



Decongestion of Cameroonian prisons: a presidential decree too restrictive

Yaoundé, Paris, 23rd April 2020 - In response to the coronavirus situation, a decree to commute death sentences and remit other sentences has been issued by the President of the Republic of Cameroon. ACAT Cameroon and FIACAT question the effectiveness of this measure due to its excessively limited scope.

Presidential decree N°2020/193 of 15 April 2020 to commute and remit sentences grants a presidential pardon to certain detainees, aimed at avoiding a potential disaster in the overcrowded prisons where the risk of the spread of Covid-19 is high. ACAT Cameroon and FIACAT welcome these measures taken to decongestion Cameroonian prisons. However, an in-depth analysis of the decree shows that the latter is not sufficient to tackle this health crisis.

Cameroonian prisons count a total of 17 915 available places. However, in 2017, there were 30 701 prisoners, representing an occupancy rate of over 171%. This situation is particularly alarming at a time when the current epidemic requires at the very least a "social distancing".

More than 70% of persons deprived of their liberty throughout the country are in pre-trial detention. However, according to article 1 of the presidential decree, the measure is aimed exclusively at persons who have been definitively tried and sentenced, thus excluding pre-trial detainees.

Moreover, more than 60% of the persons in detention are detained for offences that prevent them from benefiting from a commutation or remission of their sentence, according to article 4 of the decree. Thus, more than 50% of the detainees definitively convicted will remain in prison. Also, among those sentenced to death, more than a third of them were charged for terrorism-related offences since 2015, which are excluded from the measures taken by the decree.

As an example, as of 20th April 2020, 3 473 persons were being held in Douala Central Prison. 2 385 were in pre-trial detention, meaning that 69% of the detainees could not benefit from the measures set out by the decree. Of the 770 persons definitively sentenced and therefore concerned by these measures, 608 detainees were released, representing only 17.5% of the prisoners. In the Yaounde Central Prison, the figures are even more eloquent since only 361 detainees were released among the 4,000 prisoners, representing only 9% of the prison population. These figures show that the provisions made by the presidential decree are far from sufficient to combat prison overcrowding in Cameroon.

Considering the health crisis affecting Cameroon and the world as a whole, and considering also the prisons' overcrowding, ACAT Cameroon and FIACAT call on the Cameroonian authorities to:

- allow, in the short term, more prisoners to benefit from presidential pardons, especially pre-trial detainees who represent 70% of the prison population;
- stop, in the long term, the systematic use of pre-trial detention in order to combat prison overcrowding and improve conditions of detention.

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Annex - Presidential decree N°2020/193 of 15 April 2020 to commute and remit sentences

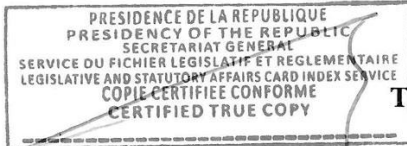
REPUBLIC OF CAMEROON

PEACE – WORK – FATHERLAND

2020/193

15 AVR 2020

DECREE N°-----OF-----



To commute and remit sentences

THE PRESIDENT OF THE REPUBLIC

MINDFUL of the Constitution;

MINDFUL of Law N°2016/07 of 12 July 2016 relating to the Penal Code;

MINDFUL of Law N°82/14 of 26th of November 1982 to lay down the organization and functioning of the Higher Judicial Council.

HEREBY DECREES AS FOLLOWS

Article 1: Persons whose sentences have become final as at the date of signature of this decree shall benefit from remission as follows:

1. Commutation of the death sentence to life imprisonment in favor of persons initially sentenced to death;
2. Commutation to 25 (twenty five) years in favor of persons initially sentenced to death and whose sentence has already been commuted to life imprisonment;
3. Commutation to 25 (twenty five) years in favor of persons initially sentenced to life imprisonment that has not yet been commuted;
4. Remission of five (5) years in favor of persons initially sentenced to death and whose sentence has already been commuted to a term of imprisonment;
5. Remission of five (5) years in favor of persons initially sentenced to life imprisonment that has already been commuted to a term of imprisonment above ten (10) years;
6. Remission of five (5) years in favor of persons initially sentenced to life imprisonment that has already been commuted to a term of imprisonment below or equal to ten (10) years;
7. Remission of three (3) years in a favor of persons initially sentenced to a term of imprisonment equal to or above ten (10) years;

8. Remission of three (3) years in favor of persons initially sentenced to a term of imprisonment below ten (10) years but above five(5) years;
9. Remission of two (2) years in favor of persons initially sentenced to a term of imprisonment below five(5) years but above three (3) years;
10. Remission of one (1) year in favor of persons initially sentenced to a term of imprisonment below or equal to three (3) years;
11. Remission of one (1) year of sentence in favor of persons who have to serve a term of imprisonment below or equal to three (3) years.

Article 2: For the application of the remission provided here in above, minors within the meaning of criminal law who have been sentenced shall in addition benefit from one third of the applicable remission.

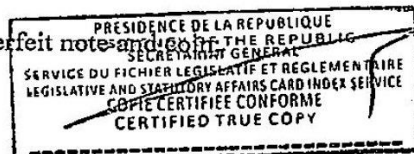
Article 3: a) The commutation provided under Article 1 (1), (2) and (3) above shall take effect from the date of signature of this Decree, the said date being the starting point for the calculation of the remaining term of imprisonment to be served.

b) In case of consecutive sentences, the provisions of Article 1 shall apply to the sentence being served on the date of signature of this Decree, and where the person is free, they shall apply to the sentence to be served first.

c) In case of concurrent sentences, remission, shall apply to the sentence to be served.

Article 4: The provisions of Article 1 of this Decree shall not apply to:

- Fugitives at the date of signature of this Decree;
- Recidivist offenders ;
- Persons imprisoned and sentenced for an offence committed while in detention;
- Persons sentenced for the following offences:
 - Security of the state;
 - Offences of chapter II of Law n° 2014/028 of 23rd December 2014 on the suppression of acts of terrorism;
 - Misappropriation of Public Property;
 - Corruption, indulgence (undue demand), favor, procuring favoritism, influence, interest in grant;
 - Undue influence and undue demand, counterfeit note and coin.



- Customs or tax fraud;
- Fraud in official and other examinations;
- Fraudulent export of currency;
- Illegal possession and trafficking of toxic waste;
- Illegal possession and trafficking of narcotic;
- Breaches against legislation on arms;
- Breaches against forestry legislation;
- Torture;
- Rape, sexual assault, pedophilia.

Article 5: The Minister of state, Minister of Justice, Keeper of Seals is responsible for the implementation of this Decree which shall be published according to the procedure or urgency, and inserted in the Official Gazette in English and French. /-

YAOUNDE, the 15 AVR 2020

