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PRELIMINARY OBSERVATIONS ON THE VISIT TO SURINAME BY THE OFFICE OF THE RAPPORTEUR ON THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY

Washington, D.C., June 9, 2011—The Office of the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights (IACHR) carried out a visit to the Republic of Suriname on May 25-27, 2011. The delegation was composed of the Rapporteur, Commissioner Rodrigo Escobar Gil, and staff of the IACHR Executive Secretariat. This is the first observation visit made by an international human rights institution to incarceration facilities in the Republic of Suriname. The Inter-American Commission thanks the Surinamese government for its cooperation, the unrestricted access to detention centers, and the high degree of organization shown during the visit.

In the city of Paramaribo, the delegation met with the Director of the Multilateral Affairs Division of the Ministry of Foreign Affairs, Ambassador E.W. Limon; the Minister of Justice and Police, M.P. Misiedjan; the Permanent Secretary of the Ministry of Justice and Police, I. Huijzen Sedney; the Chief of Police, Commissioner D.W.D. Braam; the Director of Prisons, E. Belfort; high-level officials of the Public Prosecution Office; and with technical staff from different areas of the aforementioned institutions and from the high police command.

The Office of the Rapporteur team visited the Youth Detention Center ("Opa Doeli") for minors who are being criminally prosecuted; the Central Penitentiary ("Santa Boma") for convicted offenders, which has different sections for juveniles and adults of both sexes; the Huis van Bewaring Detention Center ("New HVB"), which was originally built to house adult males in preventive detention; and the Geyersvlijt Police Station.

In Suriname, Commissioner Escobar Gil and his delegation led a workshop on international human rights standards regarding persons deprived of liberty. The Rapporteur also gave a press conference.

The Office of the Rapporteur on the Rights of Persons Deprived of Liberty recognizes that important progress has been made on prison matters, such as the opening in 2007 of the "Opa Doeli" Youth Detention Center, which has all the installations and services needed to provide assistance and treatment, as well as the opening of the new Huis van Bewaring Detention Center in 2009. It should also be noted that a new incarceration facility for juveniles convicted of crimes is under construction and should be open by the end of this year.

During the visits the delegation observed that, in general, the physical structures and housing conditions of the prisons it visited are good and acceptable. Suriname's prison facilities have been built relatively recently and were designed specifically for that purpose.

The Central Penitentiary ("Santa Boma") was built in 1967; the Duisburglaan Prison in 1995; the Hazard Prison in 1987; the Huis van Bewaring Detention Center in 2009; and the "Opa Doeli" Youth Detention Center in 2009. The delegation noted that the incarceration centers it visited were below maximum housing capacity at the time of the visit, and observed that there was one prisoner per available bed. Thus, for example, at the time of the visit the ratio between housing capacity and the prison population in the facilities the delegation visited was as follows: "Opa Doeli," with a maximum capacity for 54 boys and 12 girls, at that time housed 34 boys and 1 girl; and the Huis van Bewaring Center, with a capacity for 597 adult inmates, at that time housed 334.¹ The IACHR also views as positive the fact that the internal security and management of prison facilities is in the hands of a corps of prison officials specifically assigned to exercise those functions; that the State provides effective guarantee that every child or adolescent offender in custody has access to educational programs regardless of his or her procedural status; and that no minors are held in custody in police stations.

The delegation was also informed about the implementation by the Public Prosecution Office of certain guidelines designed to bring about a more rational use of preventive detention.

Nevertheless, the Office of the Rapporteur on the Rights of Persons Deprived of Liberty notes the following matters of concern:

Children and adolescents

1. In the "Opa Doeli" Youth Detention Center, the delegation observed with concern the presence of a 10-year-old boy and others who were 12. Even though their detention conditions were good, they should not be subject to incarceration, but to some other type of treatment appropriate to their age. Furthermore, the IACHR reiterates that children under 12 years of age should be considered criminally liable; therefore, should not be subject to punitive power of the State.²

2. The delegation was also able to observe that while the "Opa Doeli" Youth Detention Center is below its housing capacity, several of the unoccupied cells could not be used because the toilets were out of order. This problem, which is not very complicated to fix, should be addressed by the authorities as soon as possible, as it keeps these spaces from being used in the event of other admissions to the facility. This is particularly relevant if one takes into account that this is the only detention center in the country for juveniles who are being prosecuted.

3. In the "Santa Boma" Central Penitentiary, the delegation observed that although children and adolescents are formally separated from adult males, especially at night, in practice there is no effective separation between both groups, due to the semi-open nature of this facility. As a result, during the day the inmates can wander from one section to another and interact freely.

¹ In addition, according to a communication sent in February of this year to the Office of the Rapporteur on the Rights of Persons Deprived of Liberty, the State reported that the Hazard Prison, built to house 96 inmates, had 90 at that time, and the Duisburglaan Prison, with a capacity for 228, had 220.

² Along these lines, see also HCR, *Consideration of Reports Submitted by States Parties to the International Covenant on Civil and Political Rights under Article 40 of the Covenant*, Concluding observations of the Human Rights Committee: Suriname, CCPR/CO/80/SUR, adopted on May 4, 2004, para. 17.

4. In this regard, the IACHR has established that Article 5(5) of the American Convention on Human Rights, interpreted in conjunction with Article 19, creates the State's duty to house detained minors in facilities separate from those housing adults. The obligation that follows from Article 19, namely to grant a child special protection, cannot be interpreted solely as requiring the creation of juvenile courts; instead, the "protection required by [his or her] status as a minor" also means that minors must be housed separately from adults, in other words, in special juvenile facilities.³

5. According to information provided by the State, this situation will be resolved when the new detention facility for convicted juvenile offenders opens at the end of this year, since after that, juveniles would not be housed in a section of the "Santa Boma" Central Penitentiary. The Commission urges the State to finish the construction of that new facility and to pay particular attention to the situation of those juveniles currently in custody at the Central Penitentiary, both to ensure their protection and to control any contact they may have with the adult prisoners.

Food, drinking water, sanitary conditions, and medical care

6. The Office of the Rapporteur was able to observe serious deficiencies in the quantity, quality, and hygiene of the food given to prisoners, both at the Central Penitentiary and at Huis van Bewaring. Because of that, many of the inmates prefer to buy or cook their own food to supplement the food provided by the system. Serious problems were also detected in the provision and treatment of drinking water. Several of the inmates interviewed in different areas of these prisons indicated in similar fashion that they had suffered health complications from drinking the water provided to them. They also coincided in indicating that the water they are provided is the same water they are supposed to use both for drinking and for their personal hygiene.

7. Along these lines, the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas establishes the following:

Persons deprived of liberty shall have the right to food in such a quantity, quality, and hygienic condition so as to ensure adequate and sufficient nutrition, with due consideration to their cultural and religious concerns, as well as to any special needs or diet determined by medical criteria. Such food shall be provided at regular intervals, and its suspension or restriction as a disciplinary measure shall be prohibited by law.

Every person deprived of liberty shall have access at all times to sufficient drinking water suitable for consumption. Its suspension or restriction as a disciplinary measure shall be prohibited by law.⁴

8. Moreover, the majority of the inmates interviewed, both at the Central Penitentiary and at Huis van Bewaring, referred to the existence of rats, cockroaches, and other pests in the prison facilities, even in their cells. They further indicated that the State does not provide them the minimum articles needed for personal hygiene, such as toothpaste or toilet paper, which must be provided by their relatives or bought by the inmates themselves inside the jail. Such items, as the IACHR has already indicated, must be

³ IACHR, Report No. 41/99, Case No. 11.491, Merits, Minors in Detention, Honduras, March 10, 1999, para. 125.

⁴ IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, approved by the IACHR during its 131st session, held March 3-14, 2008, Principle XI.

provided regularly by the State.⁵ At the Central Penitentiary, meanwhile, the inmates have no sanitary services inside the cells, so during the night they have to relieve themselves in buckets.

9. In addition, at the Huis van Bewaring Detention Center the delegation observed that the bunks on which the inmates sleep and spend most of the day do not have mattresses, only boards. The prison authorities stated that mattresses are not provided to the inmates to avert the risk that they might be used to start fires. In that regard, the IACHR deems that in accordance with applicable international instruments, each inmate should have a "separate bed" and "suitable bed clothing."⁶ This concept, according to the current use of the term, implies that the furniture or structure must have a mattress.

10. Obligating individuals who are deprived of liberty to sleep on the floor or on planks not only runs contrary to the minimum assumptions of decent treatment, but also could affect the inmates' health. It is also illogical to think that not having mattresses ensures that there will be no fires, since it is common for inmates to have clothing, papers, cigarettes, matches, and other flammable materials in their cells. Thus, the State should adopt other types of fire prevention and response measures that can be applied without having to violate the right to humane treatment.

11. The vast majority of inmates interviewed in these prisons told the delegation that the medical care provided to them is deficient and that they are not given proper medication. Some of them specified that checkups are extremely superficial and that the doctors prescribe only analgesics to all the inmates, without paying much attention to their symptoms.

12. The IACHR reiterates that the medical treatment provided to individuals deprived of liberty must be based on scientific principles and apply best practices.⁷ Therefore, the State's obligation to provide medical care to inmates is not met just by formally providing a medical service; rather, the service must be provided diligently, taking into account the specific characteristics and seriousness of the ailments of each of the inmates examined.

13. On another point, the IACHR believes that what is most important in maintaining health conditions in prisons is disease prevention. For example, inmates should be ensured the provision of food in sufficient quantity and quality, as well as safe drinking water; adequate sanitary conditions; an initial medical examination and treatment of incoming prisoners; and methods to prevent and treat sexually transmitted diseases. The timely application of these types of preventive measures, among others, makes it much easier to exercise medical control over inmates' health.

Disciplinary regime

⁵ *Ibid.*, Principle XII.2.

⁶ IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, approved by the IACHR during its 131st session, held March 3-14, 2008, Principle XII.2. See also, United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 19.

⁷ IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, approved by the IACHR during its 131st session, held March 3-14, 2008, Principle X.

14. During the visit to the "Santa Boma" Central Penitentiary, the members of the Office of the Rapporteur delegation observed the existence of three isolation cells commonly known as "black rooms," in which inmates who commit disciplinary offenses are confined for days and even weeks. As the delegation was able to observe, the prisoners must sleep on the floors of these cells without beds or mattresses, and must endure the suffocating heat in conditions in which there is insufficient ventilation and no openings for natural light.

15. In this regard, the Commission reiterates to the State that holding inmates in isolation cells as a disciplinary measure must not be applied in conditions that constitute a form of cruel, inhuman, or degrading treatment. Even in this circumstance, minimum housing conditions must be guaranteed for disciplined inmates. Moreover, solitary confinement must be applied only as a last resort and for a strictly limited time, when it is evident that it is necessary to ensure legitimate interests related to the institution's internal security and to protect fundamental rights, such as the right to life and integrity of persons deprived of liberty or the institution's personnel.⁸

Rehabilitation

16. The delegation of the Office of the Rapporteur on the Rights of Persons Deprived of Liberty also observed a distinct lack of adequate rehabilitation programs, both at the Central Penitentiary and at the Huis van Bewaring Detention Center. The delegation learned that there are no clear criteria for assigning jobs in prison workshops, and that in fact this matter is not properly; thus, the authorities have a wide margin of discretion. Information was also received, even from the authorities, indicating that the inmates authorized to work inside the prison are paid only one Surinamese dollar per day, equivalent to (U.S.) \$0.28.

17. The Inter-American Commission emphasizes that under the American Convention itself, the principal aim of punishments consisting of deprivation of liberty is the reform and social readaptation of the prisoners (Article 5.6). Meeting these aims necessarily means establishing a comprehensive system in which the States establish work, education, and other types of plans and programs designed to give prisoners the tools they need to be able to eventually return to society. The full attainment of these objectives is not only an assumption established in the American Convention, and therefore a human right of persons deprived of liberty, but is also an essential measure to reduce the levels of recidivism of offenders. Thus, the reform and social readaptation of prisoners, as a measure to prevent criminal conduct, is an essential component of any comprehensive policy on citizen security.⁹

Geyersvlijt Police Station

18. The Geyersvlijt Police Station, located in northern Paramaribo, is one of the main detention facilities in the capital of Suriname. At the time of the visit, it housed 56 male detainees distributed in 6 cells; and 24 females in 10 cells. People can be detained at this police station jail from several days to several months; as in the other police stations,

⁸ IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, approved by the IACHR during its 131st session, held March 3-14, 2008, Principle XXII.3

⁹ IACHR, Report on Citizen Security and Human Rights, OEA/Ser. L/V/II.Doc. 57, adopted on December 31, 2009, para. 155.

their transfer depends on the availability of prison spaces.¹⁰ That police station is the only facility in the country in which women are held in preventive detention.

19. The IACHR delegation observed that the detention conditions at the Geversvlijt Police Station are palpably worse than those observed in other facilities it visited. In this jail, particularly in the men's section, there is a serious overcrowding problem, with all the ensuing consequences, such as violence among inmates, transmission of diseases, and a lack of beds (some inmates have to sleep in hammocks inside the cells). The sanitary and hygiene conditions are deplorable, with the toilets in poor condition; garbage produced in the cells is deposited in bags that are stored in the section's bathroom, close to the toilets and showers, and is taken out only once a week; and there are insects, rats, and other pests, all of this in an overcrowded, hot, and enclosed environment with no ventilation or natural light.

20. The majority of inmates interviewed, both men and women, stated that they were kept in conditions of total confinement for almost the entire day; that the water they are given to drink is generally bad and causes them health complications; that the only regular medical care they receive is provided by a nun who comes once a week and offers nursing services; and that the authorities do not provide the minimum supplies for personal hygiene.

21. In the women's section, the delegation saw with dismay that there were two women present who were in their fifth and seventh month of pregnancy, respectively. This was reported to the relevant authorities so the women could be transferred immediately to another detention facility, with the instruction that they should be given the medical attention and care required due to their pregnancy.

22. Along these lines, the Inter-American Commission has established the following:

Women and girls deprived of liberty shall be entitled to access to specialized medical care that corresponds to their physical and biological characteristics, and adequately meets their reproductive health needs. In particular, they shall have access to gynecological and pediatric care, before, during, and after giving birth, which shall not take place, as far as possible, inside the place of deprivation of liberty, but at hospitals or appropriate institutions. If a child is born in a place of deprivation of liberty, this fact shall not be mentioned in the birth certificate.

In women's or girls' institutions there shall be special accommodation, as well as adequate personnel and resources for pre-natal and post-natal care and treatment of women and girls¹¹.

23. In this context, the IACHR reiterates that police stations and police jails should not be used as regular places of detention, among other reasons because they are not designed to hold people in custody for long periods of time and because holding people in custody is not the principal function of police forces, nor are they trained for that. Thus,

¹⁰ According to information provided to the delegation by the Chief of Police of Suriname, at the time of the visit there were 516 detainees in police custody, of which 60 had already been convicted and sentenced. The police stations have a total housing capacity of 585 individuals, according to the information he provided.

¹¹ IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, approved by the IACHR during its 131st session, held March 3-14, 2008, Principle X.

the necessary legislative measures and structural reforms should be adopted so that detention at police facilities is used as little as possible, only until a judicial authority can determine the legal situation of the person under arrest.

In view of the foregoing considerations, the Inter-American Commission urges the State of Suriname to promote, advance, and adopt comprehensive public policies that include programs and concrete measures that are geared toward overcoming the aforementioned deficiencies and designed so that the rights of persons deprived of liberty are respected and guaranteed, and so that punishments involving deprivation of liberty meet the aims specifically established by the American Convention on Human Rights. The State should allocate the necessary resources to achieve these aims and introduce any legislative and institutional reforms that may be necessary.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for human rights in the region and acts as a consultative body to the OAS in this matter. The Commission is composed of seven independent members who are elected in a personal capacity by the OAS General Assembly and who do not represent their countries of origin or residence.