

2008/2009

Prison Watch Sierra Leone (PW-SL).



2008/2009 PRISON WATCH REPORT ON PRISONS AND DETENTION CONDITIONS IN SIERRA LEONE

This report covers a two year period and catalogues findings on Prison and Detention conditions in Sierra Leone from January 2008 – December 2009.



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Donation of satellite dish to Pademba Road Prisons.

RECOMMENDATIONS



1. INTRODUCTION.

Background/Problem Statement.

Prison Watch Sierra Leone (PW-SL) is an indigenous Human Rights NGO formed in 1996. It is a Non - Profitable and Non - Political Organization. It was formed to serve as a focal point relating to all issues of detainees/prisoners and detention in the country.

It was formed to monitor Human Rights violations and abuse in and out of detention centers throughout the country.

In the Sierra Leone situation generally, public perception about prisoners and detainees is a belief that one should not talk about them. The public perceive prisons/detention centers as a place where people should be sent to rot.

Penal Institution is a trend that we have observed that does not meet International Standard. People who attempt to advocate on their behalf do not receive public sympathy and support.

PW-SL however believes that People should be sent to Prisons as punishment and not for punishment. We view the deprivation or the restriction of individuals either as a result of law or court order as punishment in itself.

Objectives.

1. To monitor prisons regimes in sierra Leone.
2. To measure Access to Justice and the level of compliance to Human Rights Standards in prisons.
3. Understand the strength and weakness of the Justice system.
4. To monitor of actual practice administration of Justice in prisons and police cells.
5. To monitor court sittings by magistrates, Judges and follow up on all court attendance of remand prisoners.
6. To investigate human Rights Abuse and violation in prisons, police cells, Juvenile remand Homes and other detention facilities.



PRESENTATION OF FINDINGS.

JUVENILES IN CONFLICT WITH THE LAW.

Feeding.

Torture/Ill-treatment.

Torture is considered a crime against humanity; it is prohibited by National and International law in absolute terms.

No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment (Art. 5 UDHR 1948). It prohibition is not restricted to the UDHR. ICCPR 1966, European Committee of Human Rights 1950, American Committee on Human Rights 1978, UNCAT and other inhuman or degrading treatment or punishment 1984 the constitution is Sierra Leone all prohibits torture, yet evidence of police Brutality at central police station and Prison Officers attached on at the Approve school Juvenile Home in Freetown reveals what goes on behind the dark and tall walls far removed from public view.



Two Juveniles with beating marks – Approve school



Evidence Scar of Handcuff marks –
Approve School Juvenile Home

Illegal Detention of Juveniles

Court Attendance.



Sanitary and Hygiene Condition.



This show the sanitary condition of the approve. This urine rubber container is kept in the same dormitory used by the children for sleeping. This is the only available toilet facilities for the children.

Rehabilitation.

Over sentencing.

Legal Representation.

Over grown Adults in Juvenile Home.

Juveniles bellow the Criminal age of Responsibility.

PRISONS.

Over Crowding.

Feeding.

Sanitation and Hygiene.

Health and related problems.

Beds and Beddings.



Contact with the outside world.

Juveniles in Adult Prisons

Sodomy in Prisons.

Insane Prisoners.

Death Row inmates.

Analysis of case load.

WOMEN IN PRISON

Lactating Mothers.

Pregnant Women.

Women on Death Row.

HUMAN RIGHTS VIOLATIONS AND ABUSE

Over/Illegal Detention.

Excessive use of minimum force.

Prolonged Pretrial Detention.

Court Attendance.

Legal Representation.

PRISON ADMINISTRATION.

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Conditions of Services.

Capacity Building.

Supply of uniforms.

Construction of new Prison Institution.



PERSONS IN POLICE DETENTION

Feeding.

Sanitation.

Arrest Procedures.

Even though the grounds of deprivation of liberty through arrest and detention establishes clear grounds on which persons may be arrested without or with warrants monitors discovered that almost all detainees interviewed both in police cell and prison claimed that they were arrested without warrant.....contrary to domestic law 72 hours for misdemeanor and 10 days for felonious offences, monitors discovered suspects were detained for more than 3 months contrary to 72 hrs and 10 days rule.

This was how attributed to the lack of resident Magistrates. *"We have roving Magistrates who sometimes come once a month or two. Sometimes Magistrates visit once in three months and Justices of Peace are highly irregular. Do we say we wait for 3 months to get a warrant signed before we can effect arrest?"* commented a police officer **Excessive use of minimum force.**

The use of minimum force has been most times overused. This is evidenced bellow

red blood stained eyed police suspect recounted to Human Rights and Detention monitors how he was beaten by many police officers in the process he sustained injuries on his head and eyes. On confirmation with lockup police officer, he confirmed that minimum force as permitted by the Police code was used.



An Inmate at Central police Station

Effective Guarantee for Effective Legal Representation.

Due to the acute shortage of lawyers and the refusal of advocates to enter private, administration of justice depend on police. The police play a dual role. They are



responsible for to the arrest and detention of suspects on one hand and on the other hand, they serve as prosecutors in court. In the course of administering justice, suspects had little opportunity to adequately make a case defending them. They only.....

OTHER OBSERVATIONS

Poverty face of Imprisonment.

Analysis of detention population revealed that

Status of Access to Justice.

OUTCOMES. OF OUR INTERVENTION.

Modern Living Quarters for Prison Officers.

Release of the Westside boys.

Release of kai samba – Kenema prison.

Release of juvenile in remand home.

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Donation of satellite dish to Pademba Road Prisons.



Torture.

The Approve School is a Juvenile Home that is suppose to reform and integrated children who come in conflict with the law. They too have not been spared. Two Juveniles in the Approve also reported that they are beaten with electric cables. Others reported that the are usually handcuffed to windows in a cross style as a means of punishment

Over/Illegal Detention.

In the Kenema District State Prison, one prisoner who was supposed to have been released since 2006, was still found in detention on 11th October 2009.

In the Pademba the Pademba road Maximum prison, seven prisoners two years after their actual release dates. They were supposed to have been released since 2007 where but were released in.....

Over Crowding.

This is more unique to Pademba road maximum prison, Bombali District prison, Kenema District Prison, Bo District state Prison and Koidu District State Prison.

Pademba road however poses a serious threat that continues to house more than 1000 prisoners. It actual capacity is meant for 324 inmates.

Death Occurrence in Prisons.

Below is a matrix of analysis of death occurrence in Pademba Road Maximum Prison.

Analysis by Year

Yr	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
NOR	06	10	15	19	18	24	21	17	38	23	29



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NOR - Number of occurrence recorded.

Analysis by Primary Cause of Death.

No.	Primary Cause of Death	Year of Occurrence											
		98	99	00	01	02	03	04	05	06	07	08	09
1	Unknown cause(s)												
2	Congestive cardiac Failure												
3	Pneumonia												
4	Respiratory failure												
5	Cardiovascular Accident												
6	Hepatic failure												
7	Septicemic Shock												
8	Cardiac Failure												
9	HIV/AIDS												
10	Liver failure												
11	Hypovolemic Shock												
	Hepotomegal viral Infection												
	Severe Dehydration												
TNR													



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Analysis by Gender

No.	Year	Males	Females	Total
1	1998			
2	1999			
3	2000			
4	2001			
5	2002			
6	2003			
7	2004			
8	2005			
9	2006			
10	2007			
11	2008			
12	2009			

Analysis by age

No.	Year	14 - 17	18 - 25	26 - 35	36 - 40	41 - 50	51 - 65	Abv 65
1								
2								



Juveniles in Adult Detention.

Insane Prisoners.

Death Row inmates.

Analysis of case load.

Analysis of Prison Population Statistics.

Human Rights violations and abuse

Status of access to Justice.

Prolonged Pretrial Detention.

Juvenile Justice

Pregnant Women and lactating mothers.

Poverty face of Imprisonment.

Other Observations

Health.

Welfare of Prison Officers.

Reforms in Prisons.

Outcomes. Of our intervention.

Release of the Westside boys.

Release of kai samba – Kenema prison.

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Supply of Humanitarian Support Items to female Prisons.



Donation of satellite dish to Pademba Road Prisons.

Challenges.

Shrinking donor dollar.

Inflation of goods and services.

Lack sustainability strategy.

Recommendations

Sustained monitoring of the Administration of Justice.

Criminal Justice paralegal Service for long remand prisoners, Women and Children..

Correctional services for long sentenced prisoners.

Tutorial Programmes for Juveniles in conflict with the law.

Conclusion.

Human Rights violations and abuses often flow not only from the failure of legal systems to protect rights and punish perpetrators of human rights violations but also due to the absence of a vibrant civil society group to monitor and expose violations and abuses.

There is a saying that *“if you fail to expose it, you will be exposed to it”*. *We can only expose violations behind the tall impenetrable prison walls through sustained monitoring*. But these are just intentions of good will.

Good intentions are meaningless without resources (men and finance) to implement it.

This is a brief highlight of our survey on Access to Justice in Penal Institution. The Administration of justice is often marred by:

- a. Lack of legal representation for detainees.
- b. Prolonged pretrial, trial and detention of inmates.

The first phase of this survey focused on the prisons. The Following prisons were targeted:

1. Pademba Road Prison.



2. Makeni Prison.
3. Magburaka Prison
4. Bo Prison.
5. Kenema Prison.
6. Mattru Jong Prison.
7. Pujehun Prison.
8. Moyamba Prison.

SPECIFIC - FINDINGS.

MATTRU JONG.

Bail

- Prisoners on bail cannot be granted bail because they are imprisoned far removed from their relatives. Some even reported that they do not know anybody in Mattru.

Suspects Detained on Police Orders.

- Police suspects are remand at the Mattru Jong prison on police orders this is as a result of:
- The incessant court sittings and the prolonged absence Presiding Magistrate to prepare and sign remand warrant.
- The police detention facility in Mattru is very insecure and unsafe to keep suspect for more than three day
- Most sentences are done by JP from Bonthe. And the JPs are resident in Bonthe.

KENEMA.

Illegal/Over Detention

- One prisoner, who was supposed to have been released since June 2006, was still in custody. Our intervention brought the issue to the OCs attention who took



proactive steps to recalculate his terms of sentence with reference to Criminal procedure Act 230 (3) and took immediate action to release him.

- The absence of a perimeter fence is a cause for concern. The OC of the male prison uses his private residence as his Office.

APPROVE SCHOOL.

Torture/punishment.

- Monitors have Evidence of Torture.
- Juveniles reported that they are handcuffed to the windows in the form of a cross as a means of punishment.

REMAND HOME.

Adults posing as Juveniles.

- Some of the said juveniles appear to be adults posing as juvenile. Some confided in monitors to reveal their actual ages.

PADEMBA ROAD.

Overcrowding.

- The issue of overcrowding is an age old problem.

Interesting Revelation.

- Convicted prisoners refusing to leave the prison even at expiration of their terms of sentence.

Analysis by Case Load.

- In our analysis of a total case load of 358 remand prisoners. Court no 1 account for the highest allocated case load of over 100 cases.

GENERAL OBSERVATIONS

Health.



- There is a visible sign of skin rash in almost all prisons.
- Poor sanitary prison conditions with the exception of Moyamba and Magburaka.

Poverty versus Crime.

- Analysis of the occupational background revealed that 99.9% of prisoners are from poor socio-cultural background who have turned to crime as the only means of survival.

Court Sitings/prolonged pre-trial detention.

- ✚ There is pro-long court sitting by Magistrates/Judges and court attendance by suspects. This has negative impact on the administration of justice. Some prisoners have reported non court attendance due to the fact that their case files have got missing in court.
- ✚ Our monitoring record reveals that some people have spent more than 4 years and more awaiting indictments.
- ✚ In our analysis by number of court appearance made, quite a significant number prisoners have made of court appearances between 50-80 times and even more.
- ✚ Most of these prisoners have reported that on each of these occasions, complainants/the state fails to produce witnesses. On each occasion of their appearance, and the failure of witnesses, their cases are frequently adjourned.

Prisoners without Indictment.

- ✚ 120 prisoners in Pademba Road prison are yet to receive their indictment.

Lack of Access to Justice and legal aid for the poor.

- ✚ Most prisoners do not have access to Legal representation and cannot afford the extortionate legal fees mostly charged by lawyers. Their conviction is either based on the evidences of their police prosecutors.

Presence of seeming juveniles in Adult prison.

- ✚ In almost every prison, we found persons who can easily pass for Juveniles at first sights.



RECOMMENDATIONS.

It is our view that we can effectively measure access to justice and contribute to an effective Administration of Justice through the following:

Recommendations

Sustained monitoring of the Administration of Justice.

Criminal Justice paralegal Service for long remand prisoners, Women and Children.

Correctional services for long sentenced prisoners.

Tutorial Programmes for Juveniles in conflict with the law.

Conclusion.

Criminal Paralegal Justice System.

Almost all paralegal services are human rights based (PW-SL Observation).

There is the need to establish a Criminal Justice Paralegal Unit to be supported by the National Legal Aid Scheme.

Most accused do not know the provisions of the law and court procedures.

Some accused persons are guilty not because they have guilty minds but because of the complexity associated with the law.

The need to prepare the mind of accused persons before they face the law.

They will facilitate accessing a legal aid providers and access justice.

Sustained Monitoring of Prisons, Police Cells, Juvenile Home and the courts.

The need for sustained and constant monitoring of our detention facilities and our courts will help provide answers and offer solutions to the problems of the Administration of Justice.

Through sustained monitoring,

1. HRs abuse and violations will be minimized in our prisons.
2. Prisoner will be released at the appropriate time.
3. Produce monthly Report on case load of Magistrates/Judges.



There is the need for effective Legal Aid Scheme for those who cannot afford the cost of Legal Representation by private lawyers.

There is the need for trainings and refresher trainings for officers handling/working with juveniles.

Justice Sector Institutions (JSCO) to work in close collaboration with the office of the DPP to ensure that accused prisons who complete their PRI are served their indictments.