

British High Commission

Yaounde



**Foreign &
Commonwealth
Office**

**Information Pack for British Prisoners in
Cameroon, Gabon, Chad and Equatorial
Guinea**

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Introduction

Who can help?

The Foreign and Commonwealth Office (FCO):

The FCO is represented overseas by its Embassies and Consulates (High Commission in Commonwealth Countries). Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

About the High Commission

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British High Commission for your convenience, but neither Her Majesty's Government, nor any consular official, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British High Commission cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

Who are the Consular Representatives?

Toff Wahab, HM Consul +237 222220796/0545 ext 2024 Toff.Wahab@fco.gov.uk
 Steve Evans, British Vice Consul +237 22220796/0545 ext 2034 Steve.Evans2@fco.gov.uk
 Steve Banks, Honorary Consul, Chad sbanks@pmbx.net
 David Shaw BEM, Honorary Consul, Equatorial Guinea ShawD@rpsgroup.com
 Marante Harwood, Honorary Consul, Gabon Maranteharwood@mac.com
 Elias Pungong, Honorary Consul, Douala, Cameroon elias.pungong@cm.ey.com

Contact Information

British High Commission
 Avenue Winston Church Hill
 BP 547, Yaoundé
 Tel.: 22222 0545/22222 0796
 Fax. 22222 01 48
 Email: bhc.yaounde@fco.gov.uk

Public Opening Hours
 Monday –Friday 0800hrs – 1300hrs

Office Hours
 Monday – Thursday 0745hrs – 1545hrs
 Friday 0745hrs – 1345hrs

First Steps

Who will know I have been detained?

The authorities are not legally obliged to inform the British High Commission when a British National has been arrested and do not automatically tell us. But they are legally obliged to inform you of your right to a phone call, rights to be assisted by counsel, and right to a medical doctor. It is therefore your right to ask the arresting officer to permit you a call to the British High Commission in Yaoundé as soon as possible.

What will my family be told?

You have the right to choose whoever you wish to call when arrested but with the assistance of a law officer who has the right to listen to your conversation. But for confidentiality reasons the authorities will not tell anyone that you have been detained, or what the charges are, without your permission.

What will the Consulate do?

The High Commission's Consular officers will visit you in prison and provide information about your health and welfare and the local prison systems. You should be aware that if you hold Cameroonian Nationality you will be tried as a Cameroonian in Cameroon and your British nationality will not be recognised. The same applies for Chadian, Equatorial Guinean and Gabonese nationals arrested in their country of nationality.

Would I have a criminal record in the UK?

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or drugs trafficking, we are obliged to inform the UK police. It is therefore possible that information about this offence may appear if a Criminal Records Bureau check were carried out by a prospective employer.

Visits

How do my family and friends arrange a visit?

If your family or friends decide to visit you, we can assist them by providing guidance on visiting the prison, and what they can and cannot take in.

Each prison in the region has its own rules regarding visits. Generally, the visiting days are twice a week and once every weekend. An authorisation or visit card must be obtained from the Legal Department of the location of the prison, before anybody is allowed to visit you. Visitors should also bring their Passports and Identification documents which are held by the prison authorities and are returned at the end of each visit. Visitors should arrive at least one (1) hour to the prescribed visiting hours, to be able to stand on the queues of visitors which are usually long.

In Cameroon visits can be suspended for two months or cancelled definitely for disciplinary measures. In such a case, the Minister of Penitentiary Administration can amend such measures. The Prison Registrar can also for security or disciplinary measures prohibit an inmate from meeting other persons for a period of 10 days renewable twice. In such an instance, the inmate is quarantined in a special cell built for that purpose. For investigation purposes, the competent legal department can also formally ask the Prison Registrar to restrain the inmate from meeting or any visits for a determined period. This prohibition is mentioned in the Prison Registry.

If you are held in Chad, Gabon and Equatorial Guinea the British High Commission can assist by contacting the relevant prison authorities to ascertain the latest regulations for visits.

Consular visits

The British High Commission will aim to contact you within 24hours of being notified of your arrest. If you request a Consular visit we will aim to do this within 48 hrs in Cameroon (excluding weekends and public holidays). There is no permanent Consular presence in Gabon, Chad and Equatorial Guinea. But our Honorary Consuls will also aim to visit you within 48hrs of a Consular visit being requested if they are in the vicinity at the time of the request. Following sentencing we aim to visit once a year unless there is an additional requirement.

If distance/location makes arranging a visit difficult the British High Commission will inform you and aim to give you an estimation of when a visit may be possible.

Prison conditions/services

Arrival at prison

Prison conditions in the region are considerably poorer than conditions in UK prisons. Amenities are few and overcrowding a general problem.

General prison conditions

Discipline

There are general disciplinary regulations provided for by law to be observed which are listed to inmates on their arrival at the prisons. Each prison may have specific internal regulations that inmates are subject to. Violations of any of these regulations attract diverse disciplinary sanctions ranging from hard labour, solitary confinement to suspension or suppression of right to be visited which are all stated in the prison regulations.

The risks of discussing your personal details or your case with unknown fellow inmates are always present. There is always unavoidable curiosity but it is at your discretion to divulge such information.

Certain kinds of offences like homosexuality can cause hostility by the other inmates towards you.

There are no special rules on cell sharing that the High Commission is aware of. But there are special cells with various privileges in some prisons in Cameroon that contain inmates under special detention and protection. It is therefore possible to apply to be transferred to another cell or area within some prisons for special reasons, which you have to specify.

Separation of inmates

Prisons usually separate inmates under the following classification:

- Inmates awaiting trial are separated from convicted inmates
 - Women are strictly separated from men
 - There are special quarters for inmates under death row, dangerous inmates, disciplinary measures or those under police custody
 - Minors are put in special quarters
 - In case of necessity there are special quarters for inmates from the military or police forces
- Inmates can ask to be transferred from one prison to another for safety or health reasons

Prison Welfare officers

Prison Welfare officers in Cameroon are social workers who are assigned to each prison by the Ministry of Social Affairs. Though they work under the authority of the Prison Registrars, they are there to help you. Their role is also to raise the morale of the inmates and help

with their social rehabilitation when they leave prison. They can also pass on messages to us or your family and can explain to you how the prison system works.

Bear in mind that these workers are usually quite few compared to the large prison populations.

How can I receive money?

You have a right to receive money from friends and family whilst in prison.

There is a registry in each prison where you can keep your money and withdraw same subject to the internal regulations of each prison. The amounts that you can use as well as keep on yourself at any given moment are subject to the control of the prison authorities with regard to your security or that of the prison. If your family and friends overseas wish to transfer money to you for “prison comforts” they can do so, free of charge, through the FCO in London. They should send a Postal Order made payable to “Foreign and Commonwealth Office”, under cover of a short letter containing your details, to:

Foreign & Commonwealth Office
West Africa Desk Officer
Consular Directorate
Old Admiralty Building
London SW1A 2PA

Tel: (020) 7008 0168

Fax: (020) 7008 0161

The FCO will then send us authority to process the payment. We shall then pass this on in local currency at the next prison visit.

Can I work or study in prison?

Prison activities.

Subject to the internal regulations of each prison, the socio-cultural activities services in Cameroon provide:

Sports, recreational and cultural programs

Handicraft training for inmates

Educational classes for minors and adults as well as books and works of art

Recreational activities are organised either within the inmates or groups from outside the prison subject to approval of the prison's authorities

You have the right to practice any religion of your choice.

Subject to the internal regulations of each prison, the Prison Registrar draws a list of the authorities of each religion authorised to perform religious rites within the prison.

There is no programme of activities for prisoners in Chad. In Gabon, Equatorial Guinea it is not yet clear what activities are available.

Work in Prison

It is possible to work for public or private enterprises or individuals whilst in prison in Cameroon. This must be authorised by the Prison Registrar subject to the conditions fixed by the Minister in charge of the Penitentiary Administration. There must be a written application to the Prison Registrar for such handiwork 48 hours before it is needed.

The remuneration that is paid for any such work by an inmate is divided into two parts. Two thirds (2/3) goes to the public treasury while one third (1/3) is kept for the inmate and shall only be given to him at the end of his prison term. Inmates can also carry out artisanal or handicraft work whilst in prison.

There is no work programme in prisons in Chad. The High Commission is awaiting confirmation of work programmes, if any, available in Equatorial Guinea and Gabon.

Can I receive medical and dental treatment?

Every inmate is subjected to medical tests on their arrival in prison.

There is a dispensary in every prison to cater for inmates who are sick. In cases of contagious diseases or epidemics, the medical authorities take all measures of protection and quarantining necessary. The Prison doctor states his consultations of a sick inmate in a special registry held by the head of the prison dispensary.

Food and Diet

Inmates have a right once a day, to a ration of food which should provide them with the force necessary to keep them healthy and fit. The food provided has to respect the customs and religions of the various inmates. Food is also provided or sold at the prison canteen or informally within the confines of each prison yard as supplement to what is served to inmates. Inmates are allowed to arrange for food to be bought from outside or can be brought food by family and friends subject to the internal regulations of each prison.

Mail/Parcels

You can send and receive mail, subject to the internal regulations of each prison and the strict control of the Prison Registrar and prison guards. Mail from lawyers and judicial authorities are/should be exempt from any such control.

Tell your family and friends to always include your full name and prison number in the address. It is also a good idea to number all letters in sequence. If you do the same you can keep track of anything that goes missing.

We regret that the British High Commission cannot accept mail for onward delivery. Any received will be returned to the sender.

Parcels

You can receive parcels whilst in prison, subject to the internal regulations of each prison and the strict control of the Prison Registrar and prison guards. But it is strictly forbidden for you to receive containers, utensils, sharp or pointed objects.

You should also be able to receive books and magazines.

Can I make telephone calls?

Officially telephone calls are strictly prohibited for inmates in all prisons. But the High Commission is aware that many prisoners do have access to and use mobile phones.

Leisure and entertainment

There is no formal leisure or entertainment programme offered in prisons.

Drugs

The use of drugs is strictly prohibited by the Prison authorities. These rules are contained in the internal regulations of each prison and any violations can attract severe sanctions. The hygienic conditions of the prisons make the risk of contracting AIDS and hepatitis very high in case of intravenous drug use.

How can I make a complaint about mistreatment

Complaints about mistreatment can be made via the Consular Officer and/or your legal representative.

The Judicial System

Is the system the same as the UK?

Cameroon/Gabon/Chad/Equatorial Guinea's legal system

The criminal justice system's in operation are similar to that of the UK. The main differences include that of the supplementary inquiry roles that are played by special judges called the examining magistrates in Cameroon. The State Counsel can either prosecute matters directly or forward them to an examining magistrate to carry out another preliminary inquiry.

The examining magistrate carries out preliminary inquiries for very serious offences classified as felonies and in the case certain misdemeanours. After the preliminary inquiry, the examining magistrate may either enter a ruling which commits you to trial or dismisses the matter.

What should happen when I am arrested?

You will be arrested if there is a suspicion that you have committed an offence. Remain calm, and co-operate with the police. Do not be abusive or violent, as it will make things worse and could result in additional charges. It is an offence to resist arrest.

For how long can I be remanded in custody?

The police will ask you to provide various personal details, including your nationality. Following arrest, the police may detain you for an initial period of up to 48 hours to conduct investigations renewable once. Any extension requires the written approval of the State Counsel (Prosecutor) and may be exceptionally extended twice.

Following this you must either be charged or released. Prisoners have a right of appeal against their continuing detention.

If you are committed to trial with or without bail, you will be presented to the court periodically, until judgement. The total time that you are detained awaiting trial will depend on the seriousness and complexity of the offence. But it usually takes a very long time (possibly years) before a case comes to court for full hearing. However in matters that do not require preliminary inquiries you shall be presented to court earlier.

What happens when I am charged?

If you are charged, you may be released on bail, with or without conditions. If you are denied bail, or cannot meet the conditions set, you must be taken before the State Counsel and or an Examining Magistrate where you can apply for bail.

Normally you will appear before a magistrate 48 hours after your arrest unless another 48 hours are added for further investigations. They will determine (a) whether you have been legally detained, and, if they are satisfied on that point, (b) whether you should be released on bail, or held on remand, until your next court hearing.

The authorities are not legally obliged to inform us of the arrest of a British national, and do not automatically do so themselves. But they are legally obliged to inform you of your right to a phone call, right to be assisted by counsel and right to a medical doctor. It is therefore your right to ask the arresting officer to permit you call the British High Commission in Yaoundé as soon as possible.

We will aim to contact you within 24 hours of being notified of your arrest. If you request a Consular visit, we will aim to do this within 48 hours (excluding weekends and public holidays). If distance makes it difficult for us to visit as soon as you would like, we will explain this and confirm a time period within which we will visit.

We can also help to put you in touch with the charity Fair Trials International (www.fairtrials.net).

What provision is there for bail?

It is difficult but not unusual for foreign nationals to be granted bail in any country, including the UK. This is due to the flight risk that many of these prisoners pose. Even where bail is granted, it is usual to retain the passport of a foreign national before releasing them from detention, to prevent them leaving the country. In assessing whether to permit bail, the judicial authorities are entitled to consider a person's links to the country and how likely it is that they will flee. This means that foreign nationals are less likely to receive bail. Similar factors are considered in the UK, so we do not regard this as a form of discrimination.

If the charges against you are dropped because of insufficient evidence, you will be released.

In the (unlikely) event that you are allowed to leave Cameroon on condition that you return for your court case, please note that failure to comply could lead to the issuance of an international warrant by the judicial authorities if Cameroon.

If you are given bail, you will need to find sufficient funds to support yourself. Depending on your visa status, the local authorities may not be able to provide support. We cannot provide funding or find you a job.

What kind of legal assistance is available

You will likely wish to engage a lawyer, they may ask for an advance of his/her estimated legal fees before they will take on a case. The Consular office cannot give legal advice, pay your legal expenses, or guarantee to a lawyer that you will pay them. Negotiations shall be between you and the lawyer. The consular office can provide you with a list of local lawyers but cannot recommend a particular lawyer.

What happens at the trial?

Trial is the process by which your case shall finally be determined in an open court of law. During this process, you are asked to sit in a dock to face the charges against you.

After you have been arraigned and taken a plea, the prosecution shall present the case against you by calling up one or many witnesses and/or present documents which it possesses as evidence to prove its case. Your counsel can cross-examine the prosecution's witnesses and/or contest the evidence presented.

At the close of the prosecution's case, it shall be the turn of your counsel to present your case in defence. During this phase, you are allowed to call your own witnesses and present documents to state your case. Please note that your case and witnesses shall be subject to a similar cross-examination by the prosecution.

When the prosecution and you have presented their respective cases, the judge shall render a verdict on whether you are guilty or not guilty.

Sentences

If you are found guilty of the offence as charged, the judge shall proceed to sentence you to a term in prison as prescribed by law.

However, the judge can use mitigating circumstances, the gravity of the offence and its discretion, to hand you a much more lighter or suspended sentence.

How can appeals be made?

Any of the parties to a criminal procedure can appeal against decisions taken at the various stages, if they are not satisfied with the outcome.

You can appeal against a decision to reject bail, an interlocutory ruling during trial or the final judgment. There are time limits during which these various kinds of appeals must be filed. These time limits range from 48 hours to 3 months, but it is important to note that, you have 10 days to file the appeal if you are convicted and sentenced, at the court of First Instance or High Court.

What provision is there for reduction of sentence (remission) e.g. for good behaviour?

None.

What provision is there for early release e.g. on parole?

None.

What provision is there for clemency or pardon?

Clemency or pardon can only be by Presidential decree.

What about any financial penalties?

Where a fine is imposed a prisoner can be detained until it is paid.

Is transfer to another prison within Cameroon possible?

Inmates can be transferred from one prison to another on the basis of a decision from the Ministry of Penitentiary Administration. Various reasons for such a transfer are prison labour, security or disciplinary reasons, and on your own demand as mentioned above.

Is transfer to the UK a possibility?

There is no Prisoner Transfer Agreement between Cameroon, Equatorial Guinea, Chad, Gabon and the UK

What are the procedures for release and deportation?

You can be released from prison for the following reasons:

- a. Bail
- b. End of prison sentence
- c. Amnesty
- d. Pardon

If a British national is released from prison for the reasons stated in (a) and (d) above in Cameroon, they cannot be subject to any form of deportation. If on the other hand the British national is released for the reasons stated in (b) and (c), they are considered as ex-convicts and may be subject to the accessory penalties of forfeitures and preventive measures. In such a case, there are no specific provisions for the deportation of any foreign national who has served a prison term in Cameroon. But they may be deported from Chad, Gabon and Equatorial Guinea. Regulations should be checked with your legal advisor.

There are however other reasons like, if upon leaving prison, such a British national cannot justify their continuous stay in Cameroon for reasons of marriage or employment (which shall become doubtful due to the forfeitures and preventive measures stated above), then they shall be deported.

Deportation is pronounced by a decision of the Prime Minister, Head of Government. Such a decision shall be executed with immediate effect by the immigration department of the Police.

Prisoners Abroad

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order

to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- writing to a pen pal
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and assistance with the cost of visiting

Prisoners Abroad
89 – 93 Fonthill Road
London N4 3JH
UK

Telephone: 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098

(Mondays to Fridays 9.30 am to 4.30 pm, UK time)

Email: info@prisonersabroad.org.uk

Website: www.prisonersabroad.org.uk

Additional Information

Prison Fellowship International

Prison Fellowship (PF) is a Christian organisation that gives support and help to people of all religions and those with none. They have members in 112 countries.

They can visit or write to prisoners, run fellowship groups, and provide religious material on request. If you are transferred back to a UK prison, PF can help with transport so your family can visit. They also work with ex-prisoners and their families through their local group network.

Prison Fellowship England & Wales
PO Box 945
Maldon, Essex
CM9 4EW, UK

Tel: 0011 44 (0)1621 843 232

Fax: 0011 44 (0)1621 843 303

Email: enquiries@prisonfellowship.org.uk

Prison Fellowship, Scotland
110 St James Road
Glasgow
G4 0PS, UK

Tel/Fax: 0011 44 (0)141 552 1288

Email: prisonfellowship@lineone.net

Prison Fellowship, Northern Ireland
39 University Street
Belfast
BT7 1FY, UK

Tel/Fax: 0011 44 (0)2890 243 691

Email: info@pfni.org

c) Prisoners' Families and Friends Service

Based in London, the PFFS is an independent voluntary agency that has been helping prisoners' families for nearly 40 years. They provide advice, information and support to relatives or friends of prisoners.

Tel: (free phone) 0808 808 3444 (Monday–Friday, 10am–5pm - or answer phone)

Postal address: Freepost Prisoners' Families

Email: info@prisonersfamiliesandfriends.org.uk

Web: <http://home.btconnect.com/pffs/>

d) The Salvation Army

They can arrange to visit prisoners overseas through their international service.

The Salvation Army International HQ
101 Queen Victoria Street
London EC4P 4EP
UK

Tel: 0011 44 (0)20 7332 0101
Fax: 0011 44 (0)20 7329 6970

Annexes

Annex 1: List of English-Speaking Lawyers

Annex 2: List of Private Translators/Interpreters

Annex 3 FCO leaflet: In prison abroad

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35521/in-prison-abroad.pdf

Annex 4: FCO leaflet: Transfers home for prisoners abroad

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292519/FCO_Transfers_Home_0314web.pdf

Annex 5: Prisoners abroad authorisation form

<http://www.prisonersabroad.org.uk/uploads/news/id48/Authorisation%20form%20v3.1%20August%202013.pdf>

Annex 6: Prisoners abroad family contact form

http://www.prisonersabroad.org.uk/uploads/news/id44/Contact_with_Family_Friends.pdf

Annex 7: Prisoners aboard CFF form

http://www.prisonersabroad.org.uk/uploads/news/id49/Form_cff.pdf

Annex 8: Fair Trials International Questionnaire and leaflets

<http://www.fairtrials.org>

http://www.fairtrials.org/documents/FTI_QUESTIONNAIRE_March_2012.pdf

<http://www.fairtrials.org/wp-content/uploads/Arrested-in-another-country-UK.pdf>

Annex 9: Reprieve Information (optional)

[https://en.wikipedia.org/wiki/Reprieve_\(organisation\)](https://en.wikipedia.org/wiki/Reprieve_(organisation))

Disclaimer

This booklet was compiled by [the Consular Section, British Embassy Cameroon. It is revised on a regular basis

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Embassy in Cameroon is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.

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