# SAMPLE TRANSLATION:

# TAKEN FROM AN ANALYSIS OF THE CONDITIONS OF DETENTION OF PRISONERS SENTENCED TO DEATH IN CAMEROON

# PRODUCED FOR AN INTERNATIONAL NGO

# General Context

To date, no research has been carried out into the conditions of detention of people sentenced to death in Cameroon. The five sections of this report aim to address that shortcoming by using the accounts of the people most affected: the men and women sentenced to death and who are currently in detention.

The first part of the report sheds light on the evolution of the death penalty since independence. Part 2 considers the various conditions which lead to a death sentence, from the investigation phase to examination of avenues of appeal. Part 3 analyses the current conditions of detention of prisoners sentenced to death in Cameroon’s prisons. Part 4 analyses the impact of a death sentence on those close to prisoners. Part 5 considers the outlook for abolition of the death penalty and more humane conditions of detention for those sentenced to death.

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## Presentation of Cameroon

Despite its many agricultural, forest, mining[[1]](#footnote-1) and oil-producing resources, Cameroon scores poorly on the Human Development Index.[[2]](#footnote-2) According to the World Bank, its development is hindered by problems related to governance of the country.[[3]](#footnote-3) Ranked 153rd out of 180 countries on Transparency International’s Corruption Perception Index in 2017[[4]](#footnote-4), Cameroon has been governed by President Paul Biya for more than 35 years.

President Biya was re-elected for the 6th time as the leader of Cameroon in October 2018 in a climate of significant tension, particularly in two areas of the country witnessing conflict: the Extreme North, where the terrorist group Boko Haram has been committing violent attacks against the population since 2014; and the North West and South West, bordering Nigeria, where violent protest movements began in 2016.

The country is centrally located at the crossroads of Central and West Africa, bordered to the West by Nigeria, to the North East by Chad, to the East by the Central African Republic, and to the South by the Congo, Gabon and Equatorial Guinea. Its position and the porous nature of its borders make Cameroon a hub for trans-border crime and expose it to significant security risks from the two sub-regions.[[5]](#footnote-5)

For many decades the Extreme North of the country, geographically far from the capital, has been facing significant insecurity and high levels of poverty. In 2014 the conditions came together for the Nigerian group Boko Haram, which seeks to extend its struggle for an Islamist revolution beyond the south of Nigeria, to cross the border into Cameroon and carry out extremely violent attacks. The intensity of the conflict has decreased since 2016 but, as of the end of 2018, the threat remains real and suicide attacks, kidnappings and attacks on civilians and soldiers are still a common occurrence.[[6]](#footnote-6) In 2017, Amnesty International recorded 150 attacks, including 48 suicide attacks, which led to the death of 250 civilians.[[7]](#footnote-7) In August 2018, the region contained more than 238,000 displaced people and 99,000 Nigerian refugees fleeing the conflict.[[8]](#footnote-8)

With regard to the Anglophone regions of South West and North West Cameroon, protest movements have been developing for decades. Centralisation of the State in 1972 was performed to the detriment of the Anglophone minority which found itself increasingly marginalised in the face of the French-speaking community which has dominated the country since independence. At the end of 2016, peaceful protest movements by students, teachers and lawyers were gradually replaced by demonstrations calling for independence for the Anglophone regions. Suppression by security forces led to a cycle of violence: murders, villages set on fire, intimidation and kidnapping of students and teachers by the separatist movement have been reported; arbitrary arrests, acts of torture and villages set on fire by the security forces have been reported. At the end of November 2018, the conflict between the separatist movement and the security forces had led to more than 450 civilian victims and 185 military victims.[[9]](#footnote-9)

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## Data collection method

The data was collected using a standardised questionnaire given to people sentenced to death, lawyers, magistrates, prison staff, families of prisoners and organisations operating in the prison environment. The data was collected between May and October 2018 by a team of lawyers which arranged individual or group interviews with the people targeted in the study.

The team of lawyers interviewed 37 people sentenced to death in five prisons. In Yaoundé and Douala prisons, the lawyers were able to talk freely with the prisoners sentenced to death in their cells, without the presence of prison staff. Prison administration staff made their presence a requirement during interviews between the lawyers and those sentenced to death at Bafoussam, Bafang and Maroua. This practice, although contrary to the national regulations and international standards[[10]](#footnote-10), is systemically implemented for security reasons for interviews with prisoners sentenced to death, be it visits from their lawyers or their relatives.[[11]](#footnote-11) In view of the circumstances, these interviews did not focus on relations between detainees and prison staff. However, they do provide essential information about how police custody and trials unfold. All the interviews were performed on an individual basis, with the exception of one which was carried out with a group of five. The interviews with foreign prisoners sentenced to death in Maroua were performed with the assistance of an interpreter.

Those death penalty prisoners interviewed all wanted to talk to the team of lawyers and agreed to answer the questions asked without any difficulty, with the exception of the female detainees held at Maroua who were more reserved. In particular, several of them preferred not to answer questions about the way in which they had been treated during the investigation phase. The women sentenced to death held at Maroua are extremely isolated and have very little contact with the outside world. Some of them, condemning the injustice of the sentence, broke down in tears during the interview with the lawyers. Discussions with the team of lawyers represented a glimmer of hope for these detainees who no longer have anyone to whom they can turn.

Eight magistrates, 14 lawyers, two supervisory prison staff, two members of the prison medical staff, two former death penalty prisoners, 10 family members of people sentenced to death and held in prison, and five representatives of organisations operating in prisons in Cameroon were also interviewed. Other interviews were carried out with key contacts.

A document review was also carried out to supplement the study performed in Cameroon. The following documents in particular were analysed: works on the history of the country, evolution of the criminal justice system and detention in Cameroon, national legislation, reports by the committees of regional and international institutions (African Commission on Human and Peoples’ Rights, UN committees), reports by the Cameroon Ministry of Justice, reports by the *Commission Nationale des Droits de l’Homme et des Libertés* [National Commission on Human Rights and Freedoms or CNDHL] and a number of investigative and analysis reports by national and international organisations.[[12]](#footnote-12)

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# Conclusion

This study aimed to establish a picture of the conditions of detention of people sentenced to death in Cameroon. Analysis of the historic evolution of the death penalty demonstrated that death sentences were frequently handed down by Cameroon courts, although the last execution dates back to 1997. Since 2014, the year the Anti-Terrorist Law was enacted, the scope of capital punishment has been considerably extended, as well as that of the military courts. More than 300 people have been sentenced to death since 2015. Due to a lack of clarity in the legislation, the death penalty currently hangs over the heads of a growing number of people, including within the framework of the Anglophone conflict. This data is even more concerning as a resumption of executions remains a possibility as long as the country has not officially committed to abolition. The example of Gambia, which resumed executions in 2012 after 27 years of a moratorium, is a worrying precedent.

The accounts of the detainees interviewed revealed that most of them had been sentenced to death within the framework of trials presenting very serious violations of the right to a fair trial. Prisoners sentenced to death confided that their confessions had been obtained under torture or duress and that they had not had any access to a legal adviser until the court hearings. In all cases, magistrates refused challenges to such confessions in the absence of evidence. Conditions for the provision of State-appointed lawyers have meant that it is impossible for legal advisers to provide their clients with an effective defence. Access to avenues of appeal is limited, particularly because of the meagre financial resources of prisoners as a significant amount of money is required for their appeals to be admissible. In these conditions, the risk of judicial error is particularly high.

According to Cameroon’s NGOs, more than 330 people sentenced to death are currently detained in the country’s prisons in conditions resembling inhuman and degrading treatment. As overcrowding is extreme in certain prisons, most prisoners sentenced to death are mixed in with the rest of the prison population. Although the exact number of prisoners sentenced to death who have died is not documented, the total number of deaths in prisons tripled between 2014 and 2016, despite the support of humanitarian organisations, and several cases of prisoners sentenced to death who have died have been reported over the last few years. Although prisoners sentenced to death encounter the same problems as other detainees (insufficient food, insufficient medication, absence of psychiatric treatment), they face certain specific restrictions which make their conditions even more precarious. In most places of detention, they are prohibited from receiving medical treatment outside the prison. They are sometimes subjected to abusive disciplinary sanctions. At Maroua prison, families only rarely come to visit their relatives, having received threats when they came to visit detainees.

Further, death sentences have serious consequences for the families of detainees. As well as the loss of income provided by those convicted, who were often responsible for their families, there are financial costs caused by detention such as travel costs and paying guards to visit detainees, and payment for food and hygiene products or medicines for detainees. Moreover, a death sentence affects the entire family which is rejected by the community, stigmatised and threatened. In some cases, families are forced to leave their community to begin a new life.

In the light of this situation, the abolitionist movement in Cameroon has mobilised, particularly since application of the Anti-Terrorist Law. Activities to raise public awareness and advocate with decision-makers are increasingly frequent and involve more actors. Although for now Cameroon retains its position of rejecting abolition of the death penalty officially, in 2018 it reaffirmed its commitment to combating torture and improving conditions of detention, particularly with the creation of an independent mechanism aiming to prevent torture in places where people are deprived of their liberty. In view of the number of people sentenced to death in questionable conditions and the conditions of detention of those detainees, today the State must comply with its commitments by allocating the resources required to implement them.

1. Diamonds, cobalt, gold, bauxite, aluminium and nickel. [↑](#footnote-ref-1)
2. The 2016 report places Cameroon 153rd out of 189: see UNDP (2016), Human Development Report 2016, p. 27. [↑](#footnote-ref-2)
3. World Bank, 2018, *Cameroon – Overview,* <http://www.worldbank.org/en/country/cameroon/overview> (accessed on 26 October 2018). [↑](#footnote-ref-3)
4. Transparency International, 2017, *Corruption Perception Index.* [↑](#footnote-ref-4)
5. Tamekamta, A. *Lutte contre Boko Haram et restrictions des droits de l’Homme au Cameroun: effets et contre-effets*, Yaoundé University: <http://www.absp.be/wp-content/uploads/2016/12/TAMEKAMTA-LUTTE-CONTRE-BOKO-HARAM-ET-RESTRICTION-DES-DROITS-DE-LHOMME-AU-CAMEROUN.pdf> (accessed on 28 November 2018) [↑](#footnote-ref-5)
6. International Crisis Group, 2018, *Cameroon’s Far North: A New Chapter in the Fight Against Boko Haram*, <https://www.crisisgroup.org/africa/central-africa/cameroon/263-extreme-nord-du-cameroun-nouveau-chapitre-dans-la-lutte-contre-boko-haram> (accessed on 29 October 2018). [↑](#footnote-ref-6)
7. Amnesty International, 2018, *Annual Report*. [↑](#footnote-ref-7)
8. UN High Commissioner for Refugees, 2018, *Factsheet Cameroon August 2018*, <https://reliefweb.int/sites/reliefweb.int/files/resources/unhcr_cmr_factsheet_-_august_2018v1.pdf> (accessed on 29 October 2018). [↑](#footnote-ref-8)
9. Human Rights Watch, 2018, *Uncertainties are reinforced in Cameroon after a contested election.* [↑](#footnote-ref-9)
10. Article 41 of the Decree of 27 March 1992 on the prison system in Cameroon sets out that: *“Detainees may communicate with their legal advisors when they wish during visits. Such communication is performed without the presence of supervisory staff.”* Further, according to Rule 61.1 of the Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, “*Detainees must be able to receive visits from a legal advisor of their choice or someone providing legal aid, to talk to them and consult with them on any point of law, without delay, without any interceptions or censure and in complete confidentiality, and have the necessary time and means to this effect, in conformity with the national law applicable. Such consultations may take place in the sight of but not in the hearing of prison staff*”. [↑](#footnote-ref-10)
11. More information *infra.* [↑](#footnote-ref-11)
12. See the complete list of documents consulted in the appendices. [↑](#footnote-ref-12)