

## **AMNESTY INTERNATIONAL**

### **PRESS RELEASE**

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#### **Benin: Prisoners penned into overcrowded, dirty cells denied healthcare amid heatwave**

- Inhumane detention conditions, exacerbated by unprecedented heatwave
- At least 46 prisoners died in four prisons between January and July 2023, according to information gathered by Amnesty International
- The Beninese authorities must take immediate and effective measures to uphold their international human rights obligations to improve detention conditions.

Prisoners in Benin were subjected to filthy, overcrowded cells and denied clean water and medical treatment last year. According to information gathered from health and prison workers, several dozen prisoners died during a seven-month period last year, Amnesty International said today.

Amnesty International calls on the authorities in Benin to take immediate and effective measures to improve conditions in the country's 11 prisons and comply with international human rights standards for the treatment of prisoners, known as the Nelson Mandela Rules. The organisation made interviews with 500 prisoners, health workers and prison officials, as well as visits to the prisons from 19 June to 21 July 2023.

"While we welcome the opportunity given by the authorities to visit the country's prisons, our investigation uncovered inhumane, unacceptable conditions in detention," said Dieudonné Dagbéto, Executive Director of Amnesty International Benin.

"Beninese authorities must uphold their international human rights obligations and comply with the United Nations Nelson Mandela Rules by urgently addressing prison overcrowding and improving access to healthcare and drinking water," said Samira Daoud, Amnesty International's Regional Director for West and Central Africa.

## **Overcrowded prisons**

Prison overcrowding is affecting all of Benin's prisons, and number of prisoners is increasing. From less than 7,000 prisoners in 2016, according to a former Minister of Justice, there were 18,170 by December 2023, according to the Director of Benin's prison agency.

The Misséréké prison, built to hold around 1,000 prisoners, held 3,742 at the time of Amnesty International's visit in 2023 - almost four times its capacity. The Porto-Novo prison, built for 250 prisoners, held 1,554, six times its capacity. The Cotonou prison, with a capacity for 700 prisoners, held 1,595 prisoners.

Most prisoners are forced to lie on the floor, on their side, without the possibility of turning around, Amnesty International observed. In prisons with beds, three or four people may occupy a single mattress.

Buildings shared by hundreds of prisoners have only narrow openings that do not allow for sufficient ventilation. Most of the prisons that Amnesty International researchers visited were not equipped with fans, despite the excessive heat. Instead, prisoners try to cool themselves down by their own means: "We buy ice and run cool water over our bodies", said one female prisoner at Porto-Novo prison. In this prison, Amnesty International noted the presence of non-functioning fans, some of which were idling, with no effect on the heat felt in the buildings.

Some cells have no ventilation at all, such as the 12 "punishment" cells at Misséréké, where dozens of prisoners are locked together in stifling heat and are only allowed out in the evening to cool off. In the same prison, suspected members of armed groups are only allowed out for one or two hours a day.

The air in the buildings and cells is also unbreathable due to the lack of sanitary facilities. Prisoners are unable to go to the bathroom in a clean and decent manner. At Porto-Novo prison, women urinate and defecate in pots, which they also use as pillows. The men use a small barrel placed in the centre of one of the buildings, the only opening to which is the entrance door.

## **Heat waves worsening detention conditions**

Gulf of Guinea countries such as Benin experienced record-breaking heat in the first half of 2024. The combination of high temperatures and humid air resulted in

average heat index values of around 50°C, according to the index developed by the [WWA](#).

"At a time of record-breaking heat, Beninese authorities must take urgent and effective measures to ensure that the country's prisons do not become deathtraps," said Samira Daoud.

The Nelson Mandela Rules state that every prisoner must have access to drinking water when they need it. Yet this right is not respected in several prisons, despite the recommendation that more water is consumed in hot weather. A prisoner at Abomey-Calavi said: "The water we drink is from a cistern. It's not drinkable. When we don't have enough water, the fire brigade brings us dirty water, and we fight to get it."

During Amnesty International's visit, prisoners in one of the buildings at Misséréte prison said they had not had running water for four months. In Savalou, the prison has no access to drinking water because there is no running water in the area, according to the director.

Despite the constant risk of malaria in Benin, which increases during rainy season from June to November, mosquito nets were unavailable in several of the prisons visited by Amnesty International. In Natitingou prison, torn nets were on display.

"Improving detention conditions in civil prisons in line with international human rights standards is part of the government's action programme for the five-year period running until 2026. With strong political will, there is still time to achieve these objectives," said Dieudonné Dagbéto.

#### **'We've made mistakes, but that's no reason to kill us here'**

Referring to the deplorable conditions of detention and notably to the shackles used to sanction prisoners, which cause painful injuries to ankles, a prisoner at Abomey-Calavi prison said: "We've made mistakes, but that's no reason to kill us here".

Poor detention conditions increase the risk of developing illnesses, and extreme temperatures can lead to heatstroke requiring emergency medical intervention. However, the authorities are generally failing in their international human rights obligations to provide healthcare.

Prisons lack medical staff. None of the prisons visited have permanent state doctors. The infirmaries, run by two or three nurses, are assisted twice a week by doctors deployed by Bénin Excellence, an NGO. At Natitingou, the infirmary receives 400 to 600 prisoners a month, according to one nurse. The Misséréké, Parakou and Abomey prisons have three nurses for 3,742 prisoners, three nurses for 1,491 prisoners and two nurses for 2,468 prisoners respectively.

A nurse at Abomey-Calavi prison said: "You are a nurse, and the fate of 2,000 people is placed in your hands. This is not normal."

Prisoners reported that medicine is often denied, unavailable or out of date. A prisoner at Ouidah prison said: "We often get prescriptions, but rarely medicines."

Another prisoner at Abomey-Calavi prison said: "When you are too clean, they think you have money and they don't give you medicine". A prisoner at Abomey prison said that in June 2023 she had received medication that had expired in December 2022.

According to testimonies collected by Amnesty International, prisoners are sometimes refused treatment by nursing or administrative staff, even in emergencies. One prisoner in Abomey-Calavi prison said she was refused treatment for period pains. A fellow prisoner said: "I have a haemorrhoid problem, but the nurse said she no longer sees haemorrhoid patients". A prisoner placed in an isolation cell at Misséréké prison said: "I had an asthma attack, but the cell guard refused to open the door."

In Abomey-Calavi, some prisoners said that they cannot access the infirmary if they do not produce their detention warrant, and the document is not always given to them. "I applied for my warrant at the registry office a week ago, but I still haven't received it", said one prisoner.

Delays and denial of treatment can have dramatic consequences. According to one prisoner, a 22-year-old died after suffering a seizure and waiting two hours before the guards arrived. "The next day, we were told he had died. He had two months detention left before being released."

### **Pre-trial detention beyond the legal time limit**

In December 2023, around 55% of the 18,170 people detained in Benin were awaiting trial, according to prison authorities.

Amnesty International met around 20 people who were being held in pre-trial detention beyond the legal limit of five years. Some had been detained for up to 20 years, in violation of Benin's Code of Criminal Procedure, the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights to which Benin is a state party. Decisions of the Constitutional Court seen by Amnesty International attest to the arbitrary nature of certain detentions.

"The authorities must immediately release people who have been held in pre-trial detention for longer than the legal period," said Fabien Offner, researcher at Amnesty International's regional office for West and Central Africa. "The authorities should also review penal policy and offer a range of non-custodial measures as part of efforts to address prison overcrowding. The decree on community service of 31 January 2024 is a salutary measure that must be immediately implemented".

### **Background**

From 19 June to 21 July 2023, Amnesty International delegation visited all 11 of the country's prisons. Researchers met with 500 prisoners, 13 nurses, nine prisons' directors and two chief guards.

On 8 December 2023, an Amnesty International delegation met with the Director of the Benin Prison Agency, who informed the organization that they intended to boost recruitment of healthcare staff. These recruitment processes were launched at the beginning of 2024.

On 4 July 2024, Amnesty International sent a letter to the Minister of Justice and Legislation, offering the opportunity to respond to the main conclusions presented in this publication. As of 22 July, no response had been received. However, on 24 July, the government announced to the Council of Ministers that 'a contract has been signed for a complete project management assignment as part of the project to extend and refurbish five prisons'.

**ENDS**

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