

Amnesty International
Report on
Allegations of Ill-treatment
of Prisoners at
Archambault Institution,
Québec, Canada

*(including a memorandum to the Government
of Canada following a mission from 10 to 15 April 1983)*



an amnesty international publication

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PREFACE

An Amnesty International mission went to Quebec on 10 April 1983 to collect information on the treatment of inmates of Archambault Institution following a riot in the prison on 25 July 1982. This mission was undertaken because of Amnesty International's opposition to torture and other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation. The mission delegates were David Weissbrodt, a lawyer in Amnesty International's International Secretariat, and H el ene Jaffe, a French medical doctor and a member of the Medical Group of the Amnesty International French Section.

During the mission the delegates interviewed prisoners, the families of prisoners, prison officials, and those who have conducted official and unofficial investigations of the situation at the prison following the riot of 25 July 1982 at the Archambault prison. The mission included a visit to the prison.

The mission received the full cooperation of the Government of Canada and was given access to the Correctional Service employees, prisoners, facilities and records immediately available. Several prison records were not immediately available at the time of the mission and were promised. Some of those records were later sent to the International Secretariat and some were not. In general, however, the delegates were grateful for the courteous and full cooperation they received from the Government of Canada.

Amnesty International recognizes the considerable efforts the Government of Canada has made to establish procedures for investigating complaints about ill-treatment of prisoners and for allowing visits by outside organizations to inquire into these complaints. Without this laudable openness and concern, the Amnesty International mission and the present report would not have been possible.

This report principally contains the memorandum which was sent to the Government of Canada on 9 June 1983 following the Amnesty International mission. The original appendices to that memorandum reproduced the affidavits of the prisoners and some other records of prisoner complaints, but those appendices have not been included in this report for reasons of length. This report does reproduce Amnesty International's letter of 9 June 1983 to the Solicitor General of Canada, together with his response of 14 July 1983.

The Solicitor General responded to the Amnesty International memorandum and its recommendations by requesting that the Correctional Investigator of Canada, R L Stewart, carry out "a full, independent and impartial investigation" of the allegations. The investigation was to include interviews with prisoners, their families, lawyers, visitors to the prisoners, and Correctional Service employees.

REPORT OF AN AMNESTY INTERNATIONAL
MISSION TO CANADA - 10 TO 15 APRIL 1983

I. BACKGROUND

The Archambault Institution is a maximum security prison which was constructed for 429 inmates and opened in 1969. The prison was named after Judge Joseph Archambault who was the president of the 1938 Royal Commission of Enquiry on the Penal System in Canada. The prison is located near Sainte Anne des Plaines, about 30 km north of Montreal in a complex with other facilities belonging to the Correctional Service of Canada. The prison has three wings of cells with 143 cells in each wing. There are also 16 cells in the hospital and 16 segregation cells. The prison has industrial facilities for furniture-making, metal-working, shoe-making, etc; there is also a gymnasium, a chapel, an administration area and exercise areas.

About 225 guards work at the prison in three shifts, in addition to medical personnel, administrative employees, case workers, etc. , which bring the staff to over 340. Since March 1981 the prisoners at Archambault have been permitted visits from their families in a mobile home in the prison grounds for two days (43-48 hours) at a time.

According to a 1977 Report to Parliament, known as the MacGuigan Report after its chairman Mark MacGuigan, there were no major incidents for the first seven years at Archambault.* In 1976 there was a four-month strike by prisoners who refused to work until they received better living conditions and more humane treatment. The prisoners returned to work after obtaining agreement on several issues such as optional activities and ironing facilities for prisoners. There had also been at least one hostage-taking at Archambault prior to the events of July 1982, but the MacGuigan Report attributed the "success of Archambault" to the fact that the [previous] Director "had control and to his ability at compromise. Archambault also shows the value of a good, responsible and mature Inmates Committee."**

* MacGuigan, the Sub-Committee on the Penitentiary System in Canada, Report to Parliament, 1976-77, at 21-22.

**Id. at 22.

II THE RIOT AND ITS AFTERMATH

During the afternoon of 25 July 1982 two prisoners took two guards as hostages and demanded that they be permitted to leave the Archambault prison. At the time of the hostage-taking a large proportion of the prisoners were returning from recreation in the main exercise yard. When the two inmates who initiated the escape attempt failed to obtain their freedom, they killed the two guards and then killed themselves. The escape attempt triggered a riot involving a large number of prisoners. Other guards were taken hostage, another guard was killed, five other guards were injured and several parts of the facility were severely damaged. Because the prison is divided into various wings and the events occurred nearly simultaneously in different parts of the prison, it would be difficult to determine what happened during the riot without interviewing many of the prisoners and guards. The authorities were able to regain control over the prison in the early morning of 26 July 1982 without serious harm to any prisoners.

It was not the purpose of the mission to assess the performance of the authorities in returning the prison to order, but it is commendable that the authorities were able to end the disturbance without more injury.

From 26 July until about 5 August, all the prisoners were confined to their individual cells. They were later allowed 30 minutes exercise. For more than a month the prisoners were fed two cold sandwiches and a small cup of milk at mid-day and for dinner. It was initially difficult to move from one area of the prison to another because of the riot damage; every cell was systematically stripped of the prisoners' belongings which the authorities explained as necessary to ensure that prisoners had not obtained any weapons, tools, keys and other contraband during the riot.

Despite requests from lawyers and prisoners, no lawyers were permitted to see their clients until 4 August 1982. A group of journalists were permitted to visit a part of the facility on 28 July 1982, but they did not interview prisoners. As A.F. Wrenshall, the Inspector General of the Correctional Service of Canada, commented in a memorandum of 18 October 1982, "I feel we may be subjected to criticism on the grounds that some inmates were being questioned by police as to their involvement in murder and attempted murder without being given representation of legal counsel."

During the riot itself on 25 July, as well as 26 and 27 July 1982, the authorities acknowledge the use of tear gas in projectile form. The only gas used in the prison is actually a CN powder in suspension which can be dispensed by hand grenade for throwing, by projectile canisters propelled from a launcher or by aerosol cans for spraying individuals. The gas leaves an irritating powder on mucous membranes, causing the sprayed individuals to experience irritation in the mouth and nose and difficulty in breathing. The irritating powder left can be removed by flushing with water. Otherwise, the skin may develop a rash.

Correctional Service regulations require that prisoners be permitted to take showers as soon as practicable after exposure to the gas. No showers were permitted for at least a week following the general use of tear gas in the prison 25-27 July.

Promptly after the riot, the Sûreté du Québec (Quebec Police Force) began investigating the murders and attempted murders at Archambault. It appears that the police investigation began with interviews of prison officials and guards; the police investigation then began interviewing prisoners.

In most cases, those prisoners who were suspected of involvement in the murders or attempted murders were taken from their ordinary cells to the segregation unit. A short time later - varying from a few hours to several days - the prisoner was taken to see the investigators. The initial interview by the investigators was often very brief - frequently about five minutes in length. The prisoners were then returned to the segregation unit. In one case a prisoner was brought to see the investigators directly from his ordinary cell. After seeing the investigators, he was taken to a cell in the segregation unit.

III. ALLEGATIONS OF ILL-TREATMENT IN THE SEGREGATION UNIT

Most of the serious allegations of ill-treatment relate to the way prisoners were handled on the way to the segregation unit (known as the "hole"), in the unit, and in the related exercise yard. The segregation unit has 16 cells in two rows of eight cells. The cells are relatively large (about 4m by 2m) with high ceilings (at least 4m). 14 of the cells have a bed with a mattress supported by a board. The mattress can be removed during the day to permit the prisoner to sit on the board. There is a water tap and toilet in 14 cells, near the door. Prisoners are fed through small openings in the doors of the cells which can be opened by the guards. There are no windows in the cells. Lights are controlled by switches at a small central office staffed by a guard.

There is a small exercise yard, which can be reached by a door from the hallway outside each of the two rows of segregation cells. The yard is surrounded by very high walls.

Two of the cells - known as Chinese or strip cells - are completely devoid of furniture. There is no tap for water. There is only a hole near the door which serves as a toilet and which can be flushed by a guard pushing a button outside the cell. A mattress can be brought into the cell for a prisoner to sit or sleep upon.

It is not an easy task to assess the credibility of the testimony which the Amnesty International mission heard from prisoners. A.F. Wrenshall, Inspector General of the Correctional Service, criticized a report* made by Charles Kolb, a previous outside investigator, as accepting a few prisoners' allegations as established and corroborated fact without regard to "the extent to which some inmates are able to fantasize and ignore reality." In regard to this outside investigator's report, the Solicitor General Robert Kaplan noted on 20 October 1982 the

"allegations about mistreatment of inmates, including offering of contaminated food, force-feeding inmates and undue solitary confinement. I found these allegations, on their face, hard to believe. Why? The Canadian lawyers who first met the inmates gave a long press conference. In several media reports they allege "moral torture" of their inmate-clients. But none of Kolb's headline grabbers were mentioned. Why not, if they actually occurred?"

* Charles Kolb, The Riot and Deaths at Archambault Penitentiary, Sainte-Anne-des-Plaines, Canada, on July 25 1982; A Report to the International Human Rights Law Group, 23 September 1982.

And, to the inmate, who was locked in what Kolb reported as a very cold cell in late July, early August, there are no cool cells, according to the Inspector General, let alone cold ones at Archambault in summer. But if any of these things did occur, they are actionable in the court by the inmates, and they all seem to have counsel directly. I do not see the value of a further inquiry into these allegations. I do know that the guards were sorely tried by the murders of their colleagues and that some harassments were admitted. A court is the place for inmates to obtain justice."

These comments reflect the hazards of taking the complaints of prisoners at face value. Prisoners, having little else to occupy their minds, may dwell upon their grievances - major or minor - against their keepers. By dwelling on their grievances, prisoners may exaggerate and blow small problems out of proportion. Prisoners may also be motivated by various distorting emotions. Shortly after being subjected to torture or serious ill-treatment, it is often the case that prisoners feel so personally degraded and fearful that they have difficulty admitting that they have been brutally treated - particularly if there is sexual or degrading abuse. Later, when the prisoner is no longer fearful, no longer isolated and learns that others have been ill-treated, the prisoner may begin to talk more freely and may even exaggerate the experiences out of desire for revenge. Also, some prisoners may like to exaggerate their experiences to gain attention from foreign visitors, the media, etc. Other prisoners may exaggerate their complaints in the hope that ill-treatment may undermine criminal prosecutions, convictions or confessions.

The Amnesty International delegates were aware of these risks and accordingly attempted to weigh carefully the statements of prisoners. It is possible with careful questioning, with attention to detail, with reliance principally upon testimony about the prisoners' own experience (rather than second-hand information), and with attention to external indicia of veracity to assess the testimony of the prisoners.

The mission received signed, relatively detailed complaints/affidavits from seventeen prisoners who were held in the segregation unit at Archambault during the period 26 July to the end of November.* Six of the prisoners were personally interviewed by the mission with respect to their allegations. In addition, the Amnesty International delegation was able to collect information about one more prisoner. The paragraphs below contain summaries of the information from the 18 prisoners. The indented paragraphs reflect the information obtained by the mission delegates from other sources, from direct testimony or from the observations of the delegates.

* These complaints/affidavits were collected by Montreal lawyer, Renée Millette during January 1983.

Of these 18 prisoners, 16 had been held naked in their cells for periods varying from a few days to 21 days - some without mattresses and covers. The prisoners complained of suffering from cold. One prisoner explained that cold air was being forced into the cells through the ventilation ducts. When six prisoners did receive mattresses, sheets or clothes, they complained that these items were wet, urinated upon or stinking.

A member of the medical staff of the Archambault Institution admitted to the Amnesty International delegates that they saw prisoners without clothes during the period after the riot. Two of the prisoners in the segregation unit told the Amnesty International delegates that they had never been colder in their lives. The families and lawyers of the prisoners who saw them during this period described them to the Amnesty International delegates as trembling, their teeth chattering, with blue lips and fingers, bare feet and light ill-fitting clothes or pyjamas. The one relatively detailed medical report available to the delegates indicated that on 26 August 1982 the prisoner was pale, with cold extremities, and shivering. According to official meteorological records, the mean temperature for August 1982 in Montreal was considerably below average for that month.

The prisoners complained generally that they were deprived of sleep; eight explained that the guards left the light on and regularly banged on the cell door to disturb sleep.

The authorities have acknowledged that such "minor harassment" as disturbing prisoners' sleep occurred in the general population of the prison.

Sixteen prisoners complained of having their food adulterated by spit (five), by being thrown in the toilet (five), by being thrown on the floor (11) or by other means.

The authorities acknowledged that food was thrown in toilets and on the floor. Toilets in the prison are located right next to the doors of the cells. The toilets did not have covers, in the autumn of 1982, although the prison during the past three months has installed covers in the ordinary cells, but not in the segregation unit.

The medical record of one prisoner who was given a relatively complete examination during the period at issue indicated a loss of about 10 kilos below his normal weight. Family members and other regular visitors noted that prisoners seemed thinner than normal. Family members were requested to purchase large quantities of snacks and sweets from the coin-operated machines which could be used by visitors of the prison.

The prisoners' complaints about a gas smell in their sandwiches may have been caused by the large quantity of gas which had been used in the prison during that period and which remained on surfaces and in the air of the prison for some time. It is quite possible that sandwiches smelled of gas without having been expressly sprayed.

Three or four prisoners stated they were deprived of food for days at a time and seven prisoners said they were given no water in cells where the water was operated from outside by the guards. The prisoners in the strip cells were reduced to obtaining water from the toilet when it was occasionally flushed by a guard from the outside.

The mission delegates observed the strip cells and the way the water in the toilet hole could be flushed by a guard outside the cell.

15 prisoners complained that they were not permitted to take showers for many days or had boiling water dumped on them while they were taking a shower (one), were allowed to soap themselves only to have the water stopped before the soap could be removed (one), and/or were not permitted to have toilet paper (13).

Visitors during this period observed that prisoners had dirty hair and smelled, whereas these prisoners were ordinarily clean.

Six prisoners said they had tear gas sprayed into their mouths - either after their mouths were forcibly opened or because they were tricked into opening their mouths and closing their eyes during a thorough body search. All 18 prisoners also stated that they were gassed through the food hole of their doors in their windowless cells (six said this occurred at night when they were trying to sleep).

The Director of the Prison denied that any prisoners were tear gassed by aerosol cans in the segregation unit during the entire period 25 July to 1 November. The mission delegates were concerned at the prison authorities' failure to substantiate this denial. Prison records about the issuing of aerosol tear gas cannisters should be able to confirm or refute the prisoners' allegations. Prison regulations require that careful records be kept of any inventory of tear gas cannisters. Prison regulations also provide that gas "shall not normally be used against a lone inmate or other inmates in closely confined areas unless other measures are judged to be ineffective or would clearly result in injury."

It was also difficult to understand how prisoners could have their mouths forced open so they could be gassed directly in the mouth - particularly for any period of time. On being interviewed by the Amnesty International delegates, several of the prisoners indicated that they had been gassed in the face but not in the mouth. One prisoner did explain that he had been required to stand during a thorough "routine" body search with his arms and legs spread wide apart, his eyes closed and his mouth open. In this context it is credible that the prisoner could be gassed directly in his mouth.

Two inmates told the delegates that they were repeatedly tear gassed right in the face: they were asked to approach the door of the cell in the segregation unit to receive food through the small opening in the door. Instead, they were tear gassed in the face.

The prisoners were asked to explain what effect the gassing in the face had upon them. They told the delegates that their eyes were so swollen that they could not open them for some time. Their facial skin was irritated and itching. Their nasal and mouth mucous membranes were very irritated. They experienced a short-term difficulty in breathing and swallowing. These experiences are consistent with the treatment which the prisoners recounted.

Another form of alleged deliberate ill-treatment, about which three prisoners complained, is said to have occurred when the prisoner was held by several guards. According to these complaints, one guard wrapped a towel around the prisoner's head, holding it tightly from the back. Another guard poured water down the front of the towel. The prisoner began to breathe in water, choke and panic, until the towel was removed.

Several of the details given by prisoners about this ill-treatment to the Amnesty International delegates were consistent with observations made by the mission delegates when they visited the segregation unit.

Two prisoners complained of being burned by cigarettes and the Amnesty International mission saw evidence consistent with such a burn on the one prisoner whom they interviewed with this complaint.

One prisoner told the Amnesty International delegates that a guard put his cigarette out by crushing the cigarette onto the prisoner's left hand. The scar was irregularly shaped, roughly circular, about 1½cm. in diameter, on the dorsal side of the left hand. On the day of the interview it showed a brown coloured edge and a lighter centre with the centre slightly raised. The scar was not attached to the subcutaneous layer of the hand and could be moved with the skin. In the experience of the medical delegate such a scar is consistent with the story told by the prisoner.

Four prisoners complained that they were held while their testicles were squeezed, hit or threatened with a knife; others said they were forced to render sexual services; three stated they had been urinated on. One prisoner told his lawyer that his head was pushed into a toilet; another said he was smeared with human faeces.

Several of these incidents were also recounted by prisoners who had not been the victims.

Six prisoners stated they were forced to crawl on hands and feet - some with their limbs bound together.

A lawyer later saw prisoners brought to a courtroom in this fashion and signed an affidavit to that effect.

Three prisoners said they were forced to do painful exercises, for example, with their hands handcuffed underneath one leg, with naked feet over gravel, etc. Another prisoner said he was pushed downstairs, and eight stated that they were forced to get on their knees, where they were beaten, forced to shine shoes, etc.

The Director of the Prison acknowledged to the Amnesty International delegates that one prisoner was forced on his knees and knew no further details of the incident.

A prisoner showed the delegates the scars which he attributed to having been forced to wear handcuffs which were too tight. He indicated that he had been pulled along by the handcuffs and that the handcuffs had on other occasions been attached under his leg, obliging him to walk in a crouched, painful position.

On the day of the interview, the Amnesty International delegates found on the dorsal side of the right wrist a scar across the wrist about 3 or 4 cm long of a slightly different colour from the prisoner's skin. The scar indicated a cut by a blunt instrument. There was also a scarred area on the radial (inner) edge of the right forearm, along the forearm, 4 to 5 cm long and a ½ cm in width. These scars were consistent with, but not necessarily certain to have been produced by, the described treatment.

Two prisoners stated they were suspended under their arms by truncheons and six said they had had their long hair pulled.

One prisoner told the Amnesty International delegates that after he had been suspended under the arms he suffered a loss of sensation and movement in his arms. His arms were bruised. These symptoms are consistent with the treatment which the prisoners recounted.

Of the 18 prisoners, 13 complained generally of being beaten, five of having their head hit on a wall, 15 of being beaten with truncheons, and five of having a truncheon forced into their mouth.

One of the prisoners interviewed by the mission delegates had a scar on his chin consistent with the injuries which he recounted from being hit against a wall. Also, the lawyers and family members testified to seeing bruises and other evidence of such ill-treatment when they visited in August.

The case of one prisoner, Jason Gallant, has received particular attention because of the serious medical condition which evolved during the period following his alleged detention in one of the two strip cells in the segregation unit at the Archambault Institution. These cells had no furniture, water tap, window or toilet - only a hole in the floor. According to the affidavit signed by Gallant, he spent three weeks in the strip cell naked for at least a considerable period during which time he was beaten repeatedly, required to walk on hands and feet, deprived of mattress, urinated upon, gassed in the face, threatened with being killed, etc.

Professor Georges Lebel saw another prisoner on 4 August 1982 who had been detained in administrative segregation before and during the events of 25 July and who could testify to the bad treatment inflicted on his neighbours by the prison staff, even though he had not personally and directly suffered ill-treatment. According to an affidavit prepared by Professor Lebel, the prisoner "then drew our urgent attention to a prisoner in the neighbouring cell, Mr Jason Gallant who had been particularly mistreated during the last days, deprived of water, food and sleep, and repeatedly beaten."

The Amnesty International delegates were permitted to review a copy of the medical report covering the case of Jason Gallant and also discussed this record with Canadian doctors familiar with the case and a nurse at the Correctional Development Centre (CDC) in Laval, Quebec. The medical report indicated that Jason Gallant had long-term stomach problems. Before 25 July 1982 the prison medical personnel treated Jason Gallant by periodic, irregular prescriptions of small quantities of Tagamet - an anti-ulcer drug. (To be effective, Tagamet should be given for a long period without interruption.)

The medical report indicates several complaints about stomach pains by Gallant during the period between 26 July and October. The complaints were not considered to be valid by the medical personnel. Just before he was sent to the hospital, he complained of a headache and was given aspirin. He started vomiting, but the nurses were uncertain because the doctor had concluded that Gallant was faking and because they had not seen the vomit itself. Finally, Gallant gave them some of the liquid vomit. Still there was no action by the medical staff.

Maître Renée Millette told the Amnesty International delegates that she was alerted in October 1982 by the sister of a prisoner to the fact that Jason Gallant was very sick and did not seem to be receiving appropriate medical care. Maître Millette went to the CDC in October 1982. The prison authorities refused to bring Jason Gallant to see her and gave rather confused reasons. She therefore insisted and Gallant was brought in a wheelchair to the lawyers' interviewing room.

He appeared to Maître Millette exhausted, was hardly able to answer her questions and was every two or three minutes vomiting greenish, bad smelling liquid. He said: "I'm vomiting my shit", which appeared to be the case and which indicated an advanced blockage of the small intestine. Aware of the extreme seriousness of the situation, she got in touch with D.R. Yoemans, Commissioner of Corrections, who immediately sent Dr. Benoit, medical chief of the prisons in Quebec. Jason Gallant was immediately transferred to the hospital in Laval, Quebec. Evidently, Maître Millette was able to draw conclusions from the appearance of Jason Gallant which the medically trained staff could not.

At the hospital in Laval, after a full examination, Gallant required a careful pre-operative preparation and finally underwent delicate surgery with success. The diagnosis was an intra-thoracic strangled hernia of the Jejunum (first part of the small intestine). In other words, the first part of the small intestine was situated in the thoracic (chest) cavity through a small hole in the diaphragm. This abnormal situation caused difficulty in digestion which could not easily be explained in clinical terms from the symptoms, until the intestine had become strangled by the edge of the hole in the diaphragm.

It is unclear whether there is a connection between the medical crisis and the beating which Jason Gallant was alleged to have received. It seems reasonable to consider that a serious abdominal pressure from outside might have caused the intestinal intrusion through the diaphragm in the presence of a pre-existing hole, without judging the origin of the hole. (There is some evidence that several years before he had been injured by a knife in the stomach area).

Accordingly, the medical record and medical information about Jason Gallant is consistent with, but not necessarily linked to, the ill-treatment he allegedly suffered after 25 July 1982 at Archambault.

14 prisoners stated that they were threatened with being killed - the threats were sometimes accompanied by actions by the guards to make the threat realistic, such as rope around the neck.

There were several other complaints - some of which fall outside the mandate of Amnesty International. With a few exceptions, the prisoners stated that the ill-treatment ceased when they were transferred to the CDC in Laval, Quebec.

IV. ASSESSING THE CREDIBILITY OF THE TESTIMONY PROVIDED BY THE PRISONERS

In assessing the veracity of the statements by the prisoners, the Amnesty International mission delegates were aided by a number of other indicia of veracity:

- corroboration and demeanour
- physical evidence of injury
- admissions by officials
- corroboration by others who saw the prisoners during the relevant period

The first indicia of veracity was the degree to which the testimony was consistent - from prisoners who may or may not have been able to coordinate their stories. The delegates did not find the prisoners telling the same stories as though there was a conspiracy among prisoners to agree on a story. Nevertheless, there was sufficient consistency to confirm the general outline of what occurred without accepting every detail. While a few details of their complaints did not appear accurate, their testimony was sufficiently credible to require further, careful investigation. The testimonies of the prisoners were direct, dispassionate and not overtly hostile with respect to the guards or the prison authorities.

While all the prisoners had various grievances about imprisonment, each gave testimony which indicated that the severe ill-treatment occurred only during the several week period following the riot - mostly in or around the segregation unit.

The Amnesty International delegates interviewed eight prisoners. Each prisoner was seen alone. At the CDC in Laval, Quebec, the mission saw six prisoners who had been in the segregation unit at Archambault but who had been transferred in August or September 1982 to two separate wings of the CDC prison. The prisoners were brought to an interviewing room where the delegates were separated by a large wire mesh from the prisoner. The prisoners were perfunctorily searched before and after seeing the delegates. The mission heard testimony stating that some facilities for interview visits are wired for eavesdropping, but there were no obvious indications of such arrangements. The prisoners and the delegates were aware of these claims, but they seemed to impede the discussion only at the beginning of the interviews.

The delegates introduced themselves and explained that they were there to collect information about the events at Archambault prison. The prisoners were not given an assurance that what they said would be held in confidence. All six prisoners interviewed by Amnesty International mission are, of course, known to the prison authorities who arranged the interviews at the CDC. These prisoners have also alleged ill-treatment in signed affidavits which were received by the mission. Each of the interviews lasted about 45 minutes.

At the Archambault Institution the delegation saw two prisoners. One had been in the segregation unit and one had been a member of the prisoners' committee which has recently been dissolved. The prisoners were brought to a room ordinarily used by administration staff as an office. There was no separation between the prisoner and the delegates. It was unlikely that the interviews were overheard. The interview procedure was the same as at the CDC.

Second, viewing the prisoners eight months after the events, the delegates could find little physical evidence of the alleged ill-treatment. But the evidence of even severe beatings often disappears within a few weeks. Nonetheless, one prisoner said he had been burned with a cigarette and upon request he showed a scar consistent with his story. The psychological symptoms described by several of the prisoners, including sleeplessness, bad dreams, inability to maintain attention, etc., were consistent with the stress of ill-treatment, although they could have been caused by other stresses prisoners had faced. There were also a few scars from cuts and very tight handcuffs which were consistent with, but not necessarily certain to have been produced by, the described ill-treatment.

Third, the delegates were able to obtain some confirmation of the prisoners' stories from the comments of officials. The Director of the prison, André Le Marrier, acknowledged to Charles Kolb that these inmates had been "harassed" by a "minority" of the guards and stressed three times that the guards involved constituted a "minority".

While being interviewed by Maître Thierry Maleville, Director Le Marrier admitted (p.62) there had been "regrettable acts" committed against the prisoners. He also spoke (p.60) of the prisoners having violated their contract with him, that this was a war situation in which a fellow soldier had fallen by your side. "It was impossible for me to control the violence and the natural and normal reaction of the guards in the face of the murderous violence of the prisoners; these are feelings of uncontrollable vengeance."*

During the interviews with the Amnesty International delegation, largely in the presence of officials from the regional and national Correctional Service, André Le Marrier, Director of the Archambault Institution, denied that there had been any inappropriate action by the guards except that one guard had forced a prisoner onto his knees. (That guard had been admonished.)

Rt. Reverend Clarke MacDonald** summarized the statements of Michel Gilbert, Assistant Director for security at Archambault, about the segregation unit, known as the "hole":

* Thierry Maleville, Rapport de Mission sur la Situation au Penitencier Archambault à Sainte Anne des Plaines, Quebec, Canada, Federation Internationale des Droits de l'Homme, 5 January 1983.

** Rt. Reverend Clarke MacDonald, Report from the Moderator of the United Church of Canada on Visits to Archambault Prison, 3 November 1982.

"Unfortunately in isolating the inmates responsible for the riot by sending them to the hole, those guards seeking revenge had free access to the 'guilty ones'. 'I was never', he affirmed, 'ashamed of what went on in the hole until the period between July 25th and several weeks ago. The inmates probably had a rough time in the hole'. He went on to indicate his opinion. 'They were probably badly harassed, but it has been calm for the last two or three weeks. I cannot, however, verify any of these hypotheses. If I approach an area, guards "warn" other guards of my whereabouts as I approach. The guards felt the score was 3 to 0 since no inmates were murdered, but had committed suicide, and some of the staff were, and still are, 'looking for revenge'. Mr. Gilbert indicated that while he understood this desire for revenge, he rejected it as any kind of practical solution."

Also, in the letter of 9 November 1982 written by D.R. Yoemans, Commissioner of the Correctional Service, to the International Human Rights Law Group, there is an acknowledgement that "a small minority of the correctional officers at the institution had caused some damage to inmates' property following the July 25th tragedy ..." While denying that guards were seeking retribution for their colleagues' slayings, Yoemans noted the report of Inspector General Wrenshall which "described in detail the real possibility that staff hostility is much more a factor of stress ..." (Wrenshall told the Amnesty International mission delegates that guards had systematically broken the television sets located in the common rooms for prisoners, as a response to the stress caused by the riot.)

Even the comment of the Solicitor General (see above, page 4), concedes the existence of a situation in which prisoners could have been ill-treated, when he said "I do know that the guards were severely tried by the murders of their colleagues and that some harassments were admitted."

None of these officials admitted the same sorts of ill-treatment that the prisoners allege, but it is clear that there has been no official investigation of the allegations of ill-treatment. The official statements based on uninformed reaction are not capable of negating the allegations of the prisoners, and actually establish a climate in the prison which might be conducive to some ill-treatment of the prisoners.

Fourth, the mission sought some sort of corroboration of the allegations of the prisoners from the testimony of those persons who saw the prisoners during or soon after the period when the ill-treatment allegedly occurred. Family members, lawyers, medical staff, and Charles Kolb described the prisoners as in a state of shock, "grey", and "totally oppressed."

Bruises and even uncared-for cuts surrounded by dried blood were described by those who visited inmates. A member of the medical staff during the period after the riots acknowledged to an Amnesty International delegate that the prisoners were kept in the segregation unit without any clothes.

The Solicitor General pointed to the fact that the lawyers who gave a press conference on 5 August after talking with some of the prisoners did not mention the worst abuses which later surfaced. Indeed, the Solicitor General stated that the lawyers mentioned only "moral torture." In fact, on 5 August 1982 four lawyers (Anne-Marie Jones, Georges Lebel, Nicole Daignault and Renée Millette) gave a press conference after having seen eight prisoners who were their clients at Archambault prior to the riot. It is apparently to this press conference which the Solicitor General is referring above. At this press conference the lawyers complained of the "reign of a climate of terror and suspicion which borders on moral torture." The lawyers were speaking about the situation in the prison as a whole; they also complained about the lack of access of prisoners to lawyers, families, and even to prison personnel. Among their many complaints was the following single paragraph about the segregation unit:

"A certain number of prisoners have been taken to the "hole" where they are the object of particularly cruel treatment. The fluorescent lights burn all night, keeping them from sleeping. We are informed that one prisoner in particular, brought to the hole on Tuesday the 27th, has not received food, water or medicine and that he has been gassed two or three times per day for five days."

It is clear from this paragraph and from the press statement as a whole that the four lawyers had not by 5 August 1982 obtained access to many prisoners in the segregation unit - and not the same prisoners who were later interviewed by Charles Kolb, Thierry Maleville, Rt. Reverend Clarke MacDonald and the Amnesty International mission. Indeed, while there is some overlap in the prisoners interviewed by the various outsiders, the interviewed prisoners vary considerably. The Solicitor General did not study the press statement of the four lawyers with minimal care. Nor did he interview the four lawyers, which would have revealed that the Solicitor General's attack on the credibility of the Kolb report was lacking in support.

Furthermore, having seen several more prisoners including two or three who had been taken to the segregation unit, Professor Georges Lebel sent the following telex of 21 August to the Solicitor General, Commissioner of Corrections Yoemans and Director of Archambault Le Marrier:

"Having now met a dozen prisoners, I have collected precise and consistent accounts about the treatment which prisoners are now experiencing, principally those prisoners in segregation, these treatments are inhumane and approach moral and physical torture in gross violation of constitutional guarantees against cruel and unusual treatment. I ask that you personally inform yourself about this testimony, but I do hope that having informed yourself about this situation you will take action as soon as possible." (Emphasis added).

Professor Lebel received no reply to his telex and there is no indication that any action was taken in response.

The Solicitor General's approach to the ill-treatment allegations is further revealed by his reaction to the prisoners' complaints concerning being kept without clothing in cold cells. A brief telephone call to the meteorological service in Montreal would have revealed to the Solicitor General, as it did to the Amnesty International mission delegates, that the temperatures in late August and early September 1982 in Montreal were unseasonably cold. Temperatures for August and early September 1982 averaged on some days as low as 10° C. If the average temperature was 10° C, it is not difficult to imagine that the minimum temperatures were much lower at night and that a prisoner lying in a cell without clothes or a mattress might feel cold.

The Solicitor General's apparent approach to the allegations of ill-treatment has been to try to pinpoint seeming discrepancies in small details of the allegations in an attempt to discredit those who made the allegations.

V. OFFICIAL INVESTIGATIONS FOLLOWING THE RIOT

There have been several sorts of official investigations after the riot. None of these investigations has dealt with the allegations of ill-treatment.

First, the Quebec Police Force (Sûreté du Québec) investigated the murders and attempted murders of the guards.

Second, the Coroner of Quebec investigated the cause of death of the five people in the riot.

Third, the Solicitor General announced on 27 July 1982 that he had asked A.F. Wrenshall, Inspector General of the Correctional Service of Canada, to investigate the riot and the killings of the guards. The Inquiry Board headed by Mr Wrenshall interviewed 60 members of the Correctional Service and received in evidence information provided by over 20 inmates. The Inquiry Board did not actually interview inmates because the Board was asked to leave contacts with inmates to the Quebec Police Force. Hence, the information from the 20 inmates apparently came from the Quebec Police Force investigation. The Inquiry Board visited the prison from 26 July 1982 to 4 August 1982 and returned on 11 August 1982. The Inquiry Board focussed on the events surrounding the riot and not with events which occurred after the authorities obtained control of the institution during the early morning hours of 26 July 1982.

Mr Wrenshall did comment on the outside report of Charles Kolb (see below at page 22), but since the Inquiry Board's investigation dealt with a different subject matter and a different time period from that of Mr Kolb, he was unable to comment on most of Mr Kolb's statements about the treatment of prisoners in the aftermath of the riot. Mr Wrenshall was not asked to initiate any investigation of the ill-treatment of prisoners and had not done so, as of the date of the Amnesty International visit to Canada.

When asked about such an investigation, Mr Wrenshall stated that he had not been asked to undertake any investigation of ill-treatment and that investigations involving such matters would ordinarily be the task of Ronald L. Stewart, Correctional Investigator of the Correctional Service.

Fourth, the office of the Correctional Investigator of the Correctional Service looked into complaints received from prisoners. These complaints could reach the office of the Correctional Investigator through referral from institutions or could be sent directly to the Investigator in Ottawa. One complaint was received of a prisoner who was "roughed up" when he refused to leave his cell during the general search of the institution following the riot. That complaint had not been pursued when the prisoner refused to press the matter.

Another investigation was initiated by the office of the Correctional Investigator; this concerned a guard with a rank of CX2 who had bragged of dumping prisoners' food on the floor or in toilets. Over 100 prisoners had signed a complaint about their food being thrown in toilets or on the floor. One guard was consequently transferred to duty outside the prison, that is, in one of the perimeter guard stations.

The Correctional Investigator received a copy of the Kolb report but was not asked to, nor did he, comment on the report. He did not receive copies of the other two outside reports.

The Correctional Investigator, Ronald L. Stewart, is authorized by his mandate from the Solicitor General to investigate any problem affecting prisoners, on his own initiative, on request from the Solicitor General and from a complaint by or on behalf of prisoners. Nevertheless, no other investigation of the ill-treatment allegations was undertaken because no complaint from prisoners was received and Mr. Stewart was not requested to undertake any investigation.

Fifth, Renée Millette, a lawyer for a number of prisoners, attempted to file in court in the region of the prison and in Montreal a request for a criminal investigation of the allegations of ill-treatment of prisoners. She had been prompted to request judicial remedy by the statements from the Solicitor General that the prisoners' recourse lay in the courts. While the Amnesty International mission was in Canada, the courts refused to accept Maître Millette's report for filing.

Sixth, pursuant to the regulations of the Correctional Service of Canada, every use of force by a correctional officer must be recorded on a form. One of the mission delegates reviewed the forms completed during the four month period (July - October) before, during and after the riot. It was clear that despite the provisions found in the regulations, the prison was not complying with the regulations. Aside from the acknowledged use of tear gas cannisters during the two days after the riot, there was no mention of any use of force whatsoever during the general search of the institution, in bringing prisoners to segregation, etc.

The preventive intelligence officer in charge of ensuring that these use of force forms are completed indicated, upon being interviewed, that he makes sure that forms are completed for situations about which he is aware. His general approach is to wait for guards to inform him of the use of force.

Indeed, on several occasions the delegates were referred to the officer at Archambault who was in charge of preventive intelligence, as someone who would know if anything had occurred to confirm the allegations of ill-treatment. The officer was interviewed and denied any knowledge of ill-treatment. He also said that although his job was to know what was happening in the prison, he was also in charge of

investigating prisoners' misdeeds. Indeed, if a prisoner was known to be talking to the officer, it would appear that the prisoner wanted something in return and/or was willing to tell tales about fellow prisoners. Accordingly, the officer was not trusted by the prisoners and would not tend to be informed of ill-treatment.

A number of other possible remedies may exist within Canada for investigating the prisoners' allegations, including a civil suit by the prisoners for damages or a complaint to the Commission des Droits de La Personne (Human Rights Commission). Nevertheless, it does not appear that any serious, official investigation of the ill-treatment allegations has yet occurred.

Amnesty International is aware that the three previous outside investigations (Kolb, MacDonald and Maleville, see pages 22-28), the Bar Association of Canada, the United Church of Canada, and others have called for a public inquiry into the allegations of ill-treatment at Archambault. There do exist facilities within the Correctional Service of Canada to undertake an investigation of the ill-treatment allegations.

Indeed, there have been investigations as to similar allegations in regard to previous events. For example, in December 1980 the Inspector General examined the events which occurred after the conclusion of a fatal hostage-taking in the Dorchester Penitentiary. The report of the Inspector General was tabled in Parliament on 15 December 1980 by the Solicitor General. The Inspector General interviewed 39 witnesses, including the warden, guards, the institutional physician and prisoners. The report did not find evidence to support the alleged beatings and minimized the injuries suffered by the prisoners. Nevertheless, the report did find degrading treatment in one case. The Inspector General's report noted the recommendation of the MacGuigan report that Correctional Service employees should wear some form of identification. (The recommendation of the Inspector General has not been followed because Correctional Service employees have refused to wear identification if the prisoners are not also required to wear identification.)

In November 1975, Warren Allmand, a previous Solicitor General, requested that the Correctional Investigator undertake a public inquiry into the use of tear gas and force on 3 November 1975 in Millhaven Penitentiary.

The MacGuigan Report to Parliament of 1977 was to some extent an inquiry into several disturbances in Canadian prisons. For example, the MacGuigan report recalls the unfortunate 1971 opening of the Millhaven Institution in which 400 prisoners were transferred from a prison where there had been a riot, to Millhaven. In order to enter Millhaven the prisoners were forced to run a gauntlet of guards who struck them with clubs. The early history of Millhaven, which has a design identical to Archambault, was according to the MacGuigan Report

"marked by the use of clubs, shackles, gas and dogs often in combination. Dogs were let loose on inmates in the yard and in their cells. Gas was used to punish the inmates frequently - in March 1973, as often as three or four times a week. Inmates were first shackled, sometimes hands and feet together, were then beaten with clubs, made to crawl on the floor and finally gassed."*

More recently, the Solicitor General ordered an independent investigation of allegations that there had been entertainment including nude dancing in a prison.

It seems odd that the Canadian Government has not initiated a full, independent and impartial inquiry into the much more serious allegations which are said to have occurred in late summer 1982 at the Archambault Institution.

* MacGuigan, the Sub-Committee on the Parliamentary System in Canada, Report to Parliament 1976-1977, at 31-32.

VI. PREVIOUS OUTSIDE INQUIRIES

(i) Montreal Lawyers

During August several lawyers from Montreal interviewed prisoners. These lawyers began by interviewing prisoners who were their clients prior to the riot. None of the prisoners they initially interviewed was apparently involved in murders and none had been taken to the segregation unit because they were suspected of some offence during the riot. One prisoner had been in the "hole" during the riot and was able to tell the lawyers a little about what was happening to others in the "hole". As soon as the lawyers began to hear approximately the same story from the prisoners in the general population, the lawyers prepared a standard affidavit with very small spaces for variations for each prisoner.

The affidavits asked about exercise periods, food, visits from outsiders, communications with lawyers, loss of personal belongings in the general search, showers, acts of the guards during the general search, the use of gas, lack of paper and a pen, lack of contact with prison case workers, lack of normal prison activities, being kept in ignorance of what was happening and language used by guards. The standard affidavit did not ask for information about physical brutality by guards. The lawyers believed that these affidavits would permit them to interview more prisoners rapidly. But the affidavits certainly did not help the lawyers gather information about the worst abuses which were then occurring. Further, the lawyers were generally not successful in identifying prisoners who had suffered the worst treatment, so that they could be interviewed. Also, the lawyers did not transmit the affidavits to the prison authorities because their interviewees had not agreed to make complaints; the prisoners feared retribution by the prison guards.

(ii) Kolb Report

From 31 August to 2 September 1982 a representative of the International Human Rights Law Group visited Archambault. The Law Group is a relatively new human rights organization centred in Washington DC and having consultative status (Roster) with the UN. Charles Kolb, a lawyer from Washington DC., was the Law Group representative. He talked to nine prisoners, two guards, prison administrators, lawyers and families of prisoners. Kolb produced a detailed 67 page report on 23 September 1982, which received considerable media attention and has been published in the New England Journal on Criminal and Civil Confinement (vol. 9, No. 1 at 125).

Before Kolb was permitted to interview prisoners at Archambault on 2 September 1982, each prisoner was strip-searched. After each interview the prisoners were subjected to a patdown search. He assured the prisoners' anonymity. He did rely on some secondhand accounts from prisoners and discarded a few prisoner complaints which he found unlikely, but in general he found the prisoners to be credible.

Kolb dealt with a wide range of prisoner complaints: lack of adequate food (four sandwiches per day), gassing of the prison population in general during late July, lack of access to lawyers for 10 days after the riot and ill-treatment in the segregation unit.

As to events in the segregation unit, Kolb devoted only a part of his report. He described two prisoners being gassed in the mouth; a prisoner being reportedly gassed to force a confession; food being urinated on and a prisoner forced to eat it; beating en route to interrogation; smashing a prisoner's head into a closed door; a prisoner asked to kneel in front of his cell and then kicked into his cell; deprivation of water, clothing, and mattress in a cold cell; a naked prisoner polishing guards' boots; guards periodically banging cell doors to keep the prisoners awake at night; lights being left on all night; human faeces rubbed in a prisoner's face; deprivation of showers for a week; deprivation of water except water from the toilet; lack of soap, toilet paper and writing materials; and guards masturbating into the prisoner's cell.

Kolb appended to his report copies of 14 affidavits which had been collected by the Montreal lawyers in August. These affidavits followed the standard form used by the Montreal lawyers with names blocked out. The affidavits did not, in general, relate to the same serious allegations of ill-treatment in the segregation unit which were discussed in Kolb's report.

The Solicitor General's reaction has already been discussed above in the section on assessing the credibility of prisoners' testimony. Inspector General Wrenshall's comments on the Kolb report were submitted to Solicitor General Kaplan and to Corrections Commissioner Yoemans; their comments are also briefly referred to above. As a general comment on Kolb's report, Wrenshall said "I must note that it has not really been possible to compare [Kolb's] report with that of the Inquiry Board [which Wrenshall headed]; these two documents simply do not focus on the same questions nor on the same time frame." Wrenshall went on to make more detailed comments on some of Kolb's findings. For example: "I have yet to meet the maximum security inmate who could be forced to eat a sandwich upon which he had seen a guard urinate and then forced to say he liked it." Wrenshall also was very critical of the Kolb statement about guards masturbating in the cells of prisoners, as unlikely.*

He said the prison was hot while he was there (26 July - 4 August), not cold as the prisoners had complained to Kolb. Furthermore, Kolb offered the prisoners an assurance of anonymity which may not have encouraged truthfulness and Kolb admitted to relying on secondhand accounts. In addition, Wrenshall could not believe that the complaints of prisoners were true since they had not been received as prisoner grievances or in any other way, other than through the Kolb report.

* It appears this allegation was secondhand or merely a rumour among prisoners who had not been in the segregation unit. Mr Wrenshall's critique appears to be justified.

In a letter dated 9 November 1982 D.R. Yoemans, Corrections Commissioner, wrote to the International Human Rights Law Group. Yoemans noted that the lawyers had a press conference after seeing prisoners and did not make similar complaints. Yoemans noted the Wrenshall report and said that Wrenshall's investigators "saw no evidence of the type of atrocities described by Mr Kolb." Yoemans complained of Kolb's "seeming lack of objectivity" in using the word "alleged" as to the murder of the guards, but not as to the ill-treatment of the prisoners. Kolb reported prisoners' complaints about the cold and Yoemans found Kolb's report questionable because the week when the Inspector General's staff was in Archambault was "very hot." Yoemans noted the existence of the complaint system of the Correctional Service. The existence of only one complaint by an Archambault prisoner concerning ill-treatment suggested to Yoemans that widespread ill-treatment did not occur.

Nowhere in Yoemans' letter is there any suggestion that the information in Kolb's report had been investigated.

(iii) MacDonald Report

The Rt. Reverend Clarke MacDonald, Moderator of the General Council of the United Church of Canada, visited Archambault prison on 9 and 30 September 1982. He was accompanied by three chaplains and a church employee who works with the families of prisoners. Rev. MacDonald visited the prison facility and met with the Director of the Archambault Institution, representatives of the guards union at Archambault and representatives of the prisoners. On 3 November 1982 Rev. MacDonald issued a report on his findings.

In general, the MacDonald report deals with the riot and with how the prison is run - particularly as to the relationship between the administration, the staff, the prisoners, the families of prisoners, and the prison chaplain. The MacDonald report contained the following few sentences of particular interest as to the treatment of the prisoners:

"The temperatures in August were unusually cold, but inmates in segregation were deprived of socks and blankets during this time. . . . There have been a variety of reports of what could only be called cruel and unusual or degrading treatment which have emanated from a number of sources, especially the "Kolb" report. While the Moderator is not in a position to judge the reliability of this report, he is somewhat appalled by the facile manner in which it has been dismissed by Hon. Robert Kaplan, Solicitor General of Canada. (See Appendix A)."

Appendix A is a single page containing a secondhand account of ill-treatment of prisoners which supported the findings of the Kolb report. The relevant material was as follows:

"The prisoners were subjected to cruel, inhuman and degrading treatment and were harassed in multiple ways, such as

- sandwiches are thrown into the cell, landing oftentimes in the cell 'toilet'
- those in segregation are urinated upon by guards; their sandwiches are urinated upon and they are forced to eat them; they are deprived of sleep; undergo lengthy interrogations; their heads are knocked against the wall; a telephone directory is held on an inmate's head while another beats on the book with a wooden 'bat'
- the inmates 'accused' of the murders of the three guards and stabbings of others are hung by the ankles and their genitals are beaten
- these tortures, carried out by guards trained not to leave marks as proof, are substantiated by lawyers from the Office des Droits de Détenues and by families of inmates, at least one of which sent in a family doctor to the penitentiary .. following the doctor's visit, the inmate underwent another 'torture session'

It was reported that eventually the postings of the guards seeking revenge through violence were changed in an attempt by the administration to stop the harassment."

Rev. MacDonald called for "a full and independent inquiry into the events surrounding and subsequent to the riots." On 22 November and 6 December 1982 Rev. MacDonald and some of his church colleagues met with the Solicitor General to discuss the need for a public inquiry. At the 22 November meeting the Solicitor General seemed quite open to a dialogue, but at the second meeting the Solicitor General indicated that a public inquiry was out of the question.

The Solicitor General did offer to let Rev. MacDonald visit some of the prisoners who were allegedly ill-treated. On 5 January 1983 Rev. MacDonald and several colleagues had one hour interviews with five prisoners. Tape recordings were made of the interviews. Notes of the five interviews and tape recordings were provided to the Amnesty International mission. The prisoners were not identified in the notes, but Amnesty International knows the identity of the five prisoners. The interview notes tell the prisoners' stories of ill-treatment in considerable but rambling detail.

On 6 January 1983, Rev. Mac Donald sent the Solicitor General a telex indicating that he had interviewed five prisoners and "the allegations of harassment and intimidation; of torture by hitting, gassing and threatening; of humiliation; of obscene acts as in the Appendix to the Moderator's report of November 4, has been largely substantiated by the first-hand information provided by the prisoners." The Moderator noted that prisoners were in some cases capable of identifying the guards. Rev. MacDonald reaffirmed the need for a "full, independent public inquiry" and he offered to meet with the Solicitor General to discuss the details of the report. The Solicitor General has never responded and has thus never seen the notes taken of the five prisoners interviewed.

(iv) Maleville Report

The Fédération Internationale des Droits de l'Homme (International Federation of Human Rights), centred in Paris, also sent a mission to Archambault prison.* Maître Thierry Maleville of Montreuil, France, arrived on 30 August and departed 13 September 1982. His 75-page report was issued on 3 January 1983. A significant part of the report is a collection of documents, including his order of mission; a pamphlet about the prison system in Canada; regulations on prisoner committees, citizens consultative committee for the prisons, the rights of prisoners, prisoner discipline, grievances, the Archambault Institution; a petition from the families of prisoners; a copy of the telex sent by Professor Lebel after seeing the prisoners during August; a press release of l'Office des Droits des Détenues (the Prisoners' Rights Committee) in Montreal about the riot; and other documents.

Maître Maleville experienced some difficulty in visiting the prison apparently because the Federation had not notified the authorities in advance and because Charles Kolb was in Quebec during the same period. Maître Maleville interviewed the families of prisoners, finally visited Archambault and interviewed the Director of Archambault, the institutional physician, the prisoner committee, a representative of the guards and a representative of the Correctional Service and Solicitor General.

Maleville was told by two prisoners (pp. 49-50) he interviewed in the segregation unit at Archambault that they had been beaten, gassed, left naked without blankets or mattress, given food which had been thrown in the toilet or on the floor, deprived of sleep by turning on the lights of the cell and banging on the doors, and deprived of toilet paper as well as soap.

Maleville found that some of the prisoners who had seen Charles Kolb had suffered reprisals by the guards and were reluctant to speak to him (p.52). Maleville did not indicate in his report which seven prisoners he saw at the CDC in Laval, Quebec. He was told by prisoners (pp. 52-53) who had been in the segregation unit at Archambault after 26 July that they had repeatedly been gassed in the mouth, urinated upon, given mattresses which had been urinated upon, deprived of sleep, forced to walk on hands and knees, kept naked, deprived of mattress or blanket, deprived of medical care, deprived of water except that which could be obtained from the toilet, given food which had been adulterated by saliva, urine, dirt from the floor or gas, permitted to take no showers or showers of 30 seconds or one minute; forced to wear wet clothing, threatened with worse if the prisoner talks, etc. Some of the prisoners told Maleville they had been suspended by their feet, by clubs under their arms, or at the base of their skull, whipped with weighted leather, forced to walk on hands and feet naked over gravel, had their testicles squeezed, had a truncheon forced into their mouths, forced to put their faces in excrement or had them wiped with excrement and had their heads forced into a toilet. Guards threatened prisoners if they reported what had been done to them and the guards indicated that there would be no proof. After the prisoners had been transferred from Archambault to the CDC the ill-treatment had largely ended.

* The Ligue des Droits et Libertés (Civil Liberties Union) in Montreal has been an active advocate for the prisoners at Archambault and is an affiliate of the Federation. The International Federation of Human Rights is an organization in consultative status (Category II) with the UN Economic and Social Council.

Maître Maleville's report was issued in Montreal five days before the trial of the prisoners who were accused of killing guards at Archambault. The report was presented to the media at a press conference by Jean-Claude Bernheim, who is the Director of the l'Office des Droits des Détenues (Prisoners' Rights Committee), an official of the Ligue des Droits et Libertés (Civil Liberties Union) in Montreal and an official of the International Federation of Human Rights. Mr Bernheim is an outspoken advocate for the rights of prisoners at Archambault and he called for the suspension of the criminal trial because of the involuntary confessions made by the prisoners who would be tried. Mr Bernheim renewed his appeal for a public inquiry into the riots at Archambault prison.

The judge responsible for the murder trial issued an order to show cause why Mr Bernheim and several media representatives should be held in contempt. The contempt proceeding has not yet been concluded.*

* After this memorandum was prepared, contempt proceedings against Mr Bernheim were dropped.

VII. LACK OF COMPLAINTS FROM PRISONERS TO THE AUTHORITIES

Kaplan, Wrenshall and Yoemans commented upon the lack of complaints from prisoners to the authorities. Indeed, André Le Marrier, Director of the Archambault Institution, told the Amnesty International mission delegates that there had been only one complaint from a prisoner arising out of the entire period following the riot. He told the mission delegates that one prisoner had been forced to go down on his knees in front of a guard and that the guard was admonished over this incident.* The Director concluded that there was no ill-treatment of prisoners.

The Director's statement about the frequency of complaints is not substantiated by the information obtained from the office of the Correctional Investigator. Complaints were received about one prisoner being "roughed up" in the general search, food being thrown in toilets, and a considerable number of prisoners who lost property after the general search.

The Solicitor General has evidently received a relatively detailed complaint of 15 January 1983 from one prisoner, Ian Patterson, and Patterson was joined by 11 other prisoners in a statement of 7 January 1983. The Patterson complaint describes his being pushed, deprived of clothes, teargassed, having his sandwiches thrown on the floor, having the lights in his cell kept on all night, having his sleep disturbed by periodic banging on the cell door, having excrement placed on his sheets, and seeing other inmates ill-treated. While there may be some question about all the complaints of Ian Patterson, the allegations have not been investigated. In a letter of 18 March 1983 to the Prisoners' Rights Committee of Montreal, the Solicitor General said:

"After reading the depositions by Inmate Ian Patterson et al; I am more convinced than ever that the public interest would not be best served by a public inquiry. There is available a clear alternative which the aggrieved inmates can use and which is more appropriate to the circumstances. I refer to the Courts of Law. A public inquiry is called when a wrong is apparent and when its full dimensions are unknown, when it is not clear who the victims are, who has wronged whom or under what circumstances. The present situation is far from this." **

In addition, prisoners told the mission delegates that they were deprived of all writing materials for several weeks after the riot. Requests for writing materials were refused by guards. When the prisoners began to receive writing materials, some did write complaints but these complaints disappeared after being given to guards.

* The Director did not investigate that incident sufficiently to know elementary details of what occurred.

** It appears that the Solicitor General has also not sent this Patterson complaint to the Correctional Investigator for individual inquiry.

At least for a period during and after the alleged ill-treatment, prisoners were afraid to make individual complaints for fear of reprisals. Some prisoners have said they were beaten after seeing their lawyer or other visitors.

Some prisoners saw lawyers and may have assumed that the lawyers would take the problems up with the authorities. The lawyers Kolb, Maleville and MacDonald did make complaints, but could not use the names of the prisoners without their permission.

The prison has a rule which requires complaints to be filed within one month and grievances to be filed within two months after the occurrence (The distinction between grievances and complaints is not clear from the regulations.) Prisoners told the mission delegates that complaints alleging ill-treatment by guards have not been processed. Guards then return the complaints saying they are too late. Prisoners are not told that they could still submit the complaints to the Correctional Investigator in Ottawa.

Only after interviewing a group of 17 prisoners in January 1983 did Renée Millette, a Montreal lawyer, obtain the permission of the 17 prisoners to make individual complaints on their behalf. Her complaint was given to the Amnesty International mission and was submitted to two judges in Quebec. On 11 May 1983 Maître Millette also submitted the complaint to the Procureur Général du Québec (General Prosecutor of Quebec) requesting an investigation. The judges refused to accept the complaint even for filing. The complaints were submitted to the courts in order to initiate a criminal investigation because that is the only procedure the Solicitor General declared to be acceptable.

VIII. CONCLUSIONS AND RECOMMENDATIONS

(i) Inquiry into Ill-Treatment Allegations

Canada has ratified the International Covenant on Civil and Political Rights, which in Article 7 states "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This general prohibition has been implemented by the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Res. 3452(XXX) of 9 December 1975). Canada joined in adopting the Declaration by acclamation. The Government of Canada has made a "unilateral declaration of its continued compliance with the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." "The unilateral declaration by the Government of Canada conveyed in a note to the UN Secretary-General, confirms solemnly the intention of the Canadian authorities to continue to act in conformity with the Declaration."

Article 9 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states: "Whenever there is reasonable ground to believe that an act of torture as defined in Article 1 has been committed, the competent authorities of the State shall promptly proceed to an impartial investigation even if there has been no formal complaint."*

The position of the Solicitor General that there must be a formal complaint to the courts in order for the authorities to undertake an investigation of the allegations of ill-treatment contravenes Article 9 of the Torture Declaration. The Declaration requires a prompt investigation whenever there is reasonable grounds to believe that an act of torture has been committed.

* Article 1 defines torture as follows:

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purpose as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.
2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

The Amnesty International delegation found that there exists at least "reasonable ground to believe" that there was within the meaning of the UN Declaration on Torture, torture or other cruel, inhuman or degrading treatment or punishment in the Archambault Institution during the period beginning 26 July 1982. The delegation did not conclude upon the evidence gathered that there necessarily was torture and cruel, inhuman or degrading treatment, but that the Canadian government has an international obligation to undertake a full, independent and impartial investigation.

Based upon the information Amnesty International has thus far collected, the inquiry should focus upon the treatment which prisoners suffered in being taken to and from the segregation unit, in the segregation unit and in the related exercise yard during the period of 26 July 1982 until the end of October 1982, particularly 26 July - 2 September.

The inquiry should interview all prisoners who were held in the segregation unit; their lawyers, families or friends who visited during the period July, August and September; Correctional Service employees who were stationed in or who visited the segregation area, medical personnel who visited the segregation area or who treated the prisoners and other appropriate witnesses.

The inquiry should identify all the prisoners who were kept in the segregation unit during the relevant period and make it known that they may give evidence to the inquiry.

The investigation should particularly look into the serious allegations of ill-treatment contained in the complaints of 17 prisoners which were received by the Amnesty International mission.

Some prisoners are willing to identify the guards who were involved in the alleged ill-treatment - either by name or by description. The inquiry should permit the prisoners to view photographs of guards or otherwise identify those who were employed at the prison during the relevant period.

The inquiry should undertake a thorough review of the records of the prison which may assist in confirming or denying the allegations of the prisoners. The inquiry should review the disciplinary and medical files of prisoners, the reports of the use of force, the log which is kept in the segregation unit, the forms which are filed when force is used, the inventories of aerosol tear gas cans, the purchase orders of tear gas cans, any record of who took the tear gas from stores during the period at issue, employee records of those guards who were stationed in the disciplinary unit during the period, and other relevant records.

A full report of the findings of the inquiry should be made public.

(ii) Other Recommendations

The Human Rights Committee in its General Comments of 27 July 1982 with respect to Article 7 of the International Covenant on Civil and Political Rights noted "that it is not sufficient for the implementation of this Article to prohibit such treatment or punishment or to make it a crime. ... States must ensure an effective protection through machinery of control. Complaints about ill-treatment must be investigated effectively by competent authorities. Among the safeguards which may make control effective are provisions against detention incommunicado, granting, without prejudice to the investigation, persons such as doctors, lawyers and family members access to the detainees ... and measures of training and instruction of law enforcement officials not to apply such treatment.

"As appears from the terms of this Article, the scope of protection required goes far beyond torture as normally understood. ... Even such a measure as solitary confinement may, according to the circumstances, and especially when the person is kept incommunicado, be contrary to this Article ..." (Report of the Human Rights Committee).

In accordance with the recommendations which Amnesty International ordinarily makes for the protection of prisoners against ill-treatment, the following additional recommendations appear appropriate:

1. Amnesty International recommends that the Government of Canada issue, and make widely and forcefully known, a statement that the government condemns and will not permit prisoners to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.
2. To safeguard against ill-treatment and to ensure that statements of prisoners are given freely and not as a result of coercion, Amnesty International ordinarily recommends that all prisoners be allowed regular access to a lawyer of his or her choice. This recommendation appears particularly relevant when the prisoners are being questioned by the police about their involvement in a disturbance such as occurred at the Archambault Institution.
3. Amnesty International recommends that the Government of Canada should review the training programme for all Correctional Service employees to ensure that they receive proper education and training in the principles described in the UN Code of Conduct for Law Enforcement Officials, the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Declaration on the Protection of All Persons from Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.

This training should include instructions that all employees of the Correctional Service have an obligation to report any evidence of ill-treatment of prisoners to the appropriate authorities.*

4. Amnesty International recommends measures to diminish the likelihood of ill-treatment of prisoners, for example, (a) prisoners suspected of injuring guards should be removed as soon as possible to another institution,** and (b) measures should be taken to make it mandatory that Correctional Service employees wear name identification on their outer clothing while on duty.***
5. Amnesty International recommends that the Government of Canada regularly review whether relevant Correctional Service regulations are being implemented, for example, as to prisoner complaint procedures, the use of tear gas, reports on the use of force, etc.
6. Amnesty International recommends that the Government of Canada consider regulations that would assure the maintenance of all relevant Correctional Service and prison records during the period when prisoners may make complaints of ill-treatment.

* The Inspector General's report also apparently recommended that Correctional Service employees should be trained to deal with the sorts of stress which occur when one of their colleagues is injured.

** This recommendation was apparently made by the Inspector General after the Archambault riot. The Director of the CDC needed to lecture his guards about the treatment of transferees from Archambault when some ill-treatment continued for a period after the transfer. The Solicitor General has requested that the Correctional Investigator, Ronald L. Stewart, go promptly to any institution which has experienced an incident similar to Archambault. If such an incident occurs, the segregation unit apparently requires particular surveillance for several months after the incident.

*** The Inspector General's report also apparently recommended group therapy sessions to deal with the stress felt by guards after riots.

7. Amnesty International recommends that the Government of Canada institute Correctional Service regulations which would require a thorough medical examination by a qualified medical doctor before a prisoner is placed in a segregation unit of a prison and immediately after release from a segregation unit.
8. Amnesty International ordinarily recommends that all prisoners should have access to a doctor at regular intervals and should be provided with appropriate medical treatment at all times. This recommendation appears particularly relevant where prisoners complain of ill-treatment; in which case they should be provided with an immediate medical examination.

A request for medical examination should be made on a form which can be sealed so that those who process the form cannot see the statements made by the prisoner in explaining the need for a medical examination.

9. Amnesty International recommends that prisoners should be permitted to request an examination by a personal doctor. If requested, that examination should be conducted without any Correctional Service employees present.

AMNESTY INTERNATIONAL
June 1983

IX. APPENDICES

The Honourable Bob Kaplan
Solicitor General of Canada
Ottawa
Canada K1A 0P8

9 June 1983

Dear Solicitor General Kaplan,

I have the honour of enclosing a memorandum prepared by Amnesty International for submission to the Government of Canada following the visit of an Amnesty International delegation to Quebec from 10 to 15 April 1983.

The memorandum contains the findings of the Amnesty International delegates on the alleged mistreatment of prisoners at the Archambault Institution during the period following the disturbance there on 25 July 1982 and Amnesty International's recommendations to the Government of Canada on this issue.

Amnesty International recognizes the considerable efforts the Government of Canada has made to establish procedures for investigating complaints about mistreatment of prisoners and for allowing visits by outside organizations to inquire into these complaints. Without this laudable openness and concern, the Amnesty International mission and the enclosed memorandum would not have been possible.

Nevertheless, it is Amnesty International's view under the UN Declaration on Torture that there exists at least "reasonable ground to believe" that torture and other cruel, inhuman or degrading treatment or punishment may have taken place in the Archambault Institution during the period beginning 26 July 1982. The delegation did not conclude upon the evidence gathered that this was necessarily the case, but rather that the Canadian government has an obligation pursuant to international legal standards to undertake a full, independent and impartial investigation.

Amnesty International hopes that your Government will give favourable consideration to the recommendations in this memorandum and would appreciate receiving its comments about the memorandum.

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The Honourable Bob Kaplan

9 June 1983

The organization has not yet determined whether to make public the text of its memorandum. If it were to do so, it would of course, be willing to publicize at the same time your Government's response to the memorandum. Amnesty International intends, in any case, to publish in September a brief report that the mission visited Quebec and that the memorandum with recommendations has been sent to your Government. Amnesty International should be grateful to receive your written comments on the memorandum by 20 July 1983.

May I express on behalf of Amnesty International, the organization's appreciation for the cooperation and courtesy extended to its delegation during their visit to Quebec.

Copies of this letter have been sent to His Excellency Allan MacEachen, Minister of Foreign Affairs; Ronald L. Stewart, Correctional Investigator; and Allen F. Wrenshall, Inspector General.

Yours respectfully and sincerely,



Thomas Hammarberg
Secretary General



Solicitor General of Canada / Solliciteur général du Canada

The Honourable Bob Kaplan / L'honorable Bob Kaplan

Ottawa, K1A 0P8
July 8, 1983.

Mr. Thomas Hammarberg
Secretary General
Amnesty International
10 Southampton Street
London WC2E, 7HF
England

Dear Mr. Hammarberg:

This is further to my interim acknowledgement of your letter dated June 9, 1983, enclosing Amnesty International's report on last July's incident at Archambault Institution.

I have now had a full opportunity to review the report enclosed with your letter. On the basis of that report, and after full and complete consultation with officials of the Correctional Service of Canada and other officials of my Ministry, I have requested the Correctional Investigator, in accordance with his mandate, to undertake a full investigation of the allegations referred to. For your information, I enclose a photocopy of the Order in Council appointing Mr. Stewart to the position of Correctional Investigator and setting out his terms of reference. I also enclose a photocopy of my letter of June 23 to Mr. Stewart requesting him to undertake the investigation along with a subsequent exchange of relevant correspondence.

You will note from my initial letter to Mr. Stewart that I requested an interim report by July 15 and his final report by August 31. However, the Correctional Investigator, in the concluding paragraph of his July 6 response, states that he will be unable to comply with the timetable I had suggested. It is my hope that with the offer of additional resources, Mr. Stewart's report will be submitted to me within a reasonable period.

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In your correspondence, you noted that no determination had yet been made with respect to publicly releasing the Amnesty International memorandum, and that you would be receptive to simultaneously releasing both the Amnesty International memorandum and the Government of Canada's response should you elect that option. I would hope that I am in possession of the Correctional Investigator's report and have had a reasonable opportunity to consider his findings and recommendations before you make that determination.

It is my understanding that some representatives of Amnesty International will be attending the Second World Congress on Prison Health Care which my Ministry is hosting in Ottawa from August 28-31. I would be pleased to meet with your representatives to discuss these matters of mutual concern and to arrange a briefing session for them with Mr. Stewart.

In closing, I invite your comments and thoughts with respect to any of the items raised in the enclosed correspondence. It is my intention that this full and impartial investigation will be conducted on an urgent basis in order to determine whether the allegations can in any way be verified.

Yours truly,

Bob Kaplan, P.C., M.P.

Encls.



Solicitor General of Canada / Solliciteur général du Canada
The Honourable Bob Kaplan / L'honorable Bob Kaplan

23 June, 1983

Mr. Ron Stewart
Correctional Investigator
Journal Building
Room 520
Ottawa, Ontario
K1P 6A6

Dear Mr. Stewart:

As you know, following the incident at Archambault Institution on July 25, 1982, in which three guards were killed by inmates and two prisoners died, there were allegations of mistreatment of several inmates, particularly those who were placed in segregation as a result of the incident.

These allegations are now the subject of the Amnesty International Memorandum to the Government of Canada dated June 1983. The Memorandum and appendices thereto describe the allegations in greater detail than has been provided previously and, in addition, provide for the first time documentation from some of the inmates. The Memorandum concludes that, on the basis of the evidence gathered, a full, independent and impartial investigation should be undertaken of the allegations. I would like to request that you carry out such an investigation, in accordance with your mandate as Correctional Investigator.

I draw your attention to a number of regrettable incidents which occurred and which are acknowledged. These have been reviewed by me with particular attention to the response of Correctional Service of Canada. These need not be investigated or dealt with in your report.

Although I have no wish to further constrain you in the way in which you conduct the investigation, I would ask that you:

- concentrate on the treatment experienced by inmates transferred to the segregation unit;

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- interview inmates who were held in the unit during the period following the riot, and members of their families, lawyers or others who visited them during this period;
- interview relevant staff of the segregation unit and other staff of the institution, where this appears warranted, including medical staff;
- examine all relevant records;
- examine all previous reports on this incident and its aftermath;
- examine and assess the adequacy of policies and directives pertaining to the handling of inmates and the control of the institution in the aftermath of major incidents.

In particular, I would like you to report any specific incidents of mistreatment, including, wherever possible, details of the identity of inmates, staff, date, time and place of the incident.

In addition, I would like to know whether, in your judgement:

- a) there is evidence to substantiate a conclusion as to whether or not individual or general mistreatment of inmates took place during this period;
- b) there is evidence to warrant disciplinary action against any individual member of staff;
- c) there is evidence of inmate mistreatment which should be referred to the Attorney General of Quebec for his further investigation and/or consideration of prosecution;
- d) there are any recommendations you would make to prevent or reduce the likelihood of mistreatment in the aftermath of future incidents.

I would like to receive your report of the investigation by August 31 in a form that will permit me to make it public (save for the deletion of specific names where this is deemed appropriate). If feasible, I would appreciate receiving an interim report no later than July 15.

Yours very truly,

Bob Kaplan, P.C., M.P.



The Correctional Investigator
Canada

P.O. Box 2324, Station D
Ottawa, Ontario
K1P 5W5

L'Enquêteur correctionnel
Canada

C.P. 2324, Station D
Ottawa (Ontario)
K1P 5W5

July 6, 1983

The Honourable Robert Kaplan
Solicitor General of Canada
340 Laurier Ave., West
Ottawa, Ontario

Dear Mr. Minister:

I have reviewed your letter of June 23, 1983 pertaining to an investigation into allegations of inmate mistreatment following an incident at Archambault on July 25, 1982 and wish to make the following comments.

Over the years I have been concerned, as was my predecessor, about maintaining an independent stance for the Office of the Correctional Investigator and have worked toward that end. A key element in this struggle has been the attempts by ourselves and others to change the reporting function of the position from the Solicitor General to Parliament.

By way of background the first Correctional Investigator, Miss Inger Hansen, informed me that when the office was established in 1973 the Solicitor General of the day indicated that after an initial operating period the proposal was that she would be reporting to Parliament as a true ombudsman. In the report of the Committee on the Concept of the Ombudsman July 1977 it was suggested that the Office of the Correctional Investigator should be integrated into that of a true ombudsman. Again in the MacGuigan Report on Penitentiaries, recommendation number 37 called for the Correctional Investigator to report directly to Parliament and in my report to you of 1980-81 I reiterated that recommendation. To date as far as I am aware there has been no movement towards implementation of that change.

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Canada



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These initiatives were not to suggest that there had been in the past any interference nor any attempt to direct the manner in which the office carried out its duties but rather it had to do with the way the office was perceived by the inmates and others especially those interested in prisoner's rights.

Some basic concepts are that ombudsmen do not deal with broad affairs of state but deal with a host of administrative complaints and injustices and usually investigations are carried out in private. True ombudsmen are non-partisan, impartial and independent of the executive arm of government and the powers they have are restricted to reporting their findings. I have in the past and intend to continue to operate in this way.

In the second paragraph of your letter referred to above you request that I carry out a full, independent and impartial investigation in accordance with my mandate as Correctional Investigator. Consequently, I have commenced such an investigation and will proceed with it as expeditiously as circumstances permit. It will generally follow along the lines indicated in paragraph 4 with a view to drawing possible conclusions of mistreatment as set out in paragraph 5 and 6(a). My report will no doubt include appropriate recommendations with respect to policies and directives. However, conclusions with respect to any further actions that might be taken on the basis of the facts obtained during my investigation, be they disciplinary civil or criminal as mentioned in paragraph 6(b) and (c) are matters that exceed the terms of my mandate.

Finally, I note your request regarding the timing of my report and of an interim report if feasible. I do not regard the provision of an interim report to you by July 15, 1983 as feasible. As indicated above, I will proceed with my work as expeditiously as possible. Based upon progress to date, I do not anticipate that I will be in a position to provide you with a final report by the date of August 31, 1983 as indicated in your letter. However, I will be pleased to remain in contact with you in this matter and to indicate to you in an informal way progress from time to time.

Yours respectfully,

R.L. Stewart
Correctional Investigator.



Solicitor General of Canada / Solliciteur général du Canada

The Honourable Bob Kaplan / L'honorable Bob Kaplan

Ottawa, K1A 0P8 July 8, 1983.

Mr. Ron Stewart Correctional Investigator Journal Building Room 520 Ottawa, Ontario K1P 6A6

Dear Mr. Stewart:

Thank you for your response of July 6, 1983, advising me that you are conducting an investigation into allegations arising during the period following the tragic events at Archambault Institution.

I recognize and respect your concern about preserving your independent and impartial status in the course of discharging your responsibilities as outlined in your mandate. I also acknowledge your notice about the difficulty of meeting the reporting dates mentioned in my earlier letter. I wish to reiterate my hope that you will endeavour to complete your investigation at the earliest feasible date and to this end, I am prepared to make available to you whatever additional resources may be required to facilitate your work.

I look forward to meeting you soon to discuss the findings of your progress reports.

Yours truly,

Bob Kaplan, P.C., M.P.

Canada



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- Chile: Evidence of Torture, 76 pages, 1983, £2.00. The Death Penalty, 209 pages, 1979, £2.00. Egypt: Human rights violations, 38 pages, 1983, £2.00. Guatemala: A Government Program of Political Murder, 32 pages, 1981, £2.00. Human Rights Violations in Zaire, 22 pages, 1980, £1.00. Pakistan: Human rights violations and the decline of the rule of law, 57 pages, 1982, £2.00. Political Imprisonment in the People's Republic of China, 171 pages, 1978, £2.00. Political Imprisonment in South Africa, 108 pages, 1978, £1.00. Political Killings by Governments, 132 pages, 1983, £2.50. Prisoners of Conscience in the USSR: Their Treatment and Conditions, 200 pages, 1980, £5.00. Report of an Amnesty International Mission to the Federation of Malaysia, 67 pages, 1979, £0.50. Report of an Amnesty International Mission to the Kingdom of Morocco, 76 pages, 1982, £2.00. Report of an Amnesty International Mission to Northern Ireland, 72 pages, 1978, £1.00. Report of the Amnesty International Missions to the Republic of Nicaragua, 74 pages, 1982, £2.00. Report of an Amnesty International Mission to the Republic of the Philippines, 176 pages, 1982, £3.00. Yugoslavia: Prisoners of Conscience, 50 pages, 1982, £2.00. Report of an Amnesty International Mission to Sri Lanka, 72 pages, 1983, £2.00.

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