

CHAPTER 1

PRISONS

KABWE DISTRICT

1. MPIMA REMAND PRISON

Mpima Remand Prison was constructed in 1958. It was built for a population not exceeding 210 inmates. On 30 August, 2005, the lock up inmate population was 303. This figure, means Mpima Remand is overcrowded by 44% of the recommended capacity. Since 1958 the prison has never been extended to cater for the increased number of inmates.

FINDINGS

The Commission observed the following

- (a) The sewer system was completely broken down. Waste matter floated all over around the sleeping quarters in small ponds. This posed a health risk to both the remandees and the prison warders living in proximity to Mpima Remand Prison.



Dilapidated sewer facilities at Mpima Remand Prison

- (b) 78 remandees were illegally being kept in prison. Their remand warrants had expired. The Commission considers this as not only a violation of the law, but also gross negligence on the part of the detaining authorities. Warrants are supposed to be valid throughout the stay of each individual inmate. See Appendix.

- (c) Tuberculosis (TB) patients were not isolated from the rest of the inmate population. This situation, coupled with the problem of congestion, created favourable conditions for easy transmission of the disease from one inmate to the other.
- (d) The windows for all the dormitories had no shutters. In these conditions, inmates have to face the wrath of the weather at every turn of the season. In the rainy season inmates cluster together in the middle of the dormitory to avoid being soaked.



Windows without shutters/panes

- (e) There were no cups and plates. Some inmates cut plastic containers to make some semblance of a bowl to use for their meals.
- (f) Food was inadequate both in quality and quantity. Inmates only had one “combined meal” of beans and nshima. The nshima came in porridge form and inmates have to wait for this porridge to solidify into “**nshima**”.
- (g) There was no transport at the prison.



Dormitory at Mpima Prison

INMATES' COMPLAINTS

The main complaints from the inmates were congestion and non-appearance in court to be tried on their charges.

2. MUTWEWANSOFU OPEN AIR PRISON

Mutwewansofu Open Air Prison falls under Kabwe Medium Prison administratively. It was established for the purpose of decongesting Kabwe Medium. The Commission was informed that inmates of good character remaining with under six months on their prison term are transferred to this facility.

FINDINGS

The Commission noted the following:

- (a) Compared to other open-air prisons, Mutewansofu is under-utilised in terms of food production. The facility has potential to expand. The storeroom was adequately stocked with food, which is grown by the inmates themselves.
- (b) Water for domestic use and crop irrigation was drawn from shallow wells. This posed a health risk to the inmates and prison warders.
- (c) There was no transport.

INMATES' COMPLAINTS

- Inmates bemoaned the lack of transport to be used in the collection of firewood as well as transporting patients to the hospital.
- Inmates requested that Saturdays and Sundays should be free to allow for worship and recreation.

3. KALONGA STATE PRISON

Kalonga State Prison was constructed before 1964. On 29 August, 2005 the Prison had a population of 119 inmates. Kalonga Prison is meant to prepare inmates who are about to be discharged. They are trained mainly in agricultural skills such as crop farming, chicken rearing and cattle keeping.

FINDINGS

- (a) The administration block was very old. The whole structure needed attention. It posed a health risk and could collapse anytime causing death and serious injury to occupants.
- (b) Kalonga State Prison was found to be doing well in its agricultural activities. The Commission was impressed to find that the facilities were being used as intended and



the results were excellent. The entourage, among other things, found 6 acres of vegetables, 500 birds in the chicken run and some dairy animals.

Vegetable field at Kalonga State Prison

INMATES' COMPLAINTS

Inmates complained that prison authorities overworked them. They started work at 6.30 hours and knocked off at 17.00 hours. They did not have time to worship on Saturdays and Sundays. The inmates asked the Commission to intervene so that they had time for recreation and worship.

One inmate, Jerry Masheke, asked the Commission to request the prison authorities to transfer him to Mongu State Prison. This transfer would help him have a quick reunion with his family and adequately prepare him for resettlement upon discharge. The Commission shared this concern with the Officer-in-Charge.

4. MUKOBEKO MAXIMUM SECURITY PRISON – MALE SECTION

CONDEMNED AND CONVICTS SECTION

Mukobeko Maximum Security Prison was constructed in 1961. It was built for a capacity of 400 inmates but it now accommodates 1,442 prisoners as follows:

Death row	264
Convicts	995
Remands	162
Lifers	<u>21</u>
Total	1,442

The prison population of 1,442 at the time of the Commission's visit on 1 September, 2005, translates into congestion of up to 3½ times the original and normal capacity at Mukobeko. The prison building has never been extended.

FINDINGS

The Commission observed the following:

- (a) Of the 48 cells in the Condemned Section each cell accommodates about six prisoners instead of the recommended one prisoner per cell under Section 120 of the Prisons Act Cap 97. This poses a great danger to the safety and health of in-mates especially that there are no toilet facilities at night. The cells do not have ablution facilities.



Sleeping arrangements in a Mukebeko Maximum Prison dormitory

- (b) There were 28 expired warrants, meaning that some remandees were being illegally held in prison.
- (c) There were no cups and plates for use by inmates when taking their meals.
- (d) Uniforms were inadequate.
- (e) TB patients were not isolated and were mixed with the rest of the prisoners. With the existing serious congestion this posed a great danger to other prisoners.
- (f) Due to lack of equipment and funds, rehabilitation activities had been abandoned. Such activities included carpentry and joinery, shoe repairing, tailoring, soap making, and academic studies.
- (g) The few books available in the library were worn out and outdated.

IN-MATES' COMPLAINTS

The prisoners had the following complaints and views:

- (a) They had a right to be provided with food in accordance with the law. The Government was obliged to follow the law by meeting its obligations in the same way the law was followed and decisions made to condemn them.

- (b) The Human Rights Commission should establish offices at Police Stations to monitor cases of police brutality, particularly when the police were dealing with suspects who were alleged to have committed serious offences that carried capital punishment.
- (c) Matters of delayed warrants and appeals to the Supreme Court should be attended to. Some appeals had never been heard by the courts. For example, the Supreme Court had not heard an appeal by a Mr. Lesa for the past 15 years. Inmates implored the Commission to take these matters of delayed justice with the authorities concerned.
- (d) Suspects facing serious offences were convicted and sentenced differently even when they were jointly charged under the same circumstances. The inmates considered this unfair because it created suspicions of favouritism and discrimination. In some cases when adults were charged with juveniles the courts in some cases refused to recognise juveniles as such and preferred to dictate their ages to treat them as adults without seeking medical opinion. Some juveniles had not had their cases heard for a number of years. In some delayed cases the prosecutors had persuaded or intimidated some juveniles to plead as adults so that their cases may be expedited. The Social Welfare Department did not link up well with the prison authorities to follow or take up issues concerning juveniles.
- (e) Aged, infirm and chronically ill in-mates should be pardoned to ease congestion and disease in the prison. Inmates felt that the Prerogative of Mercy was exercised selectively. Deserving cases were ignored.
- (f) HIV/AIDS in the prison was, to a great extent, caused by sharing of shaving equipment.
- (g) The Immigration Department and Foreign Missions do not attend to matters of prisoners who are foreigners. Foreign prisoners would wish to see people from their embassies visit them.
- (h) There is need to train prison officers to be knowledgeable in human rights.
- (i) In certain cases dockets had been reported missing. As a result, appeals could not be heard and convicts just languish without any hope for justice.
- (j) Jeremiah Lupula Mukoshi complained that he appealed to the Supreme Court 14 years ago but his appeal has not been heard and he has now given up hope that justice will ever be accorded to him.
- (k) The High Court Registrar in Mongu does not keep proper records of cases concluded for appeals to be processed when submitted.

- (l) The Legal Aid Department does not represent the prisoners adequately.
- (m) The toilets have no water most of the time and this posed a danger to the welfare of inmates.

FEMALE SECTION

There were 55 inmates in the Female Section when the Commission visited on 31 August, 2005. This population comprised of 4 on life sentence, 1 on death row, 6 remandees, 41 convicts and 3 prohibited immigrants.

FINDINGS

- (i) The Female Section was congested. There were three cells. One cell, which had been gutted and destroyed by fire had not been reconstructed.
- (ii) Despite the congestion, the section was fairly clean as the inmates kept the cells and surroundings clean.
- (iii) The cooking facilities were good and there was a fridge to keep food fresh.
- (iv) There was a problem with water and sanitation.
- (v) There were 7 children with their inmate mothers.
- (vi) Of the 6 inmates in remand, 4 were held on expired warrants.

INMATES' COMPLAINTS

- Sharon Muleba, on death roll for murder, complained to the Commission on behalf of other female prisoners that female prisoners were not considered for pardon under the prerogative of mercy. She stated that this was discriminatory and requested that the issue be taken up with relevant authorities.
- Maureen Nawakwi, having been convicted and sentenced in Mauritius on a drug related offence, complained that she was transferred from Mauritius but she did not know under what law she was incarcerated and did also not know what type of sentence she was serving in Zambia. In the circumstances, she appealed to the Commission to take up her complaint. The prison authorities indicated that her case was being considered and that they were waiting for further instructions from higher authorities.

5. KABWE MEDIUM SECURITY PRISON

Kabwe Medium Security Prison was constructed before 1964. On 30 August, 2005, the population was 536 inmates. The prison had not been extended to accommodate excess population since it was constructed and was congested.

FINDINGS

The Commission observed the following:

- (a) There were 8 prohibited immigrants, with the longest serving having been there for five months. Some juveniles were waiting to be transferred to Katombora Reformatory School in Livingstone but their committal orders had not yet been executed. About 25 juveniles had been in Kabwe Medium since 2002. Most of them had not appeared in court for several years.
- (b) Water supply was erratic, creating risk of disease due to poor sanitation. The prison relied on one borehole which was over used and frequently broke down. The poor water situation also adversely affected gardening and related activities.
- (c) Medical service was provided at a clinic within the premises but the clinic lacked drugs and was understaffed with only two nurses. HIV/AIDS was a problem although home care was provided. TB patients were isolated.
- (d) There was no transport. It was last provided in 1989.
- (e) There were no blankets and mattresses because of poor funding.
- (f) There were library facilities but with old, outdated and worn out books and other literature.
- (g) Prisoners with teaching background provide academic education to fellow inmates from Grade 5 to GCE 'O' level. A prison officer coordinates with the Ministry of Education to ensure that the syllabus is followed.
- (h) There were 29 inmates in the Juvenile Section of the prison and this part of the prison was impressive. All services were provided with the support of the Red Cross. There were clean blankets, mattresses, good toilets and almost all facilities, including the kitchen, were good and neat.
- (i) Lack of transport, inadequate staff, insufficient medical services, lack of drugs and poor funding make the work of the prison authorities difficult.
- (j) The prison structure was dilapidated and the broken down sewer system made the living conditions inhuman.



Juveniles at Kabwe Medium Security Prison

INMATES COMPLAINTS

- (a) The Immigration Department takes too long to process cases of prohibited immigrants.
- (b) Prohibited immigrants requested that their respective Ambassadors or Embassy officials be contacted to attend to their plight so that they might be assisted with repatriation.
- (c) Conjugal rights be afforded for inmates to meet their spouses when they visit them. In this way there would be no sodomy and gay activities between inmates.
- (d) Money brought in by relatives, friends and well-wishers was misused by prison officers. As a result, sick inmates given prescriptions failed to buy the prescribed drugs. Mr. Bota, a prison officer, was mentioned to be one of the culprits to have misused money for inmates.
- (f) Sick prisoners taken to hospital and recommended to be on special diet were not provided with the recommended diet. This deteriorated their health condition.

- (e) Shaving kits were shared and this provided a high risk of acquiring HIV/AIDS and other communicable diseases.

MKUSHI DISTRICT

6. MKUSHI STATE PRISON

Mkushi State Prison was established in 1959. The prison was congested at the time of the Commission's visit on 2 September 2005. One cell had 90 instead of the recommended 50 inmates. Another cell had 17 inmates instead of the recommended 8. The prison had a total of 135 prisoners.

FINDINGS

The Commission observed the following:

- (a) The prison was understaffed and without staff accommodation, with only 27 officers accommodated. The rest were accommodated either in Council houses or by individual landlords who often harassed and threatened to evict them for not paying rentals on time.
- (b) All windows had their shatters ripped off thereby providing no cover or protection to prisoners from rain and wind.
- (c) The prison had no serious health problems with inmates. The District Health Board Doctor visited the prison every Wednesday and Friday to attend to sick prisoners.
- (d) The Commission observed that there was no food shortage at the prison since enough was produced from the Open Air Prison in 2004. This was supplemented by supplies from the Ministry of Home Affairs. There were enough stocks of mealie meal, kapenta and beans. The normal diet for the inmates consisted of nshima with either kapenta, beans and/or vegetables.
- (e) Blankets and mattresses were inadequate, worn out and in very bad state.
- (f) The kitchen was made of wooden poles and not conducive to all weather cooking, particularly in rainy or windy weather. There were no pots, plates and spoons.



Commission Vice Chairperson Mrs Pixie Yangailo and Commissioner Alfred Sakala look at the kitchen at Mkushi State Prison

- (g) Toilet facilities were located in the cells and there was no provision for privacy during use of these facilities.
- (h) The sewer system was broken down and spillage caused inmates to inhale foul air all the time. A sock-away had been dug with the initiative of the prison authorities and help from the local community. The efforts were, however, frustrated by lack of money to buy sand, cement, crushed stones and other requirements resulting in the project being on hold.
- (i) The prison had no transport and relied on goodwill from other government departments and local businessmen.
- (j) The communication system was non-existent as Zambia Telecommunications (Zamtel) disconnected the service in 2004. The Zambia Electricity Supply Corporation (ZESCO) also threatened to disconnect power supply for non-settlement of outstanding bills.

INMATES' COMPLAINTS

- (a) Inmates, particularly remandees, complained of congestion in the cells because the police did not give them bond and at the same time failed to take

them to court promptly. Some inmates had not appeared in court for as long as four months.

- (b) Due to lack of official prison transport inmates complained that they walked long distances to fetch firewood for cooking.
- (c) Prisoners also complained of lack of library facilities. However, Chengelo School had a programme of coming to teach inmates every Thursday. The inmates were particularly grateful to Father Simons who conducted the literacy lessons and even made donations of books and plates.
- (d) The prisoners requested for footballs for their recreation and gardening tools to improve on skills towards their rehabilitation.

7. MUNSAKAMBA OPEN AIR PRISON

Munsakamba Open Air Prison was established in 1994 to decongest the Mkushi District Prison and to allow prisoners gain skills in agricultural activities towards their rehabilitation with their local communities when released on completion of their prison terms.

FINDINGS

The Commission observed the following:

- (a) The Open Air Prison has 28 hectares of land where inmates receive skills in maize and vegetable growing. At the time of the Commission's visit on 2 September, 2005, 750 x 50kg bags of maize were reported to have been produced in the previous farming season.
- (b) The environment at the Open Air Prison was generally conducive to the rehabilitation of the prisoners. There was plenty of fresh air and the living quarters and surroundings were suitable. Four cells were in use where prisoners slept and lived.
- (c) The prison was understaffed. There were 22 prisoners supervised by only 2 officers giving a ratio of 1 to 11 prisoners.
- (d) Blankets and mattresses were inadequate and worn out.
- (e) The inmates had adequate meals supplied from the main district prison where the storeroom was well stocked with beans, kapenta and mealie meal.

- (f) The kitchen was not an all weather facility and it was particularly difficult to prepare meals in the rainy season. Inmates had no plates and spoons.
- (g) There was no transport and, in emergencies, the inmates walked to and from Mkushi Town for medical attention, a distance of 19.5 km. Malaria was the prevalent disease. Well wishers provided mosquito nets after prison authorities appealed to the local community for assistance.
- (h) The pit latrines were in good state.
- (i) There was no clean water supply. Water for drinking was drawn from the river and was adulterated with foreign materials and objects.

INMATES COMPLAINTS

The inmates complained of walking the long distance of 19.5 km to and from town for medical attention because of lack of transport. However, the inmates expressed gratitude in the manner the prison authorities handled and treated them.

MUMBWA DISTRICT

8. MUMBWA STATE PRISON

Mumbwa State Prison was built in 1949. It was designed for a prison population not exceeding 200 inmates. On 3 September, 2005, the prison had 355 inmates.

FINDINGS

The following were the findings at Mumbwa Prison:

- (a) Mumbwa Prison was congested.
- (b) There were three mentally sick inmates in the Prison. The Commission recommends that they be removed and taken to Chainama Hospital. Their names are:-
 - Mr. Mweene Musefu
 - Mr. Mufaya Mulowa
 - Mr Wynter Syabongo
- (c) The Commission also found elderly inmates looking frail and sickly. These are:
 - Mr. Chizyuka Chibomba (60 years)
 - Mr. George Lilo (49 years)
 - Mr. Aaron Munthali (age unknown)

- Mr. Ben Mungo (85 years)
- Mr. Jackson Inambao (70 years)
- Mr. Alfred Sianduba (63 years)

(d) Inmates did not have adequate meals, both in quality and quantity. They ate once in a day.

(e) Supervision of inmates seemed inadequate. Some inmates complained of assault and battery by fellow inmates.

(f) There was no transport and communication facilities.

INMATES' COMPLAINTS

(a) Female Section

- Mary Chinsunta was born of a Tanzanian father and a Zambian mother. She has lived the whole of her life in Zambia. On 1 August, 2005, immigration officials picked her on the allegation that she was a prohibited immigrant (PI). She gave the immigration officers her National Registration Card (NRC) and a list of relatives in Zambia. The officers insisted on putting her in prison while they conducted their investigations. The Commission brought this matter to the attention of the District Commissioner, Mr. Alfred Sakala.
- Edith Munjita was facing a murder charge. She had a speech disability. For one year, she had not been to court because there was no sign language expert to help her during trial.
- One inmate had a three month old baby.
- Sylvia Mukonka, a juvenile aged 16 years, was mixed with adults.

(b) Male Section

- One inmate, Mr. Mubita Sepiso, was given free bail by Mumbwa Magistrate Court. Mr. Sepiso alleged that one of the court employees, a Mr. Vincent Phiri, collected K900,000 from him purporting that the bail he was given was worth that amount. This matter was reported to Mumbwa Police Station but the officers were reluctant to deal with the case.
- Inmates raised concerns on the alleged unprofessional conduct of Zambia Wildlife Authority (ZAWA) officers. The officers tortured suspects and searched people's homes without warrants. In court, officers did not produce exhibits but surprisingly secured convictions.

9. CHITUMBA OPEN AIR PRISON

Chitumba Open Air Prison was established in 1983 to help decongest Mumbwa State Prison. On 3 September, 2005, there were 500 inmates. Chitumba, like other open air prisons, is a gateway to freedom. It offers its inmates agricultural skills such as maize farming and horticulture.

FINDINGS

The Commission observed the following:

- (a) There was adequate sleeping space for inmates. The houses were clean and had adequate mattresses and blankets.
- (b) Chitumba Open Air Prison seemed to be doing well in agriculture. In 2005, it produced 2,000 bags of maize. The food that the inmates grow is distributed to other prisons upon authority from prison headquarters.
- (c) There was no transport. The prison is 52 km from Mumbwa Town. In times of emergency warders use bicycles.

INMATES' COMPLAINTS

The inmates had no negative sentiments about their stay at Chitumba. They, however, requested the Commission for recreation equipment such as footballs to help them keep fit. The inmates also asked for a variety of life skills to be taught to them.

SERENJE DISTRICT

10. SERENJE STATE PRISON

Serenje State Prison was established before 1964. The prison inmate population at the time of the Commission's visit on 2 September 2005 was 123. There were 25 officers to look after the inmates.

FINDINGS

The Commission observed the following:

- (a) The prison had problems of staffing and transport as inmates carry firewood on shoulders from distant places.

- (b) Water supply was very poor and sanitation was bad. The prison drew its water from a well.
- (c) Kitchen and dining facilities were poor and there were no pots and plates.
- (d) There were no communication facilities.
- (e) The prison produced 624 x 50kg of maize from the open air prison. Of this 494 x 50 kg bags were sold to the Food Reserve Agency and 130 x 50 kg bags were reserved for consumption by prisoners.
- (f) Juveniles were mixed with adults.
- (g) There was no clinic. TB patients are not isolated and this endangers the lives of other inmates.
- (h) There are no library facilities for the inmates to advance their academic knowledge.
- (k) There were no blankets. The Commission was informed that blankets were last received in 1997.
- (l) The inmates were fed on a daily diet of nshima with beans and/or vegetables, which they regarded as monotonous.
- (m) The cell windows were without shatters making the lives of prisoners difficult particularly in the rainy and cold seasons.

STAFF WELFARE

- (a) There was a critical shortage of staff accommodation as only 7 institutional staff houses were available against 25 officers. At the time of the Commission's visit a new officer had just arrived with his family on transfer from Kabwe. The Deputy Officer-in-Charge bemoaned the lack of accommodation to give the new officer although he welcomed his arrival which would help alleviate the problem of staff inadequacy. The only place he proposed to keep the new officer was in a room at the staff mess.
- (b) An officer complained that the Zambia Prison Service was discriminated against in comparison to the other Security Service wings of the State. He stated that the Zambia Army, Zambia Air Force, Zambia Police and the Zambia National Service were all well catered for.

11. SERENJE OPEN AIR PRISON

Serenje Open Air Prison was established in 1986. There were 16 inmates when the Commission visited on 2 September 2005. The prison was manned by a Corporal and a Warder who were changed every three months.

FINDINGS

The Commission observed the following:

- (a) There was no water problem as a mono pump has been installed. There is also a stream nearby which supplemented the water supply for both farming and drinking.
- (b) Mattresses and blankets were worn out and inadequate for the inmates.
- (c) There was a thatched-roof kitchen.
- (d) The prison kept goats, ducks and chickens which the prisoners were periodically allowed to eat after obtaining authority.
- (e) The prison produced 600 x 50 Kg bags of maize in 2004 and was self sufficient in mealie-meal.

INMATES' COMPLAINTS

- Transport was the major problem. This was mostly felt when someone fell sick. People walked a long distance of 35 Kilometers to seek treatment. Even those escorting their sick colleagues found this distance quite strenuous.
- The cooking and eating facilities were poor. They had no pots, plates and spoons to use other than plastics they had improvised

CHAPTER 2

POLICE STATIONS AND POLICE POSTS

In addition to visiting the prisons, the Commission also visited police stations and posts. The focus was on four areas.

- (a) Condition of cells
- (b) Suspects welfare and complaints
- (c) Staff welfare and
- (d) Operational problems for individual police stations or posts.

KABWE DISTRICT

1. BWACHA POLICE STATION

Bwacha Police Station was constructed before 1964. The exact date when it was built is not known.

Condition of Cells

Bwacha Police Station had two adjacent cells, one for females and the other for males. There was no cell for juveniles. The toilets in the two cells did not provide for privacy and were not waterborne. Inmates had to pour water after use.

Suspects' Welfare and Complaints

On the day of the Commission visit there were 6 suspects in the cell. There was no congestion. The only problem was that suspects slept on the floor because there were no mattresses and blankets. Suspects did not have serious complaints such as torture. The Commission, however, recommended police bond for inmates that qualified.

Staff Welfare

Bwacha Police Station officers did not have adequate accommodation. Married officers shared one small house divided by a curtain. The water situation was equally bad. Officers used untreated water from shallow wells for drinking and other purposes because there was no tap or borehole water in the camp.

Operational Problems

The station had only one vehicle, mostly used by the general duties team. The Criminal Investigators Section was not using it to avoid easy identification by suspects. Most of the time criminal investigations officers either hired vehicles using their money or used complainants' cars.

The officer-in-charge also complained about lack of stationery. He could not remember the last time the station was supplied with stationery. All the telephone lines were disconnected due to outstanding bills.

2. PROSPECT POLICE STATION

Prospect Police Station was built in 1970. It was meant for intercepting car thefts and other road related crimes between Lusaka and Kabwe. At the moment it is operating like any other police station in Zambia.

Condition of Cells

The station had only one tiny cell meant for male suspects and it was congested. Female suspects were locked up in a corridor between the male cell and the inquiries office. The Officer-in-Charge explained that juvenile suspects were immediately transferred to Kabwe Central Police Station for custody. The cell had no toilet inside and was generally dirty. Suspects had to shout for help when pressed to answer the call of nature. There was a pit latrine near the office block.

Suspects welfare and complaints

Apart from the inhuman conditions they lived in, inmates did not have any other complaints.

Staff Welfare

There was a critical shortage of staff accommodation. Officers had to commute from Kabwe on a daily basis. This station was meant for mobile officers living in tents.

Operational Problems

Prospect Police Station had only one vehicle, a Tata donated by the Indian Government. From the time the officers received the vehicle they had never been supplied with fuel and have to use their own initiative.

There was a mounted radio for communication. All the telephone lines were disconnected due to outstanding bills.

3. KABWE CENTRAL POLICE STATION

Kabwe Central Police Station was built in the colonial days by Northern Rhodesia Railways and subsequently handed over to the Government by Zambia Railways. The crime rate was reported to be rising with the station receiving two cases of murder every week.

Condition of Cells

There were two cells for male suspects. The cells had toilets but without provision for privacy. The toilets were not waterborne and inmates had to pour water after using them.

Female suspects were kept at the inquiries office because there were no cells for them. During the night, they were kept in the corridor. Juveniles were remanded at Kasanda Police Station.

Suspects' Welfare and Complaints

On the day of the Commission's visit on 31 August, 2005, there were 13 suspects altogether in both cells. With this number the cells were congested as they were meant for three suspects each. One Patrick Kunda was badly tortured by police officers. He gave the name of Detective Inspector Kaoma service number 6184 as the officer who assaulted him within the premises at Kabwe Central Police Station. The officer denied the allegation claiming that the suspect had been tortured at Buyantanshi Police Post from where he was brought on suspicion of having committed burglary and theft. The suspect had been in detention for two weeks without being taken to court.

Staff Welfare

The main complaint, apart from operational problems, was the inadequate housing accommodation. This caused low morale among the officers.

Operational Problems

The Station had 78 officers against the recommended establishment of 150 officers. Transport was inadequate and the station had no fuel most of the time for the only vehicle available. This situation adversely affected the investigation of crimes. Another problem was lack of stationery. The station used ordinary soft covered exercise books as OBs. This made it difficult for officers to maintain and keep proper records for the station.

4. KASANDA POLICE STATION

Kasanda Police Station was established in 1957. At the time of the Commission's visit there were 60 officers at the station.

Condition of Cells

The station had two cells, one for female and another for male suspects. There was no cell for juveniles. A cell meant for juveniles had been converted into accommodation for two police officers because of the critical shortage of staff accommodation. Each cell had capacity for 12 inmates. The female cell was empty while the male cell had 5 inmates on 1 September, 2005.

There was a toilet in each of these cells and, like in most other cases, there was no provision for privacy. The toilets were waterborne but water supply was non-existent at the station. The toilets produced a strong and heavy foul smell. The walls of the cells had not been painted for a long time.

Suspects' Welfare and Complaints

The five male suspects found on the day of the Commission visit had all been there overnight for loitering, illicit beer drinking and theft of a cat. The officers indicated that the suspects would be released that very day after they had cleaned the police station premises and drew water for use by expected inmates. There was no congestion and the suspects had no complaints to make. However, the Commission discovered that the suspects slept on the bare floor without any blankets and mattresses.

Staff Welfare

Officers lacked adequate accommodation as already indicated above. Two of them slept in a cell meant for juvenile suspects. Married officers with children shared accommodation with single officers. The water situation was also bad.



Cell transformed into staff accommodation

Operational Problems

The station had no vehicle and this made fieldwork and administrative duties difficult to carry out.

There were 60 officers in place but this number was said to be inadequate for the station. The staff complained of lack of stationery which was never supplied. The station also lacked office furniture and cleaning materials. They used ordinary books as OBs, which could not be maintained for long.

There was radio communication. However, officers complained about the inefficiency exhibited by Prosecution Officers at the District Office. They stated that the Prosecutions Department delayed processing of court cases and they often adjourned matters without the presence of suspects and without reasonable cause. This caused unnecessary congestion in the cells.

5. CHOWA POLICE STATION

Chowa Police Station was established around 1964.

Conditions of Cells

The station had two cells, one for male and another for female suspects. There was no cell for juveniles. The cells were old and had not been painted for a long time. There was no water supply in the cells. No provision for privacy was made for the use of toilets.

Suspects' Welfare and Complaints

There were five male suspects including an 18 year old Grade 9 pupil on a charge of indecent assault of a girlfriend aged 17 years. The other suspects were on charges of assault, stock-theft and murder. There were no inmates in the cell for females. The five male inmates expressed no complaints to the Commission.

Staff Welfare

Lack of adequate accommodation, erratic water supply and shortage of staff were the main problems faced by the station. There was a borehole which supplemented the water supply by the Council but this was not enough for both the station and the police camp.

Operational Problems

Transport was inadequate as there was only one vehicle. Inadequate staff was also a problem. Apart from some walkie-talkies used for communication within a limited range, there were no other communication facilities. The walkie-talkies depend on batteries and the Commission was informed that the supply of batteries was erratic and the officers usually made efforts at their own expense to keep the service going.

SERENJE DISTRICT

6. SERENJE POLICE STATION

Serenje Police Station was established in 1965. The Station did not have its own building and was accommodated in the town's administration building. An area had been identified to construct a police station although there was the constraint of funding for the project.

Operational Problems

There was no Police Camp at Serenje. The officers lived in the township in council houses and paid rent from their own pockets. The staff establishment was 255 but there were only 57 officers at the station. The station had only one new vehicle, which was inadequate for the station's operational needs. Lack of communication was also cited as another problem at the station.

Suspects Welfare

The suspects were kept at Serenje Prison. The Commission found 17 inmates. All were said to have appeared in court.

MKUSHI DISTRICT

7. MKUSHI POLICE STATION

Mkushi Police Station was established before 1964.

Conditions of Cells

Despite existing since the colonial times, Mkushi Police Station had no cell. It depends on Mkushi Prison to keep its suspects. However, a new small cell block was being built with community assistance and at the time of the Commission's visit on 3 September, 2005, it was reported that the building was to be ready for use in a fortnight's time.

Suspects' Welfare and Complaints

The welfare of the suspects was largely under the hands of prison authorities at Mkushi State Prison. There were 1 female and 51 male suspects sharing facilities with convicted prisoners.

When visited at the prison most of the suspects complained that the police were taking too long to let them appear before the courts and were reluctant to give them police bond. The officers reacted that most suspects failed to raise sureties when they were ready to release them and feared that they would run away if given police bond indiscriminately. The Commission advised the police to use their discretion judiciously by granting bond accordingly in order to decongest the prison cells.

Staff Welfare

Officers had inadequate accommodation particularly that there was no Police Camp. Officers have to rent Council houses or accommodation from individual landlords. With poor salaries which were received on indefinite days in each month, officers met problems with landlords. Besides rentals the officers had electricity and water bills to pay from their meager income.

Operational Problems

The station had a new Tata vehicle and an old van which was under repair. The two vehicles were inadequate to cater for field and administrative duties. There were only 53 officers at the station. The Officer-in-Charge explained that he would have been more comfortable to have at least 80 officers at the station. Because of lack of water supply pit latrines are used at the station. Radio and telephone communication was reported to be adequate.

KAPIRI MPOSHI DISTRICT

8. KAPIRI MPOSHI POLICE STATION

Kapiri Mposhi Police Station was established in 1975.

Condition of Cells

This station had three cells for male suspects. Only two were used for keeping suspects and convicts awaiting transfer to prisons. The third was used as a store room for drums and buckets of water for cleaning the cells. There were two other smaller cells for women and juvenile inmates.

The toilets in the cells did not provide for privacy for users. The sewer system was blocked and inmates had to pour water after using the toilet. This caused overflows at the drainages in the nearby Police Camp.

Suspects' Welfare and Complaints

There were 31 male and 7 female inmates in the cells when the Commission visited on 1 September, 2005. All the cells were congested. There were no male juveniles and only one female juvenile mixed with adults. Suspects slept on the floor without blankets and mattresses. The majority of the inmates did not have serious complaints. However, on a return visit on 3 September, 2005, one suspect complained of having been tortured by a police officer. The Commission recommended the release of suspects facing minor and bailable offences to decongest the cells. The Commission also recommended that the tortured inmate should be allowed to identify the police officer who had tortured him for purposes of bringing assault charges against the officers. It was also recommended that the tortured inmate be given a medical report.

Staff Welfare

There was no adequate accommodation for officers. Married officers and single officers shared the same size of rooms without considering how large or small a family was. Clean drinking water was not available as there was no tap water or borehole. Sanitation was very poor because the sewer system was blocked. The situation became worse during the rainy season as disease threatened the welfare of the families in the Police Camp.

Operational Problems

The station had between 70 to 80 officers against the official establishment of 250. They have to cover a vast operational area including Mukonchi, Lubuto, Mulungushi and Kilwa Island. There was only one newly allocated Tata vehicle. It was used for administrative and operational activities. Fuel supply was either inadequate or irregularly available.

Telephone communication was restricted within the Central Province because of outstanding bills. There was no stationery and Occurrence Books (OBs). In place of OBs ordinary soft cover exercise books were used and these wore out easily. This made it difficult to keep and maintain records.

Electricity supply was irregular and ZESCO periodically threatened to cut off power because of outstanding bills. Police authorities had to negotiate with ZESCO Management to postpone disconnections.

CHIBOMBO DISTRICT

9. CHIBOMBO POLICE POST

Chibombo Police Post was established recently. The Commission found only one officer who was reluctant to inform the Commission about issues pertaining to the Post. His Officer-in-charge was reported to be in Kabwe at the time. The officer told the Commission that the Post did not operate 24 hours due to lack of adequate staff.

Condition of cells

There was one big cell with only one suspect. The Commission could not communicate properly with this suspect because he was apparently mentally ill.

Staff Welfare

The officers had no accommodation. They commuted from Kabwe on a daily basis. The two officers that lived in Chibombo were accommodated in wall tents or iron houses.

Operational Problems

The Post had no vehicle and stationery and literally depended on well wishers to do its work.

10. LITETA POLICE POST

Liteta Police Post was established in 2000 at the initiative of Liteta Hospital after experiencing regular thefts.

Condition of Cells

The post had one cell for male suspects. Female or juvenile suspects were transferred to Kabwe. The cell had no water and toilet. At night inmates used a bucket.

Suspects Welfare and Complaints

The inmates complained of congestion, lack of toilet in the cell and non availability of water for bathing as they awaited transfer to Kabwe or remand prison.

Staff Welfare

Most of the officers commuted from Kabwe due to lack of housing accommodation. The Officer-in-Charge was found squatting in a church. Three officers that were initially accommodated by the hospital were now threatened with eviction. The hospital authorities wanted to take the officers to abandoned structures once occupied by patients.

Operational Problems

The post had no transport and communication facilities. Due to serious shortage of staff, the post did not operate 24 hours.

11. KEEMBE COMMUNITY POLICE POST

Keembe Police Post was built by the surrounding community.

Condition of Cells

The post had one dirty cell for male suspects. There were only three suspects in the cell at the time of the Commission's visit. The cell had no toilet and at night inmates used a bucket. During the day officers escorted them to a nearby pit latrine.

Suspects' Welfare and Complaints

The inmates did not express any complaints to the Commission. The Commission requested the Officer-in-Charge to promote the culture of giving police bond to deserving suspects.

Staff Welfare

The officers lived in difficult circumstances with no decent accommodation. The only available accommodation comprised wall tents or iron houses.

Operational Problems

The post was understaffed with only nine officers. Officers worked the whole day, most of the time alone. This situation was dangerous because criminals could easily attack a lone officer. There was one Tata vehicle which most of the time was packed due to lack of fuel. For communication, there was a mounted radio but no telephones.

12. CHISAMBA POLICE STATION

Chisamba Police Station was built to provide security to the surrounding farming community.

Condition of Cells

The station had only one small cell for male suspects. There was no cell for juveniles and female suspects. The Officer-in-Charge explained that female suspects were

kept at the inquiries office and the following day transferred to Kabwe. At the time of the visit the cell was heavily congested and dirty. There was no adequate ventilation, with only one small air vent near the top.

Suspects' Welfare and Complaints

At the time of the visit, the Commission found 11 suspects crowded in the small cell. Most of the suspects were facing charges of theft by servant. The Commission recommended that the Officer-in-Charge gives police bonds to inmates facing minor charges to ease the congestion in the cell.

Staff Welfare

Comparatively, the officers at this station had decent accommodation. There was adequate water and officers were engaged in small scale farming to supplement their income.

Operational Problems

The station had a new Tata vehicle and a motor cycle for patrols. The officers complained, however, that sometimes the station runs out of fuel, although the farmers in the area were quite supportive and did assist.

MUMBWA DISTRICT

13. MUMBWA POLICE STATION

Mumbwa Police Station was built before 1964. Officers at the Station were reluctant to tell the Commission the problems they were facing. They seemed not to be comfortable to discuss anything with the Commission without the permission of the Officer-in-Charge. The entourage was, however, taken to the cell.

Conditions of Cell

The cell was extremely dirty with a very heavy foul smell. There was urine and human waste on the stairs leading to the cell. The cell was unfit for human habitation.

The Commission could not get information on suspects' welfare, staff welfare and operational problems at Mumbwa Police Station. The officers stated that they needed clearance either from the officer-in-charge or Police Service Headquarters before they could say anything.

14. NANGOMA POLICE POST

The officers that were interviewed could not remember when Nangoma Police Post was built.

Condition of Cells

There was only one cell. There is no toilet in the cell and, at night, inmates were taken to a waterborne toilet near the Police Post.

Suspects' Welfare and Complaints

At the time of the visit there was only one suspect in the cell facing a charge of assaulting a friend after quarreling over a woman. The Commission encouraged reconciliation between the parties.

Staff Welfare

Nagoma Police Post is small. Officers had both house and office accommodation problems. The Officer-in-Charge had no office and he used a desk located in a corner in the inquiries office. Housing accommodation was also inadequate. One officer lived in a garage with his family. The rest of the officers lived in wall tents or iron houses.

Operational Problems

The post had no transport, telephone or other communication facilities. The Officer-in Charge used his personal cellular telephone to send daily incident reports to his supervisors.

CHAPTER 3

RECOMMENDATIONS

PRISONS

1. The sewer systems for most of the prisons are blocked. The worst scenario was that at Mpima Remand Prison where human waste was found floating in small ponds. The obtaining situation is a serious health risk. It is recommended that the whole sewer system be overhauled and new pipes put in place. This is an expensive exercise. The cheapest option is to do it by engaging the services of the Zambian Army Engineering Squadron. This can

easily be arranged between the Ministries of Home Affairs and Defence respectively.

2. A number of remandees are on invalid or expired remand warrants. The cause for this is either lack of transport to take the remandees before court or an inadequate number of magistrates against a huge inmate population. It is recommended that an inventory on all inmates on expired warrants be taken. All those inmates facing minor offences should be considered for general amnesty by the Director of Public Prosecutions and be discharged.

Secondly, the Chief Justice should consider assigning more magistrates to attend to such problems.

3. The Prison Service suffers from a critical shortage of transport. The few available vehicles were given in 1989. This problem has adversely affected both the administration and management of inmates. As a matter of urgency, it is recommended that Government considers giving the Prison Service a sizeable fleet of vehicles. One option is to give the Prison Service vehicles impounded by the Zambia Revenue Authority and other Government agencies such as the Anti-Corruption Commission and the Task Force which have been forfeited to the State. This is an interim solution but in the next budget government should buy vehicles for the service after the necessary budget process.
4. Many juveniles in the prisons are not receiving both justice and rehabilitation. It is recommended that a committee comprising the Human Rights Commission, the Judiciary, Zambia Police Service, Prisons Service, Department of Social Welfare and the Director of Public Prosecutions office be constituted to look into the juveniles' welfare. This committee will also be tasked with the responsibility to consider issues of children living in prison with their mothers. Alternative places for these children should be found outside of prison.
5. The Prisons Service is experiencing a critical shortage of food for inmates. The little available food is lacking in both nutrition and quantity. It is recommended that
 - (i) Officers should have the autonomy to give at least 50% of the food produced in prison farms and open air prisons to inmates for consumption.
 - (ii) The purchase of food rations should be decentralised. The food problems currently being experienced in the prisons are due to a highly centralised system.

6. Inmates have not been spared by the HIV/AIDS pandemic. It is recommended that the Ministry of Health should provide inmates with ARVs. Those who are already on ARVs should be provided with food supplements as per requirements of the drugs they are taking.

It is further recommended that HIV/AIDS education and sensitisation efforts be intensified in the prisons especially with regard to sodomy. Government should also step up efforts in providing other essential needs of prisoners such as soap. The visit revealed that such essentials have a bearing on the increase or decrease of “unnatural” or “ungodly” sexual activities. Adequate shaving kits should be provided to inmates to discourage sharing of one shaving instrument by all. The situation now is that one razor blade is used by a whole dormitory of about 119 people.

7. There are a number of cases of inmates assaulting each other in cells or dormitories. It is recommended that the Prisons Service should come up with a unit at each prison for the management of offenders. The unit should, among other things, be responsible for the assessment of inmates character on an individual basis and design programmes for positive character and behavioural change.
8. Many inmates complained about appeals not being considered or taking too long. It is recommended that the Legal Aid Department should be adequately funded to enable them follow up appeal issues. They should have a calendar to visit inmates quarterly.
9. As at 30 August, 2005, the prohibited immigrants population was 294. These PIs are mixed with hard core criminals. It is recommended that Government should consider building separate detention facilities for prohibited immigrants. Many of these are not guilty of any crime and putting them in prisons is not only dehumanising but also traumatic.
10. During the tour it was observed that a considerable number of prisoners in the Condemned Section were juveniles. Without appearing to be encroaching on the independence of the Judiciary, the Human Rights Commission recommends that matters involving juveniles at the Condemned Section of maximum security prison be reviewed. The Penal Code in section 25 (2) provides that sentence of death shall not be pronounced on or recorded against a person under the age of 18 years.
11. It was also observed that the cells in the Condemned Section are overcrowded. These cells are meant to cater for 48 inmates, but as at 30th August, 2005, there were 264 inmates. There is, therefore, urgent need for action. The Commission recommends the following:

- a) The old and infirm be considered for pardon.
 - b) Those who have been on death row for over 15 years should have their cases reviewed on an individual basis and deserving inmates should be considered for parole.
12. The Prisons Service is running both academic and literacy classes. The major problem is inadequate up-to-date books in the libraries. It is recommended that the Ministry of Education should work together with the Prisons Service and provide necessary and adequate materials. The Ministry should also take keen interest in the general academic welfare of the prisoners. The prisons authorities should equally afford inmates adequate time to do their studies.
13. Apart from the academic and literacy classes, there are inmates engaged in life skills. This group lacks workshop tools and machinery. It is recommended that government identifies a donor to assist with the said workshop necessities to revamp these trade skills will not only fulfil the requirement for the rehabilitation of prisoners but also reduce the burden on the Government of providing basic needs such as soap and uniforms. These can be made by the inmates.

It is further recommended that government allows the prison authorities to retain at least 50% of the monies they make from their ventures for their running costs. Things like plates, spoons and cups can be purchased with the proceeds from the ventures.

14. Custodial officers should be given adequate risk allowance. These officers are on a daily basis exposed to contagious illnesses such as tuberculosis. They should also have a special arrangement for regular medical checkups paid for by the Government.
15. At Mukobeko Maximum Security Prison, inmates complained that prison officers have misused the money they (inmates) receive from friends and relatives. This allegation was not disputed by the Officer-in-Charge. He conceded that millions of Kwacha are owing. The Commission recommends the following:
- a) That inmate's money should be returned immediately. In mates are already in a deprived and difficult situation. To deny them what is legally theirs is unreasonable and unfair.
 - b) That officers who misappropriated inmates money be identified and dealt with accordingly. This act is illegal and against professional ethics and should not be condoned.

POLICE STATIONS AND POLICE POSTS

1. The Inspector-General of Police should advise all police officers to cooperate fully with the Human Rights Commission in its execution of its statutory mandate.
2. The police should be directed to be more judicious in providing bond for minor offences either in suspects' own cognisance or after satisfying themselves on sureties. In this regard:
 - (a) the law relating to bond should be reviewed with a view to relaxing the applicable rules, including allowing women to be sureties;
 - (b) detention of sureties should be discouraged; and
 - (c) bond should be granted on a non-discriminatory basis.
3. Stationery for the police should be made available all the time to avoid the temptation of officers asking complainants for money to buy stationery.
4. All cells at police stations and police posts must contain water and sanitation facilities before they can be used for detaining suspects for longer than six hours.
5. Boreholes should be drilled at police stations to alleviate the problem of blocked sewer systems.
6. The State must seriously look into the welfare of police officers, especially their working conditions and provide decent offices. Conditions of service have a bearing on the officers' work and how they treat inmates. In this regard, the Government should provide:
 - Adequate transport for operations
 - Equipment necessary to ensure effective and efficient law enforcement
 - Communication facilities
7. The State should also urgently address the poor housing situation for officers with a view to providing decent accommodation.
8. Funds must be put aside every year for on-going sensitisation and education of police officers.

CONCLUSION

In general, the morale of prison and police officers is at its lowest due to a number of factors such as lack of accommodation, transport, inadequate salary and allowances. These officers are critical not only in the upholding of inmates rights but also in the maintenance and enhancement of the country's internal security.

The prevailing situation in both the prisons and police cells visited in the Central Province is depressing. There is a lot to be done if Zambia is to meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMRs), the Basic Principles for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

APPENDICES

A.

INVALID WARRANTS MPIMA REMAND PRISON

SN O.	NAME	SEX	AGE	DATE OF ADMISSION	CRIME	AUTHORITY FOR DETENTION	DATE LAST REMANDED
1.	William Siame	M	26	3/9/02	Defilement	R.M.C.I, Kabwe	01/3/05
2.	Bright Hamweene	M	30	17/9/02	Stock Theft	P.R.N.C, Kabwe	08/8/05
3.	Davy Tembo	M	46	13/02/03	Burglary and Theft	P.R.N.C, Kabwe	08/8/05
4.	Moses Kanyumbu	M	29	26/03/03	Stock Theft	R.M.C.I, Kabwe	08/8/05
5.	John Pyson Nchinga	M	33	17/4/03	Stock Theft	R.M.C.I, Kabwe	04/8/05
6.	Chewe Mfusa	M	43	18/6/03	Defilement	R.M.C II, Kabwe	07/7/05
7.	Kenford Mbewe	M	20	5/8/03	Theft	R.M.C II, Kabwe	24/03/05
8.	Stanley Kasobe	M	53	5/8/03	Stock Theft	R.M.C I, Kabwe	25/08/05
9.	Emmanuel Kabuka	M	28	5/8/05	Burglary and Theft	R.M.C II, Kabwe	16/06/05
10.	John Mwewa	M	26	5/8/05	Burglary and Theft	R.M.C II, Kabwe	16/05/05

11.	Davy Mwanza	M	24	16/09/03	Burglary and Theft	R.M.C II, Kabwe	11/07/05
12.	Kennedy Mwelwa	M	19	26/9/05	Defilement	R.M.C II, Kabwe	10/07/05
13.	Vincent Chola	M	19	14/1/04	Theft	R.M.C II, Kabwe	10/06/05
14.	Cletus Banda	M	32	11/02/04	Defilement	P.R.M, Kabwe	10/06/05
15.	Edward Goma	M	30	14/2/04	Theft of Motor Vehicle	P.R.M, Kabwe	24/08/05
16.	Eddy MacDonald	M	23	14/2/04	Theft of Motor Vehicle	P.R.M, Kabwe	24/08/05
17.	Salim Mwanza	M	20	22/3/05	Attempted Defilement	P.R.M, Kabwe	09/08/05
18.	Geoffrey Mwanza	M	28	26/4/04	Burglary and Theft	R.M.C II, Kabwe	17/08/05
19.	John Sikisi	M	28	02/6/04	Defilement of an Embicile	R.M.C I, Kabwe	01/02/05
20.	Ackim Nyube	M	34	6/9/04	Arson	R.M.C I, Kabwe	17/08/05
21.	Geoffrey Ntengwa	M	46	28/6/04	Theft by servant	R.M.C II, Kabwe	31/08/05
22.	Chrisford Kapamba	M	24	04/10/04	Rape	R.M.C I, Kabwe	24/06/05
23.	Musangu Nyambe	M	20	05/10/04	Theft	R.M.C I, Kabwe	01/02/05
24.	Steward Mulenga	M	33	29/10/04	Unlawful wounding	R.M.C I, Kabwe	17/08/05
25.	James Silwemba	M	30	29/10/04	Trafficking	P.R.M, Kabwe	31/08/05
26.	Emmanuel Mupeta	M	32	23/11/04	Arson	P.R.M, Kabwe	24/06/05
27.	Peter Jere	M	22	23/11/04	Driving unlicenced Motor/Vehicle	P.R.M, Kabwe	26/07/05
28.	Joseph Mwelwa	M	28	25/11/04	Defilement	P.R.M, Kabwe	22/04/05
29.	Everisto Tembo	M	22	08/12/04	Theft by Servant	P.R.M, Kabwe	12/08/05
30.	Kazo Abel	M	34	10/12/04	Stock Theft	R.M.C.I, Kabwe	16/06/05
31.	Miyambo Ntaya	M	35	10/12/04	Theft	P.R.M, Kabwe	03/08/05
32.	Kennedy Bwalya	M	24	10/12/04	Theft	P.R.M, Kabwe	03/08/05
33.	Douglas May Jambi	M	22	21/12/05	Stock Theft	P.R.M, Kabwe	09/08/05
34.	Fanwell Tagwirai	M	27	06/01/05	Assault O.A.B.H	P.R.M, Kabwe	20/05/05
35.	Moses Mwale	M		31/01/05	Assault O.A.B.H	P.R.M, Kabwe	11/07/05
36.	Musonda Mulenga	M	24	03/03/05	Threatening violence	R.M.C III, Kabwe	05/08/05
37.	Frank Kaputula	M	30	18/02/05	Threatening violence	R.M.C II, Kabwe	16/08/05
38.	Matthews Kabaso	M	23	18/02/05	Assault O.A.B.H	R.M.C I, Kabwe	24/06/05
39.	Benjamin Mpile	M	29	01/03/05	Theft	R.M.C II, Kabwe	25/07/05
40.	Friday Koka	M	42	01/03/05	Theft	P.R.M, Kabwe	11/05/05
41.	Clever Handiya	M	36	10/03/05	Theft	P.R.M, Kabwe	11/05/05
42.	Fanwell Muniyinda	M	39	10/03/05	Theft	R.M.C. II, Kabwe	27/05/05
43.	Kabuswe Jameson	M	19	17/03/05	Burglary and Theft	R.M.C II, Kabwe	07/07/05
44.	Bernard Kashishinte	M	65	08/04/05	Unlawful wounding	High Court Judge, Kabwe	22/04/05
45.	Oscar Simukonda	M	31	08/04/05	Trafficking	P.R.M, Kabwe	12/08/05
46.	Felix Kunda	M	55	11/04/05	Theft	R.M.C. II, Kabwe	06/07/05
47.	Eddy Sichone	M	31	25/04/05	Attempted Rape	R.M.C. II, Kabwe	05/05/05
48.	Shadreo Musambalamba	M	30	27/04/05	Sodomy	R.M.C. II, Kabwe	12/07/05
49.	James Mwila	M	26	03/05/05	Burglary with intent	R.M.C. III, Kabwe	18/05/05
50.	Joseph Malama	M	22	03/05/05	Defilement	R.M.C. III, Kabwe	15/07/05
51.	Willy Phiri	M	40	23/05/05	Theft	R.M.C. III, Kabwe	10/06/05
52.	Vincent Lupupa	M	23	26/05/05	Indecent Assault on female	R.M.C. II, Kabwe	06/06/05
53.	Bathromel Phiri	M	31	02/06/05	Assault O.A.B.H	P.R.M, Kabwe	04/08/05
54.	Kennedy Malambo	M	21	02/06/05	Burglary and Theft	R.M.C.I, Kabwe	31/07/05
55.	Chiyala Chifumbule	M	35	02/06/05	Stock Theft	R.M.C.I, Kabwe	04/08/05
56.	Patrick Sakala	M	38	07/06/05	Stock Theft	R.M.C. III, Kabwe	28/07/05
57.	Mabuvto Tembo	M	27	20/06/05	Assault O.A.B.H	R.M.C. II, Kabwe	26/08/05
58.	Davy Chisenga	M	20	21/06/05	House Breaking	R.M.C. III, Kabwe	24/08/05
59.	Signature Lumamba	M	37	22/6/05	House Breaking	R.M.C. III, Kabwe	12/07/05
60.	Maybin Kabwenga	M	20	27/6/05	Indecent Assault on female	R.M.C. II, Kabwe	06/7/05
61.	Jonathan Nkausu	M	34	25/6/05	Criminal Trespass	P.R.M. Kabwe	06/07/05
62.	London Mitu	M	27	25/7/05	Criminal Trespass	P.R.M, Kabwe	26/08/05
63.	George Zuze	M	30	29/6/05	Theft by Servant	R.M.C. III, Kabwe	12/07/05
64.	Brian Mwanza	M	21	29/6/05	Defilement	R.M.C. III, Kabwe	8/8/05
65.	Harrison Namuchili	M	45	29/6/05	Defilement	R.M.C. II, Kabwe	13/07/05
66.	Neftali Njobu	M	26	07/7/05	Unlawful Wounding	R.M.C. III, Kabwe	24/8/05
67.	Austin Mwanja	M	31	18/7/05	Assault O.H.B.H	R.M.C. II, Kabwe	09/8/05
68.	Rejoice Matoto	M	32	19/7/05	Stock Theft	R.M.C. I, Kabwe	03/8/05

69.	Costern Lubingo	M	19	20/7/05	Criminal Trespass	R.M.C. III, Kabwe	04/8/05
70.	Fisher Matola	M	26	25/7/05	Attempted	R.M.C. II, Kabwe	08/8/05
71.	Freedom Mwancheya	M	24	27/7/05	Theft	R.M.C III, Kabwe	31/8/05
72.	Konde Kavindele	M	23	27/7/05	Theft	R.M.C III, Kabwe	31/8/05
73.	Knox Mwewa	M	32	29/7/05	Trafficking	R.M.C II, Kabwe	30/8/05
74.	Milton Kapika	M	20	03/8/05	Theft	R.M.C III, Kabwe	18/8/05
75.	Davies Bwalya	M	25	03/8/05	Trafficking	R.M.C III, Kabwe	31/8/05
76.	Alfred Manzi	M	65	03/8/05	Theft by Servant	R.M.C III, Kabwe	22/08/05
77.	Alister Kirk	M	30	30/04/05	Theft	R.M.C III, Kabwe	17/8/05
78.	Funnewell Munsaka	M	20	18/8/05	Theft by Servant	R.M.C III, Kabwe	29/8/05

B.

HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

PRELIMINARY OBSERVATIONS

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most

adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

Part I

RULES OF GENERAL APPLICATION

Basic principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

(a) Information concerning his identity;

(b) The reasons for his commitment and the authority therefor;

(c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners;

(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

(d) Young prisoners shall be kept separate from adults.

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport

21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a

hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

(a) The quantity, quality, preparation and service of food;

(b) The hygiene and cleanliness of the institution and the prisoners;

(c) The sanitation, heating, lighting and ventilation of the institution;

(d) The suitability and cleanliness of the prisoners' clothing and bedding;

(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;
- (b) The types and duration of punishment which may be inflicted;
- (c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Contact with the outside world

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel

46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

Part II

RULES APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial

under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably

and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

B. Insane and mentally abnormal prisoners

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

C. Prisoners under arrest or awaiting trial

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. Civil prisoners

94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. Persons arrested or detained without charge

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

**BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER
ANY FORM OF DETENTION OR IMPRISONMENT**

*Adopted by General Assembly resolution 43/173 of 9 December 1988
Scope of the Body of Principles*

These principles apply for the protection of all persons under any form of detention or imprisonment.

USE OF TERMS

For the purposes of the Body of Principles:

(a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;

(b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;

(c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;

(d) "Detention" means the condition of detained persons as defined above;

(e) "Imprisonment" means the condition of imprisoned persons as defined above;

(f) The words "a judicial or other authority" means a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

Principle 5

1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.

2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. 1 No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 7

1. States should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.

2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.

3. Any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

Principle 8

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 9

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.

2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.

3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Principle 12

1. There shall be duly recorded:

(a) The reasons for the arrest;

(b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;

(c) The identity of the law enforcement officials concerned;

(d) Precise information concerning the place of custody.

2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 13

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.

Principle 14

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 16

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

4. Any notification referred to in the present principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

Principle 17

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.

2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.
2. A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.
3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.
4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.
5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 20

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

Principle 21

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 22

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

Principle 23

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Principle 25

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

Principle 26

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

Principle 27

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 29

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.

Principle 30

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Principle 31

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

Principle 32

1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.
2. The proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

Principle 33

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.
2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1 of the present principle, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.
3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.
4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 of the present principle shall suffer prejudice for making a request or complaint.

Principle 34

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

Principle 35

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law.
2. Information required to be recorded under these principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under the present principle.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

Principle 38

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

Principle 39

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

General clause

Nothing in this Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.

BASIC PRINCIPLES FOR THE TREATMENT OF PRISONERS

Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.
6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.
9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
11. The above Principles shall be applied impartially.