



EXECUTIVE SUMMARY MONITORING VISITS TO DETENTION FACILITIES

(THE PRISONS AND SELECTED POLICE STATIONS)

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EXECUTIVE SUMMARY

MONITORING VISITS TO DETENTION FACILITIES (THE PRISONS AND SELECTED POLICE STATIONS)

1. BACKGROUND AND CONTEXT

On the 12th and 13th December 2019, the National Human Rights Commission (NHRC), in fulfilment of its mandate and functions under the National Human Rights Commission Act 2017, undertook monitoring visits to places of detention. The Commission visited Mile II Central Prison, Old Jeshwang Prisons and Juvenile Wing, Janjangbureh Prisons, Kairaba Police Station, Serrekunda Police Station, Banjul Police Station, Janjangbureh Police Station and Brikamaba Police Station.

The monitoring visits provided the Commission the opportunity to appreciate the conditions of these places of detention, constraints and challenges of the prison authorities, and the concerns of the inmates. Through the visits, the Commission was able to evaluate the extent of compliance with established laws and international standards on the treatment of inmates.

The Commission's visit focussed on the following areas of the 3 prison visited:

- √ Living conditions of inmates
- √ Infrastructure

- √ Visitation rights/contacts with the outside world (frequency, duration and regularity, conjugal visit, etc)
- √ Food/meals (quality, quantity, variety, frequency)
- √ Conditions of the special wing (Main Yard and Cells of Convicted Prisoners)
- √ Conditions of the remand wing (size and occupancy level; lighting, ventilation, beds, sanitary facilities)
- √ Conditions of the Female Wing (size and occupancy level; lighting, ventilation, beds, sanitary facilities)
- √ Conditions of the Juvenile Wing (size and occupancy level; lighting, ventilation, beds, sanitary facilities)
- √ Access to Medical/Health care (existence of infirmary, medication, medical staff)
- √ Personal hygiene (showers and their condition; sanitary facilities inside and outside the cells and their cleanliness; bedding, their quality and cleanliness; access to soap and other toiletries)
- √ Recreational facilities/leisure activities
- √ Existence of a library
- √ Education and vocational training of prisoners
- √ Challenges faced by the prison management and staff.

OBSERVATIONS ON KEY FOCUS AREAS OF THE VISIT TO THE PRISONS

1. There was overcrowding in all the prisons visited, in the remand wing and that of convicts. For instance, the Remand Wing of Mile II Prison, a cell built to accommodate only five (5) persons at a time, housed on average about 20 remandees.
2. The Prisons were marked by bed bug infestations even though public health officials occasionally went to the prisons to spray them with insecticide.
3. The beddings used by the inmates need improvement. Some of the mattresses used by the inmates are old and worn out.
4. While there is improvement in the foods of the inmates since 2017, inmates complained of the quantity of food they are served as insufficient and not balanced.
5. The conditions of the toilets or sanitary facilities in all the three prisons visited, including those in the Juvenile Wing at Jeshwang Prisons, were unpleasant. Due to the proximity of the toilets or sanitary facilities to the cells, all of them within the same premises, one could feel the stench of urine in the cells. Some toilets have dysfunctional taps. The taps in most of the cells were broken at the time of the visit.
6. Detainees in the Remand Wing and Convicts in Main Yard of Mile II Prisons complained about the inadequacy of the laundry soap, blankets and clothing they are given by the Prison authorities.

7. While Mile II and Jeshwang prisons have offices they use as clinics and 'medics' who dispense medicine to sick inmates, Jangjanbureh Prison has neither a clinic nor a 'medic' at the time of our visit. The prison officers complained about the inadequacy of drugs/medicine and medical equipment.
8. Jangjanbureh Prisons does not have its own vehicle to transport sick inmates referred to Bansang Hospital for treatment; it relies on the ambulance of Jangjanbureh Health Center for such referrals.
9. Convicts and remandees (Gambians) now enjoy better visitation rights. Detainees and remandees are now allowed visits on all days except Sundays, and convicts once a month (it was once every three months during the previous regime).
10. Convicts and remandees of foreign nationalities who were interviewed complained that they have lost contacts with their families since their detention.
11. Prisoners do not have conjugal visitation right.
12. Only Mile II Prisons has a sort of a recreational facility for the inmates, including a basketball pitch. The Jeshwang and Jangjanbureh prisons do not have any such facility.
13. Only Mile II Prison has an educational/vocational facility for inmates.
14. Inmates at Jeshwang Prison engage in welding work but done under a mango tree and with tools borrowed from Mile II Prison.

15. Only Mile II Prison has a library which is housed in a small room with very limited space. None exists at both Jeshwang and Jangjangbureh Prisons.
16. The sanitary facilities at the Juvenile Wing of Jeshwang Prisons need improvement. The Wing has 4 toilets shared by convicts and remand detainees. Due to the proximity of these sanitary facilities with the cells, one could feel the stench of urine in the cells.
17. Only Mile II Central Prisons has a Wing specifically for female convicts and those on remand (above the age of 18 years). Jeshwang and Jangjanbureh Prisons do not have any such Wing.
18. The former chapel of Janjangbureh is the one which is used as a Female Wing.
19. Some of the remandees at all three Prisons complained of their prolonged detention and the slow pace of their trials in the courts, including appeal cases.
20. Commission came across detainees who alleged that they have been on remand for about 7 years.
21. Jangjanbureh Prison has a Complaint handling procedure in place, where inmates can lodge complaints about their welfare or relationship with other inmates.

CHALLENGES FACED BY THE PRISON AUTHORITIES AND STAFF

1. Budgetary allocation for the three (3) Prisons is regarded as inadequate to meet the demands of the prisons. The bulk of the allocation goes into purchase of feeding for the inmates and very little for operational, administrative and developmental matters.
2. The lack of secured vehicles has tremendously hampered the operational and administrative works of the Prison.
3. Mile II and Jeshwang Prisons have their own standby generators but are constantly breaking down. The solar panels at Jangjanbureh Prison have not been functioning for nearly six months.
4. The offices of the Prison Officers are not only very tight spaces but most of them also lack basic, functioning equipment such as computers, laptops, photocopiers, printers, etc.
5. The staff quarters of the prison officers at Mile II Prison are dilapidated while the bathrooms are in very horrible conditions

VISITS TO THE POLICE STATIONS (EXAMINATION OF DETENTION FACILITIES)

The objectives of the visit to the police stations were to:

- √ Assess the condition of detainees in police custody;
- √ Assess the sanitary conditions in the police facilities.
- √ Assess the extent of compliance with established laws in the treatment of detainees;
- √ Assess the extent of compliance with international standards on treatment of detainees; and
- √ Assess the challenges faced in the management of crimes in the country.

The Commission visited the following police stations: Banjul Police Station, Kairaba Police Station, Serrekunda Police Station, Jangjanbureh Police Station and Brikamaba Police Station. At each station, the delegation held discussions with the police officers and examined the cells as well.

OBSERVATIONS REGARDING THE POLICE CUSTODY DETENTION CENTERS AND THE CHALLENGES FACED BY THE POLICE STATIONS:

1. The conditions of the detention cells in nearly all the five police stations need urgent improvement. The cells were dark, not spacious and with very poor ventilation. Due to the conditions of the two cells of Brikamaba Police Station, detainees are taken to Bansang Police Station where they await trial.
2. The toilets for the detainees at Banjul, Kairaba and Serre Kunda police stations were smelly and extremely unclean for human use. There were no toilets for detainees within both Brikamaba and Jangjanbureh police stations.
3. Jangjanbureh, Kairaba, Serre Kunda and Brikamaba Police Stations have only one main cell; no separate cells for children or women detainees. According to the officers interviewed, women and children detainees are usually kept behind the counters.
4. Banjul Police Station has a separate cell for minors or female detainees. It also has a secured enclosure opposite its main counter where women and children are detained during the day.
5. All the police stations complained about the insufficiency of operational vehicles and office equipment like computers, printers and fingerprint machine.

6. Brikamaba Police Station has only one vehicle even though many of their court cases are heard in Janjangbureh or Bansang.
7. The Child Welfare Unit at Serre Kunda Police complained about the absence of requisite facilities to investigate Sexual and Gender-based Violence (SGBV). The Unit also shares office with other units that make it difficult for the officers to accord privacy to victims.
8. Brikamaba Police Station, which is in a dilapidated condition, is situated in a rented house, sandwiched by shops of some sort.

RECOMMENDATION TO THE GOVERNMENT REGARDING THE PRISONS

1. **Renovation of existing prisons and Construction of a modern prison:** The current prison infrastructure is dilapidated and there is serious overcrowding in all the three prisons. There is the urgent need to renovate all existing prisons and the need to build a new, modern prison facility which meets international standards.
2. **Food:** While there has been improvement in the quality of the food served to inmates, could be made much better. The quantity and variety would need improvement as some inmates complained about these. There is the need to hire a nutritionist or dietician for each of the prisons who would be responsible for the meals of the inmates. Since the prisoners are their own cooks, there is the need to purchase for them labour saving devices to ameliorate the hardship they encounter.
3. **Sanitary facilities and Toilets:** There is the urgent need for the Government to embark on massive renovation of all the sanitary facilities in all the prisons and detention facilities in police stations.
4. **Medical/Health Care:** The infirmaries or 'clinics' at both Mile II and Jeshwang Prisons require upgrading to better standards and constant and adequate medical stocks needed for the medics to provide immediate first aid and primary care to sick inmates. All the prisons should have a medical doctor who regularly visits to do medical check-ups on the inmates.

5. **Need to construct Female and Juvenile Wings in all Prisons:** There must be female and juvenile wings constructed in all the prisons.
6. **Speedy disposition of cases at the courts:** Due to overcrowding in all the prisons there is need for the Ministry of Justice to coordinate a committee to consider this issue and come up with recommendations to decongest prisons. There is also the need for the Judiciary to ensure the expeditious disposition of cases.
7. **Provision of operational vehicles:** The government needs to purchase adequate vehicles such as ambulances, for the operations of the prisons. All the three prisons visited do not have operational vehicles which is hampering their work and prison management.
8. **Regular health inspection of the Prisons:** The Ministry of Health should put in place a mechanism which would ensure regular inspection of the prisons, to advise the Government on what are needed to maintain the highest standard of health and hygiene in the prisons, and the prevention of bed bug infestation.
9. **Educational/Vocational Skills Training Center:** There is the need to establish Educational/vocational skills training centers in all the prisons.
10. **Library:** There is the need to establish well equipped libraries in all the prisons.
11. **Recreational Facilities:** There is the need to establish recreational facilities in all the prisons.

Prisoners should be allowed some time out during the day to take part in recreational activities.

12. **Budgetary increments:** There is the need for the Government to ensure that all the prisons have adequate budgetary allocations for recurrent and programme matters.
13. **Improvement of the Staff Quarters at Mile II Prisons:** The Government should carry out massive renovation at the staff quarters of Mile II Prisons to make it habitable and fit for purpose.
14. **Ratification of OPCAT:** It is urgent that The Gambia ratifies OPCAT, which obligates States Parties to put in place a National Preventive Mechanism (NPM) to prevent torture and other forms of ill-treatment at the domestic level.

RECOMMENDATION TO THE GOVERNMENT REGARDING THE DETENTION FACILITIES AT THE POLICE STATION (POLICE CUSTODY)

1. Renovate the cells at the Police stations, including their sanitary facilities. They also need to be well ventilated and their windows secured to prevent mosquitoes from entering therein.
2. Build a new Police Station for Brikamaba or rent for it a more spacious, conducive building which would have many offices that can be used for various purposes.
3. In conformity with international standards and the Children's Act 2005, all Police Stations should have separate detention facilities for adult men, women and children. The Government should ensure that when the current police stations are being renovated or new ones are being built, this standard is taken into account.
4. To carry out their work effectively and efficiently, every Police Station should have functioning vehicles for operational and administrative purposes.
5. Office equipment like computers, printers, fingerprint machine, facilities to investigate Sexual and Gender-based Violence (SGBV) are requisite for effective Police work. It is important to make these available in sufficient quantity to every Police station.
6. Police Child and Gender Welfare Officers work with very vulnerable and often traumatized members of society. As such, every Police station should ensure that these officers have their own offices in which they can carry out their work in privacy.

CONCLUSION

This report captures the visit of the Commission to Mile II Prison, Janjanbureh Prison, Jeshwang Prison and selected police detention facilities across the country. During these visits, the Commission observed that the conditions of all the prisons and police stations did not live up to international human rights norms and standards relating to the rights of detainees and prisoners. The Commission received complaints on various aspects from prisoners and detainees dealing with issues of prolonged detention in remand, legal representation and overall conditions of detention. This was followed by inspection of the sanitary and detention facilities. The Commission noticed that accommodation, limited office spaces and lack of vehicles were major problems for prison and police officers. While the Commission observed many challenges in the prisons and police detention facilities, it did not receive complaints of allegations of torture, use of inhumane means of restraint and use of solitary confinement. The constitutional limit of 72 hours' detention without trial seems to have been known by all police officers the Commission met.



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