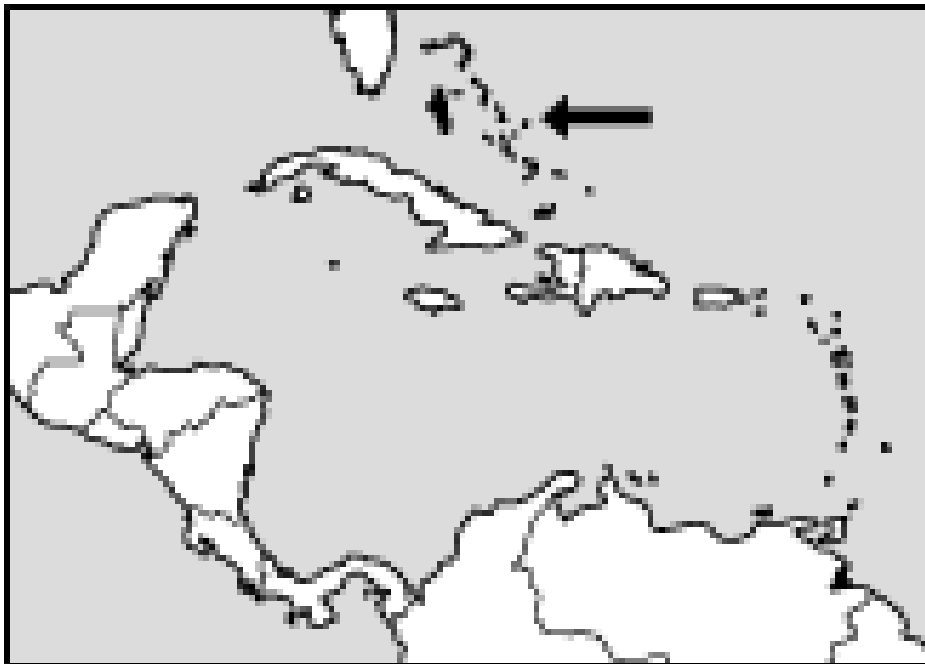


# **BAHAMAS**

## **Forgotten Detainees?**

### **Prison Conditions: Appeals for Action**

## **Introduction**



The Commonwealth of The Bahamas consists of approximately 700 islands, stretching from the coast of Florida almost to the shores of Haiti. Only about 30 of the islands are inhabited, and the majority of the population is concentrated on the islands of New Providence (Nassau) and Grand Bahama (Freeport).

One in every 200 Bahamians is in prison. The rate of imprisonment in the Bahamas, 478 per 100,000, is the 8th highest in the world and four times that of the UK and Canada. Many prisoners continue to be detained in conditions amounting to cruel, inhuman or degrading treatment. A substantial number have been detained without trial for over two years.

Amnesty International visited the state's sole prison, HM Prison Fox Hill, in August 2002 with prison reform expert Professor Rod Morgan. This document presents the organisation's key findings and recommendations and contains appeals for action. This appeal case is published in conjunction with the report *BAHAMAS: Forgotten Detainees – Human Rights in Detention* (AMR 14.005.2003, November 2003). See <http://www.amnesty.org>.

## **Amnesty International's key findings on prison conditions**

One in every 200 Bahamians is in prison. The rate of imprisonment in the Bahamas, 478 per 100,000, is the 8th highest in the world and four times that of the UK and Canada. The need for prison reform has been acknowledged: a Government initiated Prison Reform Commission reported findings and proposals in February 2003. However Amnesty International believes that still more needs to be done. Above all, a strong political will is essential to drive such reform efforts into operative action.

The key findings arising from the visit included the following:

- Substantial numbers of prisoners, including minors, are awaiting trial for unacceptably long periods: 78 pre-trial prisoners had been detained over 2 years. They are becoming "lost in the system" through lack of legal representation.
- Unacceptably overcrowded accommodation was evidenced in all prison units, seriously affecting the living conditions for inmates and the working conditions for staff. Cells were dark and fetid, and many prisoners slept on cardboard.
- Many prisoners are still subject to the degrading practice of slopping out while the prison still has inadequate plumbing and drainage system.
- With at least one death reportedly resulting from inadequate medical care, and several reported suicides at the prison, access to physical and mental health care in prison remains chronically lacking. There are high rates of infectious diseases including TB. Prisoners suffering from AIDS, HIV or TB do not receive adequate medical care or drugs. The risk of cross-contamination for infectious diseases such as TB to other prisoners and prison workers is dangerously high.
- At the time of the visit there was only one full-time doctor for a population of over 1,000, and no psychiatrist. Psychiatric care is virtually non-existent.
- There were serious concerns about female prisoners detained in punitive, solitary confinement. Physical and mental stress as a result is reported. Sufficient attention to women prisoner's particular specialist rights and needs is lacking and specialists in women's health care are allegedly unavailable.
- Employment opportunities were barely available. Untried prisoners do not work and are not given the opportunity.
- There have been repeated, unconfirmed, serious allegations of sexual abuse and rape which do not appear to have been adequately investigated by the authorities.

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## **Health Care in Prison**

### **Lives At Risk**



Amnesty International is seriously concerned about the dangerous lack of health care currently provided to prisoners in the Bahamas. Despite reform initiatives and the best efforts of prison health care workers, health care remains, at best, a lottery. The most recent available statistics indicated that approximately 32% of the prison intake population were infected with TB and with 20% with HIV. A recent Annual Report available indicated at least 7 deaths from AIDS-related complications. There have been several suicides and in 2001 the Prison Service was found grossly negligent after an inquest jury recorded a verdict of suicide after Eddison Thurston, a death row prisoner, slit his wrists. Specialist medication that could save lives is not available; one HIV positive prisoner had received only vitamin supplements for the two years of his incarceration. There are further serious concerns around a lack of transparency in the investigation of deaths in custody.

Kazimierz Kwasiborski, a Polish national and a severe asthmatic, died while awaiting trial. Amnesty International has received credible allegations that his death could have been prevented had adequate, prompt medical care been provided:

- ➔ On 28<sup>th</sup> August 2002 he suffered an asthma attack which left him struggling to breathe. He was reportedly transferred and left in a cell without observation or medical attention. He died soon after. It was several weeks before family and diplomatic officials were not informed.
- ➔ Prior to that incident, he had allegedly slept standing up, leaning against the wall, or squatting, for fear of suffocation, after repeated requests for medical assistance were denied.
- ➔ Subsequent investigations of his death have not met international standards. The Bahamian government, to date, remains silent on the case. A review of the autopsy on his body was carried out on behalf of Amnesty International by a respected international pathologist. He concluded that it “failed abysmally to adhere to international standards for autopsy procedure... failing even to establish the cause of death.”

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- ▶ Present the allegations that AI has received and request information on the investigation into the death of Kazimierz Kwasiborski, including whether any officers were faced disciplinary or criminal charges as a result or prison policies were reviewed.
- ▶ Urge the Government to immediately review health care, with a view to ensuring compliance with national & international legal instruments and standards.
- ▶ Urge the Government to immediately approve and implement planned healthcare reforms:
  - ✓ These should include a focus on mental health care and suicide prevention;
  - ✓ Access to sustainable medication and treatment should meet national standards;
  - ✓ Special attention should be given to the particular health care needs of women, including pre-natal, post-natal care and gynecology provision;
  - ✓ Provision for the care and treatment of prisoners with HIV, AIDS, TB and other communicable diseases should be improved.

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## Untried Prisoners: Lost in the System?



Corridor, remand block, Fox Hill.  
© Amnesty International.

At least 735 of the 1000 plus prison population at HM Prison Fox Hill are awaiting trial. At least 78 have been awaiting trial for over 2 years. 654 have been waiting for between 3 and 24 months. Just under half – an estimated 41% - are without any form of legal representation. Those detained include a number of children aged between 16 and 17. They are detained alongside convicted prisoners in conditions of severe overcrowding, despite the recent opening of a new remand block. Those detained include persons who have committed non-violent first time offences.

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**In line with international human rights law and standards**

- ▶ Urge the Government to carry out an audit of all untried prisoners with the findings made public
- ▶ Urge the Government to cease holding children aged between 16 and 17 alongside adult prisoners
- ▶ Urge the Government to ensure that untried prisoners are treated in accordance with the presumption of innocence. They should not be detained alongside convicted prisoners and should have access to legal representation.
- ▶ Urge the Government to:
  - ✓ develop alternatives to prison and review sentencing guidelines and regulations
  - ✓ review bail in line with international standards.

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## “They treat us like animals”

### Overcrowding in Fox Hill Prison

On 11 August 2003 HM Prison Fox Hill held 1,335 prisoners. According to a recent study, one in every 200 Bahamians is in prison. The rate of imprisonment, at 478 per 100,000, is one of the highest in the world - almost four times that of the UK and Canada. The prison remains grossly overcrowded. Cells measuring 1 by 3 metres in the maximum security F Block for example contained 3 prisoners each. This block held prisoners in punitive isolation alongside those with mental health problems and others with communicable diseases such as TB. In near darkness, prisoners slept on cardboard in many cells. Space was further limited by two buckets – ‘slop’ bucket and a bucket for washing – with prisoners required to defecate and urinate in front of each other. The recent Prison Reform Commission highlighted four aggravating factors worsening overcrowding: lack of legal representation, high numbers on remand, lack of early-release schemes and incarceration for minor, non-violent offences, such as vagrancy. Addressing the issue of overcrowding would mean providing humane living conditions for prisoners and working conditions for staff and would also be cost effective.

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**In line with international human rights law and standards:**

- ▶ Urge the Government to urgently address overcrowding through legislative, judicial and other measures:
  - ✓ A prison rule should be introduced that no prison should be overcrowded, with Parliament informed of breaches.
  - ✓ Space in cells should be in line with international standards.
  - ✓ Stopping-out should be urgently phased out.

**Q&A: Why is overcrowding in prisons such a serious problem?**

Severe overcrowding adversely affects all aspects of incarceration:

- \* It compromises the safety and security of staff and prisoners.
- \* It worsens conditions of confinement and reduces access to basic hygiene.
- \* It affects the delivery and implementation of rehabilitation, work and education programmes.
- \* It limits access to health care and worsens mental and physical health.
- \* It weakens family ties, already disrupted through imprisonment, as access to visiting rights are curtailed and as incarceration in stressful conditions impacts adversely on prisoners' mental and physical health.
- \* It increases pressures on staff thereby aggravating staff shortages and further threatening professional integrity. There may be increases in the levels of inmate-on-inmate assaults and self-harm and suicide.
- \* Since all of the above can be expected to impact on recidivism, overcrowding challenges the ability of the prison system to prevent re-offending and threatens the functioning of the entire criminal justice system.

**Q&A: What about Prison Officers?**

*(Prison officers) are made to endure the same conditions as inmates; in fact, worse, because not only are they placed at risk by health hazard(s), they daily go home, and by that act, place their families and the general public at risk also.*

Minister of National Security, Cynthia Pratt<sup>1</sup>

- \* Amnesty International acknowledges that the work prison officers perform is stressful, at times dangerous and often goes unrecognised.
- \* The overcrowded, unhygienic living conditions for prisoners at Fox Hill result in poor working conditions for prison officers.
- \* Amnesty International believes that the conditions described in this report could result in prison officers suffering both physical and psychological problems as a result of pressures of work.
- \* This adversely impacts upon the treatment of those detained at the prison as well as being of concern to prison officers themselves, their families and wider communities.
- \* Amnesty International believes that it is vital that the needs of prison officers are not overlooked in plans to reform.

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<sup>1</sup> *Prison Officers get own health clinic*, The Nassau Guardian, 2 February 2002.

## **AI's Key Recommendations to the Government of the Bahamas**

### **Prison conditions and treatment**

- Tackle overcrowding through legislative, judicial and other measures
- Urgently phase out the use of 'slopping out'
- Allow all prisoners access to adequate food, water, sanitation, washing facilities, health care, clean clothing and bedding, exercise, visits and rehabilitation activities
- Detain untried and convicted prisoners and children and adults separately
- Improve investigation of allegations of ill-treatment and deaths in custody
- Improve working conditions for prison officers and management

### **Asylum-seekers and immigration detainees**

- Codify Refugee Convention and international human rights standards into law
- Immediately end arbitrary detention and introduce safeguards for detention
- End use of detention for asylum-seekers save in exceptional circumstances
- End ill-treatment and torture in detention
- Introduce special protection for children and families
- Embark on public education campaign

### **Policing**

- Review laws and policy to ensure compliance with international human rights standards
- Train RBDF officers in procedures on use of force and firearms, arrest, detention and interrogation
- Improve organisational culture in line with human rights standards
- Introduce sufficient oversight and accountability to investigate alleged abuses.