

Observatoire International des Prisons

An International Organization for Human Rights in Prisons

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When lovers of the 'Arab nation' proudly hail the 'glorious' common denominators bringing together the Middle Eastern and North African countries, they obliterate another number of less glorious facets, one of which is the appalling conditions prevailing in prisons. Indeed, a quick look at the state of prisons in those countries reveals practices of torture, arbitrary and illegal detention, disregard of the detainees' right to defense and sometimes even death. In some countries, arbitrary arrests have even been legalized, mainly to target certain groups; in others, physical punishment is prescribed by law.

Torture has become a systematic practice in most of the Arab countries, and is pervasive even during the pre-trial period, sometimes leading to the death of the detainees before they even appear before the court. It usually takes place in police stations and in certain secret detention places controlled by the military security services. During this time, the detainees can neither contact their family nor their lawyer. The nature of the offense committed is often the determinant of the treatment that prisoners get, and it is often political prisoners who are the worst treated.

On January 30th, 1996, Algerian security forces arrested a 17-year-old boy. His family remained without any news of him until February 14, when his father identified his body at the morgue. The body presented several traces of bullets in the chest. The family was not allowed to take the body to bury it, and failed to obtain any information about his death's circumstances¹. This boy's case is no exception in Algeria even though torture is illegal and prohibited in the country's constitution.

Mahmoud Jamal Jumyal, 26-years old, died on July 30th, 1995, at the hospital in Nablus, in the Palestinian Territories. He had been suspended to the ceiling and severely beaten, and had also been subjected to electroshocks. Arrested a few months earlier by the coastal police, he had never appeared before a judge and the reasons for his detention have never been revealed. However, the three policemen found guilty of this case were tried and sentenced to 15 years in prison. Rima Issa

Eid was arrested in Nablus and detained for five days before being sentenced to three years. During these five days, she was severely beaten on her abdomen and chest, and taken three times to the Nablus hospital – only to find out that she had contracted breast cancer, in addition to internal hemorrhage. Yahia Salhi died at the police station in Oudjda. He had been arrested two days earlier for theft. The authorities claimed that he had committed suicide. One month later, Bateha Laahssen died at the police station in Khemisset. A few days after his arrest, his family was told that he had committed suicide. The court rejected the family's request for an autopsy.

The situation in Sudan is most alarming, as the ruling regime is still thriving to establish its rule, and has to face many contending factions. This state of affairs heightens even further the rule of terror and fear, which translates into frequent flagellation sentences (legalized by the 1991 penal law) and hasty capital punishment, resulting in mass executions. Dozens of officers were executed after being sentenced by special courts during secret trials. Their right to defense and appeal are completely disregarded. Prisoners of war who refuse to change camps are tortured and then executed. Such instances mainly involve local chiefs, soldiers of various rebel factions and civilians suspected of actively collaborating with rival factions.

In 1997, the International Prison Watch reported that about one to two thousand women were imprisoned in Sudan at Omdurman prison. The prison is equipped to receive about 100 women, but most of the time, there are more than 600 detained in miserable conditions and sexual abuses are reported often.

For over 30 years, the Moroccan regime has dealt with its opponents (Islamic activists, communists and socialists) by resorting to forced disappearances. In Algeria several individuals accused of terrorist activities have been detained without trial since 1992. Almost half of the Algerian detainees are prisoners of conscience³. Women are also victims of arbitrary arrests, and are sometimes detained simply on the grounds that they are

the sisters or wives of political detainees, and a number of them have suffered from torture and sexual abuse.

The Palestinian Authorities fare no better when it comes to illegal and arbitrary detention. In 1999, the number of political detainees without trial within Palestinian Authority prisons was 140⁴. The state security court issued tens of verdicts, four death penalty verdicts - one was carried out - in addition to arresting tens of people without trial. Hundreds of "prisoners of conscience" were imprisoned without trial. Some instances testify for cases of detention prompted by criticism of the Authority; Palestinian journalist Mahir Al Dasuki was arrested along with other journalists and the editor in chief of Al Risala newspaper. Nine other individuals were arrested, including a woman, for signing a manifesto known as the 'Manifesto of Twenty', which condemns the corruption of the Palestinian Authority.

The Palestinian Legislative Council has discussed the issue of political prisoners many times. In 1999, the Committee for General Supervision of Human Rights and Freedom produced a report calling for the abolishment of the state security court, releasing all prisoners of conscience and enforcing the previous resolutions of the Council that call for forbidding political arrests and considering them illegal and halting all forms of torture. Despite all of this, the executive body has failed to enforce the resolutions of the Legislative Council.

In Sudan, members of the security forces use what are called ghost houses, which are illegal or secret detention centers. Victims of such arrests are kept in the secret for several months, and the authorities refuse to give any information to their families. Some areas in the Kober prison are used to hide detainees during visits of human rights organizations.

Nevertheless, and in spite of the atrocities committed in prisons of the Middle Eastern and North African countries, it would be misleading not to say that there are cases of human rights abuses inside the prisons and detention centers of the developed countries in the West. Hence, in the United States, women prisoners are victims of physical torture or put in individual cells without justification. They are also subject to sexual abuse, rape and other acts of indecency. The majority of prison guards are men; custodial sexual abuse is consequently reported all the time in women's prisons. In some prisons, it has been reported that detained women had to strip in front of male guards to obtain sanitary napkins, cigarettes or shampoo.

In the United Kingdom, the conditions of women's detention are very poor; most of the prisons are very far from the main cities and cannot be reached easily. Consequently, prisoners receive a small number of

visitors. Pregnant women do not receive any special treatment; only three prisoners are equipped with gynecological services.

Getting a glimpse of these violations of human rights among prisoners and in detention centers in all those countries would not have been possible without the existence of organizations and individuals who believe in the plight of human rights. One of these organizations is the International Prison Watch (Observatoire International des Prisons) created in France in November 1990. It is an international non-profit association, that brings together people working on promoting the rights of persons deprived of their liberty. Its mission falls under three headings: observe, warn and protect.

More specifically, International Prison Watch observes the conditions under which incarcerated people are detained and warns against the violations and abuses of the rights of those people. Its mission is founded on the instruments of international law that prohibit torture and cruel treatment and that set standards and rules for the treatment of prisoners.

The Observatoire does not have any political affiliation; hence, it considers that it has the right to question any public authority about these violations observed in the treatment of prisoners. A network of partners has been developed by the Observatoire; partners are in the majority human rights organizations, but there are also individuals and human rights militants who take upon themselves the responsibility of protecting respect of human rights. These associations and individuals act as observers and correspondents for the Observatoire. Every year, they prepare a report on the conditions of detention in their country. These correspondents are a focal point for collection of information and verification of data received from other sources. They also contribute to the dissemination of the annual report published by the Observatoire. In addition to the correspondents and the observers, national groups that represent local branches of the Observatoire were formed in a number of countries.

Endnotes

1 Refer to the 1996 report of the Observatoire International des Prisons (OIP).

2 According to OIP, the official total number of prisoners stood at 35,737, out of which over 16,000 were prisoners of conscience.

3 According to Amnesty International, prisoner of conscience refers to "people imprisoned, detained or otherwise physically restricted on account of their political, religious, or other conscientiously held beliefs, or because of their ethnic origin, sex, color, language, national or social origin, economic status, birth or other status, provided that they have not used or advocated violence."

4 According to Addameer 1999 report.