, chain making, and tailoring. The prison also arranges for inmates to engage in farming by which prison labour is leased out to interested individuals living around the prison.

Prisoners themselves, however, have been trying very hard in coping up with prison life through various gainful activities within the confines of the prison. In New Bell, for instance, prisoners have set up a huge open market in which they also sleep and engage in various business related activities as small

restaurants, tailoring, magazines, newspapers and books hire, knitting, and selling a long array of items.

With respect to education, the delegation observed that formal education in Cameroonian prisons is limited due to similar reasons as mentioned above. Some attention, however, is given to the educational needs of juveniles for whom, only in some prisons as Bamenda, particular attention is paid. In Bamenda Central, for instance, the juvenile section has a juvenile reformatory school with two classrooms, and a basketball field. The delegation was informed that the Ministry of Education provided for the teachers in collaboration with the wardens.

With respect to religious activities, Cameroonian prisons and police stations generally allow and even encourage their practices. In those prisons wherein there are found social workers, the latter provide advice to raise awareness about HIV/AIDS.

Open air and restrictions

Generally, in most prisons, inmates lived by strictly applied open-air hours usually running from 8:00 am. - 5:00 pm. This, however, might vary depending on the sufficiency of staff and congestion. In police stations and the gendarmeries, such an open-air relaxation is a luxury. In addition to the control being strict.

Rules, discipline and sanctions

Prisoners are normally informed of the internal rules, regulations and sanctions of the respective prisons at the time of their incarceration. This, however, is not true according to some inmates in Yaounde, Duala, and Bamenda Central Prisons. Most claim that they are In some Central Prisons like, Bamenda and Bafang, there has been attempts to post such internal rules on prison and/or cell walls. The Special Rapporteur, however, notes that it was not able to access copies of the various logbooks for recording complaints.

With respect to disciplinary measures and/or sanctions, the delegation noted that there are two main ways of sanctioning inmates across the prisons: solitary confinement, and chaining. Although the procedure for committing inmates to solitary confinement was not clear, the delegation noticed several inmates under solitary confinement. It visited the insides of all such cells and held discussions with the inmates. In almost all cases, inmates complained of arbitrary application of the sanction. With respect chaining, inmates complained that the chain was thick, harmful to the hand, and was applied randomly. There is no distinction between those awaiting trial and those convicted.

Complaints mechanism

According to inmates, the complaint mechanisms in almost all prisons and/or police stations and the gendarmerie are equally a source of inconvenience to the inmates by opening the door to:

- Further reprisals from the prison wardens;
- Loss of the limited freedom they have in the prison premises;
- Exposure to intimidation by the wardens and by other inmates alike, etc;
- Unwillingness on the part of the authorities to entertain the complaints in a timely and professional manner;
- The letters or complaints being torn up.

Relationship with staff and between prisoners

In Cameroon, there is a separate training for prison wardens to equip them for the challenge in prisons works. Yet, per allegations of inmates at the various prisons, the reality on the ground remains wanting. In particular, there is a wide spread allegation of the following irregularities on the part of wardens:

- Inmate beating or torture (New Bell);
- Intimidation and verbal abuse (New Bell, Yaunde, Bamenda, Maroua, Garoua);
- Denial of services (in all prisons);
- Tribalism and/or favouritism (New Bell, Yaounde, Bamenda, Maroua, Garoua); and
- Extortion (in all prisons);

The number of prison staff compared to the over all prison population remains very low. The Special Rapporteur noted that even the prison wardens would be intimidated by the huge number of prisoners they have to guard given their comparably insignificant number. Congestion remain a constant problem which needs to be addressed by the overall judicial and/or administrative system.

With respect to the relationship between prisoners, the Special Rapporteur was informed of the problem of new comers who are taken advantage of by the other inmates for food, sleeping space, and personal security from other inmates. New comers are forced to pay for sleeping spaces and usually assigned to clean human waste without any protection. Most prisons also employ the services of selected inmates, called "Commandants" who are basically the extended hands of the wardens. The Special Rapporteur observed, first hand, the manner some of these individuals maintained order on behalf of the wardens by intimidation and brute physical threat. Inmates also reported that the selection of such individuals was deliberately from among hardened criminals to intimidate the rest of the inmates into submission. They reported also that such favouritism and the whole arrangement of relinquishing power to selected inmates breeds enmity between these individuals and the rest of the prison community, which, if not checked, may lead to undesired consequences and even result in the loss of human life.

External and internal control

The authorities indicated that prisons and places of detention in Cameroon are open to NGOs, ICRC, Civil Society Organisation and the judiciary to monitor their situation. Internally, the Ministry of Territorial Administration and Decentralization is in charge of prisons. It collaborates with such NGOs, the ICRC, civil and religious organisations. The ICRC frequently monitors the prisons with special attention to "security detainees."

In her discussion with the relevant authorities, the Special Rapporteur emphasised the value of external monitors and urged them to encourage such mechanisms, including the media, to ensure the humane treatment of inmates and detainees in prisons, police stations, and the gendarmerie.

Health

The delegation noticed that there is an acute shortage of medical personnel assigned to the various prisons, police stations and gendarmeries visited. There is no properly qualified doctor attending to the needs of inmates on a permanent basis. There is also an acute shortage of the relevant drugs to treat prisoners. Inmates are sometimes forced to pay for the medical services they are supposed to have access to for free. Inmates had reported that drugs and other medical implements are embezzled by corrupt wardens and medical personnel at the expense of inmates. (Yaounde, New Bell, Bamenda). The Special Rapporteur noted that there is a serious problem of TB spreading in the prisons and gendarmeries alike, claiming inmates' lives.

There is high demand for medical services. Severely ill inmates may have to wait several days before they could be taken to the hospital, which delay

could be due to administrative reasons or for lack of transportation. (Bamenda, Mfou, Bafang, Maroua). Some sick inmates tend to be left out in their cells without any medical or other assistance due to the attendant problem of overcrowding, which makes it conducive for disease spread. Separate cells for the sick exist but rather than alleviate the problem, they tend to help in spreading the sicknesses into the general inmate community as there are no effective procedures implemented to segregate and adequately treat the sick.

Reports of inmate death are frequent in New Bell. The Special Rapporteur was not, however, furnished with accurate statistics on the reported cases of inmates demise. There are no proper corpse removal procedures and inmates are forced to remove such without appropriate protection. Prisoners do not enjoy efficient and regular medical check-up.

Areas of Concern

Health matters

Lack of medical staff

The Special Rapporteur was not provided with relevant figures to indicate the ratio of doctors to that of inmates. There is acute shortage of medical personnel and drugs in almost all prisons. Due to congestion and heavy demand, the available medical services are highly strained. Drugs are embezzled and sold back to inmates who are also forced to source for drugs from outside the prison through visitors.

Hygienic situation of almost all the prisons (except for Mfou Women's Prison and the new building of Bafang Central) is appalling. There is a strong stench in the various premises. Police cells and the gendarmeries visited exhibit the worst odour. Sanitation materials are not regularly and adequately issued to inmates. Water is highly scarce and there is a deplorable waste management. The state of affairs relating to hygiene deserves a closer look by all the concerned as a potential source of inmate death of epidemic proportions. There is no preparedness of the prison staff and prisoners alike should there occur an outbreak of a disease of any sort. The congestion evident in all the prisons and detention centres exacerbates the situation and could lead to inmates' death through suffocation. This also could potentially be caused by the archaic nature of the prison buildings with no appropriate lighting and ventilation.

Delay in transferring sick prisoners to hospitals and specialised centres

Almost all prisons and places of detention visited reported this problem. In some of the highly congested prisons like New Bell and Yaounde, the state of affairs is even worse as more inmates fall sick and need to be transported to

hospitals. Inmates specifically complained that the prison authorities are not quick enough to transfer sick inmates to hospital. The authorities explained that this was due to lack of a vehicle for transport (Bafang, Mfou Women's Prison), insufficient staff (New Bell, Yaunde), fear of prisoners' escaping (Maroua), and the prison authorities being not informed about the seriousness of the health of the concerned prisoners (in all prisons).

HIV/AIDS

There is no information available to the Special Rapporteur on the level of the spread of HIV/AIDS among prisoners in the prisons and police stations, and the gendarmeries. The Special Rapporteur, however, notes that such should not be the acceptable state of affairs given the potential threat posed by the pandemic. Similarly, the authorities were not in a position to enlighten the Special Rapporteur on the level of homosexuality being practiced in prisons, and other places of detention. Given the increasing frustration of inmates by the lack of basic amenities like soaps and toiletries, and the alarming rate of congestion, the existence of problem and its threat should not be underestimated.

Behaviour of staff vis-à-vis the prisoners

While strongly recommending the increment of the prison wardens' number to deal with the growing number of inmates, the Special Rapporteur wishes to highlight the importance of adequate training in control techniques, physical control and body searches to significantly reducing prisoner abuse, intimidation, and the risk of lack of respect for the dignity of prisoners thereby partially solving the complaints about abuse on the part of inmates.

With respect to official policy, the Special Rapporteur also recommends to the authorities involved in the administration of prisons, police cells and the gendarmeries to make it clearly understood to prison staff that all forms of ill treatment inflicted on inmates, including abusive language, are intolerable and will be severely punished. Prison personnel must also be aware that the recommendations made by their superiors with regard to the treatment of prisoners must be strictly adhered to. This should also be true with the regular forces and the police.

Problems of access to legal assistance and justice

- During the visit, many inmates complained of lack of access to a lawyer or legal representative, lack of knowledge of their rights and the court procedures, lack of judges, all causing delays in the delivery of judgement.

- The Special Rapporteur noted that the severe problem of over crowding in Cameroonian Prisons is partly due to the slow pace of justice, and the attendant disregard of the right to fair trial, and bail rights.
- She noted that most of the inmates are awaiting trial in complete darkness as to the status of their specific cases for years. Since they also could not afford to pay the transportation fee [for instance, at Bafang it is 6000 FCFA to go to Bafousam to appear before the Court of Appeal], they remain frustrated and probably lose their cases.
- The authorities had indicated that juvenile trials needed to be witnessed by the Minister of Social Affairs. The inmates, however, indicated that this caused unnecessary delay in the pace of the trial, as the Minister of Social Affairs never attended the same.
- The Special Rapporteur notes that there are no comprehensive and enough programmes for the re-education and physical exercises of minors;
- Some women are imprisoned with their children who eat the same food as adults, thereby potentially affecting their growth;
- Insufficient funds allocated for the maintenance of premises, and prison buildings thereby maintaining the sad state of affairs.
- Difficulties for some prisoners who have no resources to pay for their exorbitant bail, which are the majority and hence contributing to overcrowding;
- Failure to resolve the cases of those on remand quickly, sometimes taking over many years before being sentenced,

Good Practices

The Special Rapporteur would like to make reference to some interesting experiences and practices that could be generalised throughout the rest of the country and could serve as an example to other African institutions and countries.

Administration of Bafang Central Prison

The Special Rapporteur would like to mention the efforts made to improve life under very difficult circumstances by the administrator of the Bafang Principal Prison. The Administrator's humble approach to the immense challenge he was faced by treating inmates with respect and humility without compromising his authority was indeed exemplary as was seen in his strong cooperative relationship with the inmates. Inmates indicated that he had given strict instruction to his wardens that the latter should not beat or torture inmates. Although the prison in other respects was faced with similar crippling burdens, the Special Rapporteur wishes to bring it up as deserving a special mention merely because the administrator managed to show the

way, as he did, in having the inmates on his side for a better prison life without any kind of threat against the inmates.

The inmates generally obeyed his instructions, kept themselves and their compounds clean.

Lease of Prison Labour at Mfou Women's Prison

The Special Rapporteur was informed that the management of this prison leased out prison labour to the surrounding farmers for a consideration. The Special Rapporteur wishes to commend this effort to engage prisoners in gainful activities with a parallel interaction with the society at large. It is also noted that while this creates opportunities otherwise normally unavailable to prisoners, caution should be exercised and procedures and security arrangements should carefully be studied before this can effectively be copied to other prisons. As an important mechanism to ameliorate prison congestion, at least on a temporary basis (since inmates are required to report back at the end of each day's work), this arrangement should be encouraged as one promising way to rehabilitate and eventually reintegrate inmates back into the society.

NGOs' actions

The Special Rapporteur would like to mention the programmes and activities undertaken by various NGOs and civil society organisations in collaboration with the various religious institutions, and recommend to the country's authorities that they further strengthen their collaboration with the structures created by civil society.

The projects and skills that these organisations have developed or wish to develop in partnership with the authorities are part of the innovative and constructive spirit that the country's authorities would like to encourage in the fight against criminality, with effective rehabilitation of offenders and respect for human rights.

In addition to these, the Special Rapporteur wishes to add that the self-help practice of running an open market in prisons (New Bell, Yaunde, Bamenda) and the establishment of separate living quarters for minors in some prisons is commendable.

Recommendations

Complementary information required from the Government of Cameroon

The Special Rapporteur wishes to obtain:

- Information about the status of implementation of the projects to ensure food self-sufficiency in prisons and the police stations/gendarmeries;
- Information about possible external control to work with and/or enhance the already existing mechanisms to monitor cells in police stations and prisons;
- Additional information on current and planned mechanisms to enable the verification of complaints about ill treatment at the hands of prison staff and police;
- The most precise indication possible about the number of people detained by the police and the gendarmerie (annual population and average population on a given day).

Measures recommended by the Special Rapporteur

Apart from the measures already suggested in the body of the report, the Special Rapporteur would like to add or insist on a certain number of recommendations:

General Recommendations

- Torture and assault of prisoners should end;
- An end should be brought to chaining of prisoners;
- Access to legal aid should be improved, particularly by reinforcing jurisdictional assistance and by developing mechanisms of Para-legal aid with the help of the competent NGOs according to the model of what is being done in such countries as Malawi;
- The Government should consider the possibility of introducing an independent national monitoring mechanism, outside the prison administration, which could be making regular visits to the prisons, police stations, and gendarmerie and make reports to the President of the Republic;
- External controls of detention in prisons, police stations and/or gendarmeries should be strengthened to contribute towards the improvement of conditions in these places of detention;
- Government's efforts are needed to increase the budget allocated to all the institutions which deal with persons in custody with a view to improving not only the conditions of detention but also the maintenance of buildings where live the prisoners;
- The Government should increase the budget of the prison administration and improve the working conditions of the prison staff in terms of their accommodation, increased allowances and further training;
- The rehabilitation of prisons should be developed and construction of new prisons completed so as to facilitate the transfer of prisoners in more humane buildings;

- If possible, the rebuilding of prisons from local resources should be explored;
- Human rights education for police, gendarme and prison warders should be intensified;
- Rules and practices should be harmonised so that all prisoners have the same rights and duties in respect of visits, exercise and permission to go out, etc.;
- NGOs, and Civil Society Organisations should play a more important role in setting up training programmes, preparing prisoners for release, etc.;
- More activities should be offered to the prisoners, particularly the young prisoners including education, sports and recreation;
- Protection of minors should be strengthened both within prisons and in police stations and the gendarmerie;
- Measures such as parole, judicial control, reductions of sentences, community service, diversion, mediation and permission to go out should all be developed;
- Magistrates should be made aware of non-custodial measures and trained, and their number should be increased, as well as that of lawyers, in order to combat prison overcrowding;
- Communication between the police, prisons and immigration services should be reinforced in order to allow foreigners awaiting transfer to a refugee camp or deportation to be dealt with without excessive delay;
- The quality and quantity of food should be improved both in prisons, police stations and/or the gendarmerie;
- Programmes for the occupation and rehabilitation of prisoners should be strengthened, particularly for juveniles and prisoners serving long term sentences;
- There should be a focal point to develop follow-up programmes after prison terms/sentence the main elements of which should be taken into consideration within the framework of prison reform and with a view to do away with recidivism caused by lack of preparation for release and lack of social, training, educational and psychological support programmes;
- There should be a mechanism to compensate prisoners in cases of long and abusive remand in custody;
- Information and awareness raising sessions about HIV/AIDS for prisoners should be initiated and intensified. Voluntary testing for HIV/AIDS should also be encouraged. Structures for psychological care and counselling, particularly before and after testing for those who are found to be HIV/AIDS positive should be strengthened.
- The state should assume the responsibility for the healthcare of prisoners, even as family members, churches and others contribute towards this end;

- Feeding of prisoners is the responsibility of the state, and government should fulfil this obligation. Civil Society and NGOs are encouraged to contribute towards the discharge of this responsibility;

Specific Recommendations to the Prison Administration

- The Prison Administration should have a lawyer or qualified jurist in permanent employment;
- To combat ill treatment of all kinds inflicted on prisoners, but also to improve the quality of relations between prisoners and staff, training of prison personnel should be considerably strengthened and a study should be undertaken in advance to identify the exact needs and priorities for training;
- Communications between personnel and prisoners should be improved to encourage the development of trust, which is necessary for mutual respect to exist;
- Minors should be kept strictly separated from adults;
- Women should be kept separated from men;
- Impediments should not be put in the way of visitors who, in compliance with prison regulations, want to visit prisoners;
- Prisoners should not be threatened or punished for what they say to officials such as the Special Rapporteur after their visits to prisons;

Important Recommendations to the Police and the Gendarmerie

- Conditions of detention in police stations and the gendarmerie should be improved without delay;
- All persons detained by the police and gendarmerie should be allowed to receive visits from their families and friends as well as food from outside;
- Staff should receive extra training and clear instructions so that they understand that ill treatment will under no circumstances be accepted as a means of controlling prisoners, and that according to the law they will be punished if they resort to such treatment;
- A general re-examination of the conditions of detention in the national police establishments and gendarmerie should be made with the objective of establishing detailed and up-to-date standards for these places of detention.

4. Government Comments

ANNEX:

Mandate of the Special Rapporteur