

UA 176/00

Torture a**ST. LUCIA** Alfred Harding, Barbadian national

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Amnesty International is concerned by reports that Alfred Harding, an inmate of HM Prison, St Lucia, is being held in chains and other forms of restraint for 24 hours a day, apparently applied for punitive purposes. Harding is detained in a section of the prison reserved for those under sentence of death, and has been beaten by guards and denied exercise and visits. Such treatment, if confirmed, would amount to torture and to cruel, inhuman or degrading treatment, in violation of international standards as well as article 5 of the Constitution of St. Lucia.

Alfred Harding, a national of Barbados who was sentenced on charges of possessing an illegal firearm and ammunition, reportedly has had his ankles permanently held in mechanical restraints since the start of his imprisonment on 31 August 1999. Guards are allegedly regularly applying handcuffs to him at night. The restraints on his ankles are held together by a chain of six inches, causing injuries to Alfred Harding's feet. They have remained on him at all times since he arrived at HM Prison.

Reports indicate that Alfred Harding has regularly been beaten by guards since his arrival in August 1999. He is also subjected to frequent punitive cell searches.

**Background Information**

Torture is banned under international law. There can be no exceptions to this rule.

The UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, adopted by the General Assembly in 1975, defines torture as: "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 purposes 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."

All member states of the UN are expected to uphold human rights protected in international declarations and treaties.

As a member of the Organisation of American States (OAS), St Lucia is obliged to abide by the provisions of the American Declaration on the Rights and Duties of Man. Article XXV of the Declaration states that, "Every individual who has been deprived of his liberty has the right to ... humane treatment during the time he is in custody... ". Article XXVI states that, "Every person accused of an offense has the right ... not to receive cruel, infamous or unusual punishment."

The use of chains and irons is prohibited strictly under International standards. International standards also impose severe limitations on the circumstances in which other instruments of restraint may be used and make clear that restraints are only to be used for the shortest possible time.

Rule 33 of the UN Standard Minimum Rules for the Treatment of Prisoners states that, "chains or irons shall not be used as restraints. Other instruments

of restraint shall not be used except in the following circumstances: a) as a precaution against escape during a transfer... b) on medical grounds by direction of the medical officer; c) by order of the director, if other methods fail to control, in order to prevent a prisoner from injuring himself or others or from damaging property.... Instruments of restraint must not be applied for any longer time than is strictly necessary."

These standards set out accepted good principle and practice for the treatment of prisoners. In 1971 the UN General Assembly called upon states to implement these rules and to incorporate them into national legislation.

**RECOMMENDED ACTION: Please send e-mails/telegrams/faxes/express/airmail letters in English or your own language:**

- expressing concern at reports which indicate that Alfred Harding is being subjected to torture by being permanently and punitively held in restraints and being regularly beaten, in violation of St Lucia's obligations under international law, including under the American Declaration and the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;
- urgently requesting that immediate measures be taken to halt ill-treatment and torture of Alfred Harding;
- urging that a prompt and impartial investigation is carried out into the allegations, in accordance with internationally agreed standards;<sup>1</sup>
- urging that all necessary measures be taken to ensure the protection of Alfred Harding and other prisoners from any possible instance of retaliation during the course of any enquiry or investigation into these or other similar allegations;
- urging that the practice of using chains on prisoners be immediately banned and that policies and practice for restraining prisoners be immediately revised in accordance with international standards, including Rule 33 of the UN Standard Minimum Rules for the Treatment of Prisoners.

**APPEALS TO:**

The Hon. Kenny D. Anthony  
 Prime Minister  
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**Salutation: Dear Prime Minister**

**The Honourable Petrus Compton  
 Attorney General & Minister for Public Services**

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<sup>1</sup> Such standards include: the UN Basic Principles for the Treatment of Prisoners; the UN Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment; the UN Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on the Use of Force by Law Enforcement Officials.

**Attorney General's Chambers****Block D****2nd Floor****NIS Building****Waterfront****Castries****Salutation: Dear Minister****Telegrams: Minister Compton, Castries, St Lucia****Tel + 1 758 468 3200****Fax + 1 758 458 1131**

The Honourable Velon John

Minister for Home Affairs, Legal Affairs and Labour

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ST LUCIA

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and to diplomatic representatives of St. Lucia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 4 August 2000.