

# ICELAND

## SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE

### 73<sup>RD</sup> SESSION, 19 APRIL- 13 MAY 2022

Amnesty International submits this briefing in advance of the examination of Iceland by the UN Committee against Torture during its 73rd session in April-May 2022.

In this brief submission, Amnesty International sets out its concerns about the use of solitary confinement in the context of pre-trial detention, in line with the Committee's questions under Article 11 (LOIPR 19, 20) and the State party's response. It should not be seen as a comprehensive account of the organizations concerns regarding the implementation of the Convention in Iceland.

## SOLITARY CONFINEMENT IN PRE-TRIAL DETENTION (ARTICLE 11; LOIPR 19, 20)

In 2008, the UN Committee against Torture expressed concern about reports of frequent and excessive use of solitary confinement, and urged Iceland to investigate and adopt measures to prevent it.<sup>1</sup>

Amnesty International is concerned that insufficient action has been taken to fulfil this recommendation. We have identified the following concerns specifically relating to its application in the context of pre-trial detention.

Amnesty International has obtained data from the Icelandic authorities that evidences the widespread application of solitary confinement in the context of pre-trial detention.<sup>2</sup> It shows that while there has been some overall reduction in the numbers of pre-trial detainees who are held in solitary confinement in the last decade, this reduction has not occurred consistently. The percentage of pre-trial detainees who have an initial court order for solitary confinement has ranged between 78% (2012) and 61% (2021). These statistics suggest that the application of solitary confinement is a long way from being an "exceptional measure", as is required by the Mandela Rules.<sup>3</sup>

This up-to-date data puts into important context the figures provided in the State party's report.<sup>4</sup> Amnesty International believes that the data we have obtained from the authorities will be helpful to the Committee as it shows more clearly the extent to which solitary confinement is applied on an individual basis.

The Icelandic legal framework allows for up to four weeks continuous solitary confinement in pre-trial detention in any case, and an unlimited period for persons accused of an offence that carries a 10 year or longer prison sentence. This gives obvious concern for the possibility of prolonged solitary confinement which constitutes torture or other ill-treatment, according to the definition established in the Mandela Rules. Data obtained from the authorities by Amnesty International shows that the average time individuals were held in solitary confinement between 2012 and 2021 has varied between 7.2 and 12.4 days.<sup>5</sup> The 2020 NPM visit to Holmsheidi Prison, where pre-trial detainees are generally held, found that the longest period of solitary confinement was 33 days and the most recent data obtained by Amnesty shows the longest period in 2021 was 37 days.<sup>6</sup> We also have concerns, arising from news reports and from our sources, that people who are suffering mental ill health and children may be among those individuals being held in solitary confinement.

In conclusion, we are concerned that solitary confinement in the context of pre-trial detention in Iceland is far from an "exceptional measure"<sup>7</sup> and have received reports that it is over-relied upon by police and prosecutors, with requests too often accepted by judges. Given the additional concerns regarding the fact that the permissible time frames for solitary confinement under Icelandic legislation could lead to torture or other-ill treatment, as well as reports that indicate children and people suffering from mental ill health are being subjected to solitary confinement,

Amnesty International is concerned that the context is one in which individuals are vulnerable to breaches of their human rights.

**Amnesty International recommends that the Icelandic government urgently take action in line with international standards to prevent torture and ill treatment by:**

- Taking urgent steps to end the routine use of solitary confinement in pre-trial detention. Any exceptions to this principle must be exceptional, strictly necessary and proportionate and stringent safeguards against abuse must be in place; and
- Introducing an immediate ban on the solitary confinement of children and people who are suffering mental ill health; and
- Introducing time limits on solitary confinement in pre-trial detention to ensure this does not in any instance pass the 15 day threshold that would amount to prolonged solitary confinement. Any exceptional use of solitary confinement must be limited to as short a time as possible.

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<sup>1</sup> United Nations Committee against Torture, Concluding Observations (CAT/C/ISL/CO/3) 2008, paragraph 9.

<sup>2</sup> Data provided to Amnesty Iceland by Prisons and Probation Administration, January 2021 and March 2022.

<sup>3</sup> Standard Minimum Rules on the Treatment of Prisoners, Rule 45(1).

<sup>4</sup> United Nations Committee Against Torture, *Fourth periodic report submitted by Iceland (CAT/C/ISL/4)* paragraph 108.

<sup>5</sup> Data provided to Amnesty Iceland by Prisons and Probation Administration, January 2021 and March 2022.

<sup>6</sup> Althingi Ombudsman, *Visit report, Holmsheidi Prison: Remand custody, 13-15 January 2020*. <https://www.umbodsmadur.is/asset/10098/summary-holmsheidi.pdf>

<sup>7</sup> Standard Minimum Rules on the Treatment of Prisoners, Rule 45(1).