



European Union

Date: May 29, 2017

Policy Brief On Prison Conditions

The Rural Human Rights Activists Programme (RHRAP), and the Association of Female Lawyers (AFFEL) in collaboration with the Finn Church Aid (FCA) are currently implementing the project “*Providing access to justice and gender sensitive legal awareness at grassroots level*” in three counties Lofa, Nimba and Bong Counties respectively with funding from the European Union (EU). . The two years program is aimed at contributing to improving the Criminal Justice System of Liberia which targets the training of Police, Correction Officers, Pre-trial detainees, Traditional and Religious Leaders as well as Judges within the three counties. In addition, the program provides free legal representations for pretrial detainees within the Gbarnga, Voinjama, and Sanniquellie prisons. The program further seeks to promote national government efforts in the promotion of an effective criminal justice system of Liberia, as well as the promotion and protection of fundamental human rights of community residents, which are fundamental pillars of democracy.

Following the launch of the project in March 2017, the project partners, however, did not gain access to the prisons for monitoring purpose until the signing of the Memorandum of Understanding (MoU) in early May 2017 between the project partners and the Ministry of Justice through the Bureau of Correction and Rehabilitation (BCR). Based on the project team monitoring visitations to the three prisons including the Gbarnga, Voinjama, and Sanniquellie Prisons as well as visiting various police withholdings, Magisterial and Circuit Courts, the below issues were identified and recommended to national government, particularly the Ministry of Justice and Ministry of Health, for action.

- There were no nurses seen at the Voinjama Prison. The team gathered that the nurses have been absent for close to 6 months. In the room used as clinic, there were no medicine found despite the inmates were seen with skin diseases. The team identified three inmates with severe skin diseases. In addition, one inmate by the name of Krubo Zumo Gbegbe age 25, a male pretrial detainee was mentally sick and on many occasions threatened to kill other inmates. This is not only a violation of the rules relating to proper mental healthcare but also violates the rules on separation of prison categories, which are further explained below. **Recommendation:** That the Ministry of Health mandate the county health team to assign nurses on a regular basis at the prison facilities, especially in Lofa where they were reported absent and further supply drugs to all the facilities for the treatment of inmates. That special attention and treatment be given to inmate Krubo Zumo Gbegbe and separated from the rest of the inmates.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) on Health-care Services provide that:

Rule 24

1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.
2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

Rule 25

1. Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation.
2. The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.

In addition, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) on the Separation of Prison categories state the below:

Rule 11

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^[SEP]

(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.

Furthermore, article 21 (e) of the 1986 Constitution of Liberia provides that “No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person except military personnel, be kept or confined in any military facility; nor shall any person be seized

and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in a court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefor, exclusive of any criminal penalties imposed“.

During the monitoring visits, the project team also found out that the Zorzor and Salayea Police withholding cells were used for keeping both convicts and detainees. There were 5 male convicts (2 in Zorzor and 3 in Salayea) and 7 detainees (4 (2F, 2M) in Zorzor and 3 (all Male) in Salayea). In the Zorzor, the inmates were seen lying down in the open sitting room because the police cells were leaking badly. ***Recommendation:*** That the Ministry of Justice through the office of the County Attorney and the prison Superintendent in Lofa county provide logistics to transfer the convicts to the Voinjama Central Prison. That the police renovate the cells and separate the detainees' categories.

About RHRAP

Rural Human Rights Activist Program (RHRAP) is a local human rights organization with over 15 years' experience working on the promotion and protection of human rights and rule of law in Liberia.

Visit our website: www.rhrapliberia.org

Contact: RHRAP: Lorma Baysah, lormarhrap@gmail.com
Broad and Gurley Streets
Monrovia-Liberia P.O. Box 3078