Réseau Camerounais des Organisations des Droits de l'Homme

AVOCATS SANS FRONTIÈRES FRANCE

RIDEV

PAGOC

HUMAN RIGHT-BASED PRISON GOUVERNANCE SUPPORT PROJECT IN CAMEROON



Health, access to information, hygiene, practice of religion, healthy food, and maintaining family ties are fundamental rights for every citizen

I have been arrested / detained

AWARENESS AND EDUCATION GUIDE FOR DETAINEES AND INMATES

WITH THE SUPPORT OF THE EUROPEAN UNION DELEGATION IN CAMEROON

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ACRONYMS AND ABBREVIATIONS

ASF France : Avocats Sans Frontières France
CHRC: Cameroon Human Rights Commission
CCP : Code of Criminal Procedure
CRC: Convention on the Rights of the Child
EUD : European Union Delegation in Cameroon and Equatorial Guinea
ICCPR : International Convenant on Civil and Political Rights
ICESCR : International Convenant on Economic, Social and Cultural Rights
PC : Penal Code
JPA : Judicial Police Agent
JPO : Judicial Police Officer
PAGOC : Projet d'Appui à une Gouvernance carcérale basée sur les Droits Humains au Cameroun - Project to Support Human Rights-Based Prison Governance in Cameroon
RECODH - CNHRO : Réseau Camerounais des Organisations des Droits de l'Homme - Cameroonian Network of Human Rights Organizations
RIDEV : Research Institute for Development
UDHR : Universal Declaration of Human Rights

FOREWORD



In the Cameroonian judicial system, there are still cases of arrests and detentions that do not comply with national rules and international standards in this area. Despite the construction of new prisons, the renovation of some existing facilities, initiatives to speed up court proceedings and reduce pre-trial detention, many challenges remain. Cameroonian prisons still suffer from chronic overcrowding (173% on average) reaching up to 500% in some prisons. The high rate of pre-trial detentions (58%) in which detainees wait, sometimes for several years, their trial is the main cause, combined with certain dysfunctions in the criminal chain such as administrative and judicial delays, overcharges, insufficient funding and strong suspicions of corruption in the conduct of trials.

This situation seriously affects the most vulnerable detainees [Detainees with financial means can obtain more favorable detention conditions or speed up their judicial proceedings] who, because of their status, have limited access to adequate legal assistance. The prison environment can be particularly hostile for any vulnerable inmate who has to deal with outdated infrastructure, poor hygiene, insufficient food, reduced access to drinking water and medical care, the intimidations, the risks of harm to his physical integrity through acts of torture, inhuman and degrading treatment. Upset in terms of space by his restricted freedom, and sometimes abandoned by his family and friends, he ends up putting himself in a state of total resignation that goes from the gradual withdrawal into oneself to the abandonment of efforts to regain one's freedom. This psychological state aggravated by social constructs that present prison as the symbol of failure and dishonor. Thus, the detainee even if he has not yet been convicted is perceived as a 'disreputable' person.

In this context, Avocats Sans Frontières France (ASF France), the Cameroon Network of Human Rights Organizations (NGO RECODH) and the Research Institute for Development (RIDEV) received financial support from the European Union for the joint implementation of the Project to Support Prison Governance based on human rights in Cameroon (PAGOC), with the aim of contributing to the consolidation of prison and judicial governance sensitive to human rights, with a particular emphasis on the protection of the most vulnerable detainees. Within this consortium, the NGO RECODH leads among others, the component 'Assistance for vulnerable prisoners in prison', which revolves around the activities of networking lawyers involved in the project and the organization of follow-up meetings, legal assistance for persons deprived of liberty in situations of vulnerability, the handling of Habeas Corpus cases and legal assistance for emblematic cases before the CEMAC regional court based in N'Djamena.

This brochure was conceived as a contribution to the benefit of any prisoner who aspires to freedom based on the rules of law. It takes into account the conditions of arrest and custody, the need for the detainee not to lose sight of his prison situation, to go to court in order to attend his trial, master the dates of dismissal and know the rules allowing him to spend his stay in prison with dignity. It focuses on situations that very often escape the vigilance of the detainee or person in custody and which may lead them to remain in detention beyond the legal period or sentence. These include, for example, the maximum duration of police custody, the calculation of the duration of detention on bail in case of a pecuniary conviction and the triggering of the release procedure.

The responses to situations of greatest concern for persons arrested or detained contained in this brochure are drawn from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), the United Nations Rules for the Treatment of Women Offenders and Prisoners (Bangkok Rules), the United Nations Convention on the Rights of the Child, the Constitution of Cameroon, Cameroonian criminal laws (Code of Criminal Procedure, Penal Code), texts organizing the Prison Administration, as well as current practices in penitentiary establishments regarding the treatment of inmates inspired by internal regulations.

For the Consortium ASFF - NGO RECODH - RIDEV,
Joseph Désiré ZEBAZE,
National Coordinator of the NGO RECODH

Part : 1

I AM ARRESTED, HELD IN CUSTODY, IN ABUSIVE PROVISIONAL DETENTION OR VICTIMS OF HARMFUL, INHUMAN OR DEGRADING TREATMENT OR TORTURE

I. I am the victim of an abusive arrest

a) Perpetrated by an officer, a judicial police officer (O/JPO) or a law enforcement agent against me

When he uses coercion (force) to arrest me even though I offer him no resistance **(Section30 - 2 of the Code of Criminal Procedure).**

b) Perpetrated by a private individual against me

When he arrests me even though it is not a flagrant felony or misdemeanor **(Section 30 - 3 of the Code of Criminal Procedure).**

c) Perpetrated by an officer, a judicial police officer (O/JPO), a law enforcement agent or a private individual against me

When he violates my physical or moral integrity (**Section 30 - 4 of the Code of Criminal Procedure).**

When he fails to disclose his identity, inform me of the reason for the arrest and allow a third party to accompany me to the place to which I am being taken, even though it is not a flagrant crime or misdemeanor (**Section 31 of the Code of Criminal Procedure).**

d) Perpetrated by a magistrate against me

When he orders, without first declaring his identity, capacity and functions, my arrest or that of my presumed accomplice and our presentation before the competent authority for facts other than the crime or flagrant offence of which he has been a witness **(Section 33 of the Code of Criminal Procedure).**

e) Perpetrated by a judicial police officer (O/JPO) against me

When, following my search by him or by another officer, he retains and places in a safe place, not only all the objects found in my possession, but also my necessary clothing, he does not have me and a witness sign the inventory of seized objects established on the spot **(Section 35 of the Code of Criminal Procedure).**

When, at the time of my release, he does not immediately return to me, by means of a report or in the presence of a witness, any of my seized property that does not constitute evidence **(Section 35 of the Code of Criminal Procedure).**

When it refuses me all reasonable facilities to contact my family, to appoint counsel, to seek the means to ensure my defense, to consult a doctor and receive medical care, and to make the necessary arrangements to obtain bail or my release **(Section 37 of the Code of Criminal Procedure).**

II. I am the victim of abusive police custody and/or pre-trial detention

a) Perpetrated by a judicial police officer (OPJ) against me

When he decides to keep me in police custody in connection with an offense even though I have a known residence and there is no serious and consistent evidence against me **(Section 118 of the Code of Criminal Procedure).**

When he decides to keep me at a police or gendarmerie station, as part of a preliminary investigation, without informing me of the charges against me; does not give me the opportunity to give him explanations, or fails to mention the facts in a report **(Section 119 of the Code of Criminal Procedure).**

When my police custody exceeds the 48 hours prescribed by law, in the absence of written authorization from the Public Prosecutor, and without justification **(Section 119 of the Code**

of Criminal Procedure).

When the extension of my police custody is justified by the hearing of a witness only **(Section 119 of the Code of Criminal Procedure).**

When it is decided to extend custody on a Saturday, Sunday or public holiday when I am not being questioned as part of a felony or red-handed crime **(Section 119 of the Code of Criminal Procedure).**

When the extension is decided on the pretext of the distance separating the place of arrest from the police or gendarmerie station, but this distance is less than 50 km, or when the said extension exceeds 24 hours **(Section 120 of the Code of Criminal Procedure).**

When no mention is made of the extension in the arrest report **(Section 120 of the Code of Criminal Procedure).**

When it does not take into account the time of presentation or taking to the police or gendarmerie station, or when the said time is not mentioned in the register of handrails and the hearing **(Section 121 of the Code of Criminal Procedure).**

When I am not informed of the charges against me and I am treated without humanity; I am not given a reasonable rest period, or this period is not mentioned in the minutes **(Section 122 of the Code of Criminal Procedure).**

When I am subjected to physical or mental coercion, torture, violence, threats or any other means of pressure, deception, insidious maneuvers, false suggestions, prolonged questioning, hypnosis, the administration of drugs or any other procedure likely to compromise or reduce my freedom of action or decision, or to alter my memory or discernment **(Section 122 of the Code of Criminal Procedure)**.

When I am unable to receive visits from my lawyer, a member of my family, or any other person who can monitor my treatment, during working hours while I am in police custody **(Section 122 of the Code of Criminal Procedure).**
When, while in police custody, I am unable to have confidential discussions with my lawyer **(Section 122 of the Code of Criminal Procedure).**

When, while in police custody, I am deprived of the means necessary for my nourishment and maintenance **(Section 122 of the Code of Criminal Procedure).**

When I am denied the right to request a doctor of my choice, at my own expense, to assist the doctor requested by the Public Prosecutor to carry out a medical examination **(Section 123 of the Code of Criminal Procedure).**

When the medical examination is requested by myself, my lawyer or a member of my family, and the 24-hour time limit required for the examination is not respected **(Section 123 of the Code of Criminal Procedure).**

When I am not informed of the obligation to undergo a medical examination if I so wish, paid for at my own expense and by a doctor of my choice, at the end of my police custody **(Section 123 of the Code of Criminal Procedure).**

If the report of the doctor who examined me is not included in the case file, if I am not given a copy of it, and if the doctor I have chosen is not given the latitude to countersign the report and make observations **(Section 123 of the Code of Criminal Procedure).**

When the report of my arrest does not mention the reasons for my detention and the rest periods between interrogations, the day and time when I was either released or brought before the Public Prosecutor **(Section 124 of the Code of Criminal Procedure)**

When I and/or my interpreter are refused the right to reread and interpret the minutes of my arrest, to initial each page, and to sign the last page of said minutes **(Section 124 of the Code of Criminal Procedure).**

When I am refused the right to dictate to the investigator or to

write my statement in the declaration booklet or on any other sheet of paper **(Section 124 of the Code of Criminal Procedure).**

When the Public Prosecutor's decision to extend my custody is not confirmed in writing, and/or is not notified to me by the JPO **(Section 125 of the Code of Criminal Procedure).**

When the JPO is unable to communicate with the Public Prosecutor and my release is refused, with or without bail **(Section 125 of the Code of Criminal Procedure).**

When the extension of my police custody is not authorized and my release is refused even though my place of residence is known; when I provide a bond, the amount and payment terms of which have been set by the Examining Magistrate; or when I provide one or more warrants.

b) The Public Prosecutor or the Examining Magistrate are guilty of abusive police custody and pre-trial detention
When I am charged with an offense but have a known place of residence **(Section 218 of the Code of Criminal Procedure).**

When it is decided after the referral order, or when the offense of which I am guilty is not punishable by deprivation of liberty; when it is not motivated and when it is notified neither to me nor to the Public Prosecutor **(Section 218 of the Code of Criminal Procedure).**

When my detention order is not made in the correct manner (one original and one copy), and when it is not sent to the prison Registrar for execution, and a copy is not kept in my place of detention **(Section 220 of the Code of Criminal Procedure).**
When the duration of my detention order is not specified, exceeds six (6) months, or when it is extended without a reasoned order from the Examining Magistrate. When it is extended for more than twelve (12) months for a felony, and 6 months for a misdemeanor **(Section 221 of the Code of Criminal Procedure).**
When I undertake to comply with the summons of the Examining Magistrate and to keep him informed of my whereabouts, and apply to the Public Prosecutor for my release **(Section 222 of the Code of Criminal Procedure).**

When I am refused release even though I am not liable to life imprisonment or the death penalty, and I provide all the guarantees required for my release **(Section 224 of the Code of Criminal Procedure).**

When I present several warrants for my release and they are forbidden to make separate commitments **(Section 226 of the Code of Criminal Procedure).**

When my warrant is not exonerated from liability after proving that my non-appearance is due to force major **(Section 228 of the Code of Criminal Procedure).**

When I am forbidden to present another warrant or to pay a bail in the event that my previous warrant withdraws **(Section 229 of the Code of Criminal Procedure).**

When, in the event of representation, dismissal, release or termination of the surveillance measure, reimbursement of my bail is ordered by the competent authority but is not effective **(Section 233 of the Code of Criminal Procedure).**

When the competent public prosecutor's office orders the reimbursement of my bail deposited during police custody and it is not effective **(Section 235 of the Code of Criminal Procedure).**

III. Reparations and sanctions

3.1 At the internal level

a) Remedies and disciplinary sanctions

I may institute legal action, without prejudice to disciplinary sanctions where applicable, against the perpetrator of any breach, violation or obstruction of the application of provisions

relating to police custody, abusive pre-trial detention or torture **(Section 122 - 5 of the Code of Criminal Procedure).**

I can ask the Examining Magistrate to drop the charges against me if the JPO does not mention in the minutes the reasons for my police custody and the rest periods between interrogations, the day and time when I was either released or brought before the Public Prosecutor **(Section 124 - 4; 256 - 6; 258 - 1 of the Code of Criminal Procedure).**

I can apply for immediate release to the Examining Magistrate, who must, under penalty of prosecution, order my release on expiry of the period of validity of the remand warrant, unless I am being held for another reason **(Section 221 paragraph 2 of the Code of Criminal Procedure).**

I may initiate the special Habeas Corpus procedure by submitting a petition for my immediate release, on the grounds that my arrest or detention is unlawful or that the formalities prescribed by law have not been observed, to the President of the Tribunal de Grande Instance of the place where I was arrested or detained **(Sections 584 et seq. of the Code of Criminal Procedure).**

I can write to the Human Rights Commission of Cameroon (CDHC) to ask it to protect me from human rights violations, enclosing all the evidence in my possession. I can also report human rights violations or situations of torture, cruel, inhuman or degrading treatment by making a free telephone call, regardless of the telephone operator, to 1523.

I can submit a claim for compensation to the Commission de réparation et d'indemnisation des victimes de garde à vue, de détention abusive et d'actes de torture, de traitements cruels, inhumains, ou dégradants, housed at the Supreme Court, if I have been the victim of abusive police custody, pre-trial detention or torture within six (6) months of the termination of police custody or the final decision to dismiss, discharge or acquit **(Sections 236 and 237 of the Code of Criminal Procedure).**

b) Financial penalties

I can apply for and obtain compensation from the Reparation and Compensation Commission if I can establish that I have suffered a particularly serious current loss as a result of my detention, following a dismissal or acquittal that has become irrevocable **(Section 236 - 1 of the Code of Criminal Procedure).**

3.2 At the international level

I can submit a communication to the African Commission on Human and Peoples' Rights concerning a violation of human rights by the State, in accordance with Section 56 of the African Charter on Human and Peoples' Rights **(Section 56 of the African Charter on Human and Peoples' Rights).**

I can appeal to the Committee on Civil and Political Rights to denounce any violation of my civil and political rights during my detention, after exhausting domestic remedies **(Sections 3 and 4 of the International Covenant on Civil and Political Rights).**

I may file a complaint with the Human Rights Council to denounce any gross and reliably attested violation of my rights in accordance with Resolution 5/1 entitled "Institution-building of the Human Rights Council".

I can submit an individual complaint or communication to the Committee against Torture to denounce acts of torture and other cruel, inhuman or degrading treatment or punishment to which I am a victim during police custody or detention **(Section 22 of the Convention against Torture).**

I can refer to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or to any other rapporteur, as appropriate, to denounce any violation of human rights.

part: 2
MY DETENTION STATUS

I. arrival in prison

When I arrive in prison, I'm placed in a transit cell before being assigned to one of the wards and premises. A "prison number" is assigned to all prisoners, whether they are awaiting trial, on remand, appealing against an initial judgment, or convicted. I can write to the warden's department for information on my penal situation, or to ask him or her to tell me about my penal situation, and the judge who needs to know about my case in order to follow it up.

II. I am in preventive detention

When I'm in prison and have not yet been tried, I'm on pre-trial detention. I am then either a defendant (when my case concerns a contravention or a misdemeanor) or an accused (when my case concerns a felony) according to Section 21 of the Penal Code. I am "defendant" if I am summoned to court to answer for a misdemeanor, i.e. an offense for which the penalty is 10 years or less and the maximum fine is 25,000 francs (Section 21 of the Penal Code). I am "accused" if I am summoned to court to answer for a crime, i.e. if I have committed an offense punishable by death or a prison sentence of 10 years or more **(Section 21 of the Penal Code).**

1.- Does my detention influence my guilt ?

NO !
My guilt is established if, and only if, I have been tried and convicted by a competent court. Before this judgment, I benefit from the presumption of innocence. The presumption of innocence is the principle according to which an individual, even if suspected of having committed an offense, is considered innocent until found guilty by a court of law. As long as I have not been convicted by a judge, I remain innocent.

In my situation as a defendant, I have lost just one right, which is the freedom to come and go. I must therefore enjoy all other rights as a human being. However, there are express restrictions laid down in the internal regulations specific to each prison. So I mustn't confuse restrictions with violations of my rights.

III.I have been tried

If I am finally found guilty, I must be notified of the judge's decision. If I'm found not guilty in court, I must be released, unless I'm being held for another offense, an unpaid fine or damages to be paid to my plaintiff. If I am convicted, I will be placed in prison to serve my sentence.

2.- What do I have to do to leave prison once I've been found not guilty?

I must ensure that the administrative formalities required to leave the prison have been completed, for example by making sure that the correspondence from the court clerk has been forwarded to the prison administrator

3.- How can I know about my penal situation, lodge an appeal or write to the judge?

Before the trial

I must refer the matter to the investigating judge in charge of my case or to the public prosecutor. These are the two judicial authorities who work on my case before the judgment.

I know that the examining magistrate's investigation can last up

to six (6) months, renewable a maximum of two (2) times. This time will be taken into account and deducted from the sentence if I am finally convicted.

After the trial

If I do not agree with the decision, I have a maximum of ten (10) days, including weekends and public holidays (from the day after the judgment is handed down), to inform the court clerk's office that I wish to appeal.
This deadline is not the same if I am detained for misappropriation of public funds, in which case I must lodge an appeal.

To make an appeal, I have to file a request for appeal and pay the necessary fees related to my case within the deadlines notified to me by the chief clerk.



part: 3
MY LIFE IN PRISON

4.- What are my rights as a prisoner?

All prisoners are treated with due respect for the dignity and worth of the human person. No prisoner shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and all prisoners shall be protected against such acts, which can under no circumstances be justified by any circumstances whatsoever. The safety and security of prisoners, staff, service providers and visitors must be ensured at all times (Mandela Rule N° 1).

My incarceration, which is justified by the need to preserve social tranquillity, must not worsen my state of detention.

In the prison, all inmates are not treated equally. Measures are taken without discrimination to protect and promote the rights of prisoners with special needs through the separation of categories of prisoners (minors, women and adult men) (Mandela Rule N° 2 - 2).

a) I am a minor

If I am under 18 when I arrive in prison, I must be placed in a special section. This special section is equipped with an education and training system for prisoners (Section 7, decree no. 92/052 of 03/27/1992 establishing the prison system in Cameroon). I can therefore continue my studies and take my official exams even while in prison.

If I'm under 16, I'm obliged to attend school.

b) I am a woman

I must be placed in a separate area from the men. I must only be searched with respect for my dignity by female guards. If I am pregnant, I will receive appropriate medical care. I must ask for the special facilities I need. My delivery will take place in a hospital. My child living in prison with me must never be treated as a prisoner; he/she must benefit from appropriate prison services that meet all his/her medical, physical and psychological needs. (The United Nations Bangkok Rules for the Treatment of Women Prisoners and Offenders)



c) I am a prisoner with a disability

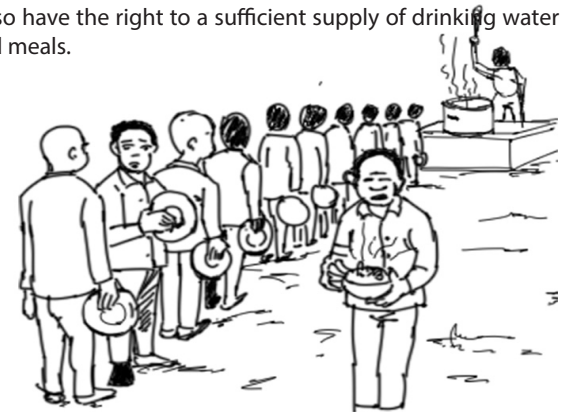
The prison administration must make all reasonable accommodations and adjustments to ensure that despite my physical, mental or other disability I have full and effective access to prison life on an equitable basis (Mandela Rule N° 5 - 2)
I must not be deprived of my liberty, the State must take appropriate measures to ensure that this does not happen, to prosecute any person who would deprive me of my liberty and to provide me with remedies should this happen (Section 10 - 3 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities).

5.- What food am I entitled to ?

Every prisoner must be provided with food. Every prisoner receives a daily ration paid for by the State. My diet must include

sufficient food and drinking water.

I also have the right to a sufficient supply of drinking water and meals.



6.- How can I protect my personal hygiene?

I must have access to everything I need to be able to wash



7.- Is it possible to practice my religion in prison ?

Of course, every prisoner has the right to practice his or her religion, in accordance with the secular nature of the State as laid down in the Cameroon Constitution.

8.- What should I do if I want to have fun and play sports ?

Si le temps le permet, j'ai droit à une heure au moins par jour d'exercice physique approprié en plein air (Mandela rule N° 22).

9.- What should I do if I'm sick ?

In principle, if I know I have a medical history, i.e. if I suffer from a chronic or contagious illness, I must inform the doctor as soon as I arrive in prison. I should also inform the doctor of any medical problems or treatment I may be undergoing (heart problems, neurological problems, visual problems, previous hospital stays, etc.), so that he can monitor me better during my incarceration.
In the event of illness or discomfort, I must immediately alert my warden and go to the infirmary or have someone accompany me. If my illness requires treatment outside prison, the prison administration will arrange for me to be evacuated to an appropriate hospital.



10.- Can I earn money in prison ?

YES… Any authorized trade is possible as long as it does not conflict with the prison's internal regulations..

11.- How can I get professional training in prison?

All inmates wishing to take part in a training course must apply to the prison governor.

The request must be made either in writing or directly to the person in charge of vocational training or social services ;

12.- Can I buy anything I want in prison ?

NO !

Inmates have the right to purchase authorized items for their personal use.

When I am in prison, I must not carry dangerous items such as knives, razor blades, machetes, drugs ("Banga" and other narcotics).
Rules in detention

The prison rules define the main rules of life in detention.

If I break the rules, I may be punished. However, the punishment must be proportionate to the offense committed. Cruel, inhuman, or humiliating punishments, as well as punishments that harm the physical or mental health of prisoners, cannot be imposed on me.

Instruments of restraint (handcuffs, chains, shackles, straitjackets, etc.) must never be used as punishment.

I cannot be punished without being given the opportunity to present my defense, through an interpreter if necessary.

If I suffer from a mental or physical disability, I cannot be placed in solitary confinement. This is for my own safety.

13.- Do I have the right to communicate with my family or friends ?
YES !

I am allowed to communicate with my family and loved ones. They can visit me. Any member of my family who wishes to do so may come to the prison entrance on authorized visiting days. If they have difficulty accessing the prison, my family members can get a communication permit from the public prosecutor.

14.- Can I write or call a relative ?

YES !
If I want to write to a loved one, I can do so. I write my letter and hand it in to the prison office for delivery.

If I want to make a phone call, I go to the prison office or ask a member of the prison staff for help



15.- How can I contact my lawyer ?

My lawyer has free access to the prison during authorized hours. I have the right to request a lawyer and to communicate with them confidentially: directly in prison, in writing, or by

telephone.

If I do not have a lawyer, I can apply for free legal aid.

In criminal cases, i.e., when I am detained for an offense for which I face the death penalty or life imprisonment, the case can only be tried when I am assisted by a lawyer.

If I cannot afford a lawyer, one will be appointed for me.

I can also write directly to the judge (see sample letter).



part: 4
I HAVE SERVED MY SENTENCE

16.- Once I've served my custodial sentence, how do I get out of prison ?

I must pay any financial penalties if they were imposed in addition to the custodial sentence.

Financial penalties are sentences requiring the payment of a sum of money. Financial penalties include fines and/or costs imposed by the judge.

If I have already served my entire sentence (custodial sentence and fines), the prison administration will issue me with a release certificate. If the deadline is exceeded, I can contact the prison governor or the public prosecutor by mail.
Financial penalties should not be confused with damages, which represent compensation for the damages suffered by the victim (when the victim has brought a civil action, i.e., has taken legal action).

If, after serving my sentence, I am kept in detention, I will refer the matter to the President of the District Court to request my immediate release (Habeas Corpus) on the grounds that my detention is against the law.

17.- How do I know how much time I have left to spend in prison ?

- If I was in pretrial detention

I must count the time I spent in prison from the date of my pretrial detention until the date of the judgment. I must deduct the sentence imposed by the judgment to determine how much time I have left to serve.

The sentence is considered to have begun on the date of my pretrial detention.

- If I was in pretrial detention before new sentences were pronounced

I must initiate the procedure for merging sentences with the president of the court that handed down the sentences.

Body constraint occurs because I was unable to pay the financial penalties (fines, legal costs). The judge converts the financial penalties into a custodial sentence (Section 564 of the Code of Criminal Procedure). When, after serving my sentence, I do not have sufficient means to pay the fines and/or court costs, the prison administration keeps me in prison.

Calculation table for the duration of Body Constraint

Amount of penalties	*Number of days in prison*
More than 10 000 francs	20 days
More than 10 000 francs	40 days
More than 20 000 francs	3 months
More than 40 000 francs	6 months
More than 100 000 francs	9 months
More than 200 000 francs	12 months
More than 400 000 francs	18 months
More than 1000 000 francs	2 years
More than 5000 000 francs	5 years

If I do not have the money, I can also provide the President of the Court of First Instance of the place where my sentence is being served with a guarantee of payment within two months (Section 560 of the Code of Criminal Procedure).

Bibliography

International and regional texts :

- Universal Declaration of Human Rights
- International Convenant on Civil and Political Rights
- United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- United Nations Convention on the Rights of the Child
- African Charter on Human and Peoples' Rights
- African Charter on Human and Peoples' Rights on the rights of Persons with Disabilities
- United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- United Nations Rules for the Treatment of Women Prisoners and the Application of Non-custodial Measures for Women Offenders (Bangkok Rules)

Laws and regulations :

- Law No. 2006/015 of December 29, 2006, related to judicial organization
- Law No. 2011/027 of December 14, 2011, amending and supplementing certain measures of Law No. 2006/015 of December 29, 2006, related to judicial organization
- Law No. 2005/007 of July 27, 2005, related to the Code of Criminal Procedure
- Law No. 2016/007 of July 12, 2016, related to the Penal Code
- Decree No. 92/052 of March 27, 1992 establishing the prison system in Cameroon

Publications :

- Régine Ngono Bounoungou, Reforming the Cameroonian prison system: between colonial heritage and cultural traditions, Dir. Jean-Charles Froment. Doctoral thesis, 2012 (HAL open archives)







Practical appendices
(Useful sample letters)

i) Sample letters for contacting a lawyer

There are many reasons why a prisoner might write to a lawyer. It could be to appoint them to defend them or even to dismiss them, to request a deferral of payment of their fees, to inform them of a situation experienced in prison, etc. See below for some sample letters.:

i.a

Name and Surname
Prison of……
Cell number……
……., the …….20..

To Attorney …….
Attorney at Law, Cameroon Bar Association
Case : (Your name)
V.
(the name of your opponent)

Object : your constitution

Dear Lawyer,
I am writing to request your expertise in assisting me with the case referred to in the margin, which will be heard in criminal/correctional court of …… (name of court) on the …….
If you have no objection, please let me know all the terms and conditions of your representation.
Given that I am deprived of my liberty, I would be grateful if you could visit me at the prison of ……. to discuss the matter and learn more about the case.
I have documents in my possession that may be useful to you in preparing my defense.
I look forward to hearing from you.

Yours sincerely,
Signature of the inmates
……

i.b

Name and Surname

Prison of……

Cell number……

……., the …….20..

To Attorney …….

Attorney at Law, Cameroon Bar Association

Object : Information

Dear Lawyer,

I would hereby like to inform you of the following: (Explain)…….....……..

Please advise me on how to proceed in this situation, or I would like to meet with you at a time that is convenient for you.

I look forward to hearing from you.

Yours sincerely.

Signature of the defendant/detainee

……

ii) Sample letters to ask the court clerk's office about the status of my case

ii.a

Name and Surname
Prison of……
Cell number……
……,the …… 20…

To the Chief Clerk of ……
(Criminal/Correctional Division)
Case : (Your name)
V.
(The name of your opponent)

Object : Case status

Dear Lawyer,
I am writing to inquire about the status of my case referred to in the margin. It was called for the first/last time at the criminal/correctional hearing on ……
Please let me know the date of the next hearing and the reason for the adjournment.

Thank you in advance. Yours sincerely.

Signature of the defendant/detainee
……

ii.b

Name and Surname
Prison of……
Cell number……
……., the …… 20…

To the Chief Clerk of ……(name of court)
Criminal/Correctional Division
Case: (Your name)
V.
(The name of your opponent)

Object : Request for issue of a copy of a decision, an extract from the court record, etc..

Dear Lawyer,
I hereby request a copy of decision No. ……..(decision number, if available), issued in my case referred to in the margin, dated ……. by ……(name of the court that issued the decision) ruling on the matter of…….. (Select the matter: criminal or correctional, as applicable).
/or
I hereby request a copy of the court record of the correctional/criminal hearing of …… (date of the hearing concerned).
I would also like to know the cost of obtaining this document.
I look forward to hearing from you. Yours faithfully,

Signature of the defendant/detainee
……

iii) Sample letter to make a request directly to the judge

Name and Surname
Prison of……
Cell number……
……. the …… 20…

To the President of ……(name of the court)
Chamber……(Correctional or criminal)

For the attention of Judge.……(name of the judge)

Case : (Your name)
V.
(The name of your opponent)

Object : Request for provisional release

Mr. President,

I respectfully request your kind consideration for my provisional release while awaiting the outcome of the decision to be rendered in my case referred to in the margin. aged ……years old, father or mother of ……..children (number of children, if applicable). I have lived in the neighborhood of ……. for ……. years. To ensure my representation in court at all times, as necessary, I present the following three (3) persons as garantor:

- Garantor No. 1: …….. (Surname, first names, and profession of garantor)
- Garantor No. 2: …….. (Surname, first names, and profession of garantor)
- Garantor No. 3: …….. (Surname, first names, and profession of garantor)

I attach my certificate of residence and photocopies of my warrants' national identity cards to my application. I hope that you will grant my request. Yours sincerely,
Attachments : (4)
- My certificate of residence
- National ID card of guarantor No. 1
- National ID card of guarantor No. 2
- National ID card of guarantor No. 3

Signature

Notes