



**Follow-up report of the Irish Government in  
response to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Ireland  
from 26 September to 5 October 1993**

The Irish authorities have decided to publish this follow-up report. The appendices to which reference is made in the follow-up report may be obtained upon request. The CPT's report on its visit to Ireland (CPT/Inf (95) 14) and the response of the Irish Government (CPT/Inf (95) 15) were made public in December 1995.

Strasbourg, 19 September 1996

**Follow-up report of the Irish Government in  
response to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Ireland  
from 26 September to 5 October 1993**

## CONTENTS

	<u>Page</u>
<b><i>Introduction</i></b>	<b>1</b>
<b><i>Allegations of Physical Ill-treatment of persons in Police (Garda Síochána) Custody</i></b>	<b>2</b>
<b><i>Allegations of Physical Ill-treatment of persons in Prison Custody</i></b>	<b>5</b>
<b><i>Conditions of Detention in the Police (Garda Síochána) Establishments visited</i></b>	<b>9</b>
<b><i>Conditions of Detention in Prisons and Places of Detention</i></b>	<b>11</b>
<b><i>Medical Services in Prisons and Places of Detention</i></b>	<b>16</b>
<b><i>Other issues of Relevance in the CPT's Mandate</i></b>	<b>17</b>
 <b><u>Appendices</u></b>	
<b><i>Appendix 1</i></b>	<b><i>- Garda Commissioner's Minute</i></b>
<b><i>Appendix 2</i></b>	<b><i>- Garda Ethical Guidelines</i></b>
<b><i>Appendix 3</i></b>	<b><i>- Governors Order</i></b>
<b><i>Appendix 4</i></b>	<b><i>- Code of Discipline for Prison Staff</i></b>
<b><i>Appendix 5</i></b>	<b><i>- Specifications for Telephone System for Prisoners in Mountjoy Prison Complex</i></b>

## **INTRODUCTION**

A delegation for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), visited Ireland during the period 26 September to 5 October, 1993. The CPT's Report, together with the Irish Government's Interim Response were published on 13 December, 1995.

The Government's Interim Response was in the form of a Progress Report on the Committee's findings. The Government considers that substantial progress has been made since the CPT's visit - in meeting the Committee's main concerns about conditions in prisons and places of detention visited. This follow-up report indicates the further progress that has been made in dealing with these concerns.

The Government is pleased to note the positive findings of the CPT, as stated by way of a preliminary observation, in its letter of 12 April 1996\*, that it "was satisfied that the great majority of prison officers were attempting to deal in a humane manner with prisoners in their charge (paragraphs 71 and 185 of the report)". The Government welcomes the Committee's view that this conclusion provides the best indices by which to gauge the tenor of its visit Report. The Government is also pleased to note that, in relation to St. Patrick's Institution, the delegation "heard no allegations of physical ill-treatment .... and found no other evidence of the existence of such ill-treatment (cf paragraph 67 of the report)." This follow-up Report also responds to the CPT's request for further details in relation to Mountjoy Prison, Limerick Prison and Cork Prison.

The Government hopes that these exchanges evince constructive dialogue with the CPT and wishes to stress that it is fully committed to meeting the CPT's concerns.

The order of presentation of the Interim Response is also followed here.

\* annexed to this Report.

**ALLEGATIONS OF PHYSICAL ILL-TREATMENT OF  
PERSONS IN POLICE (GARDA SÍOCHÁNA) CUSTODY**

**1. General**

The Government, in the Interim Response, took the views of the CPT fully on board and undertook to ensure that adequate safeguards are in place so that the CPT will not be disposed again to reach the conclusion it had in its Report about the potential risks faced by persons in Garda custody. The Garda Authorities have recently advised the Department of Justice that they are cognisant of the requirement for continued emphasis on the need for implementation of the CPT's recommendations in their area.

The latest position regarding the undertaking made in response to the CPT's recommendations is that all these matters have been the subject of ongoing review by the Garda Authorities.

At the Chief Superintendents' Conference in April 1996, the Garda Commissioner emphasised again the necessity for implementing the recommendations of the CPT Committee insofar as Chief Superintendents (Divisional Officers) had responsibility for these matters at their level. Divisional Officers and, on instructions, Superintendents (District Officers) have utilised inspections both formal and informal to impress upon members of the Garda Force the standards that are required in relation to the storage and care of property and the detention of prisoners. They also avail of such opportunities to inspect cell accommodation and storage facilities.

The Commissioner has also directed that all officers record their monitoring of the enforcement of the Garda regulations relating to cleanliness of stations, care and handling of property seized or found and the enforcement of the

'Treatment of Persons in Custody Regulations' in the Station Inspection Books and in their personal journals. These records are then made available for the purpose of providing an ongoing record for inspection by the Commissioner inspecting stations. A copy of the Commissioner's minute is attached at Appendix 1.

The attention of members of the Garda Force has also been drawn to the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Stations) Regulations, 1987 and to the non-statutory Garda ethical guidelines where prisoners are concerned. A copy of these guidelines is attached at Appendix 2. The revised 4th edition of the Garda Síochána Code (Volumes I and II) which contain up to date instructions was also recently distributed as a personal issue to each member of the Force for retention, study and compliance with such instructions. (One copy of the Code, which is quite large, will be forwarded under separate cover to the Committee shortly.)

2. ***Recommendation (a)***

***Paragraph 18 of the CPT Report, Page 7 of the Interim Response***

As indicated above the question of the proper care and handling of property seized or found, including weapons held as evidence, was included in the direction by the Commissioner that all officers record their monitoring of the enforcement of the Garda regulations relating to this matter in the Station Inspection Books and in their personal journals. The Commissioner has also directed that personal property other than that required for duty should not be kept in stations.

3. ***Recommendation (b)***

***Paragraph 22 of the CPT Report, Page 8 of the Interim Response***

As already indicated, the Commissioner has directed that all officers record their monitoring of the enforcement of the 'Treatment of Persons in Custody Regulations' in the Station Inspection Books and in their personal journals. These records will therefore be available for the purpose of providing an ongoing record for inspection by the Commissioner inspecting stations. In this respect the work of "Garda Síochána Members in Charge" of each Garda Station will be subject to ongoing review by senior Garda officers. The instruction issued specifically referred to the performance of the Member in Charge being monitored and supervised more closely in order that any deficiencies be rectified.

4. ***Recommendation (e) (Safeguards)***

***Paragraph 57 of the CPT Report, Page 18 of the Interim Response***

Consideration of a system of independent inspection of police establishments is ongoing.

**ALLEGATIONS OF PHYSICAL ILL-TREATMENT**  
**OF PERSONS IN PRISON CUSTODY**

**1. General**

The Government is pleased to note that the CPT, in its letter dated 12 April, 1996 "was satisfied that the great majority of prison officers were attempting to deal in a humane way with the prisoners in their charge", and that the Committee appreciates the frankness of its Response in relation to the allegations of ill-treatment of prisoners. The Government wishes to provide the additional information sought in the CPT's letter, in relation to arrangements at Limerick, Mountjoy and Cork Prisons.

**2. Limerick**

Particular attention has been paid to the need to improve management/staff relations in Limerick Prison. The Government believes that progress has been made on this front. Regular dialogue at local level, and, where necessary, at national level, will continue. In relation to the events of April 1992, the new Governor there is satisfied that all staff understand the serious nature of what happened and that everybody also understands that ill-treatment of prisoners in Limerick is not acceptable in any circumstances.

It will be recalled that the prison authorities were concerned about infringing the legal rights of the officers. The new Code of Discipline for Prison Staff (detailed at paragraph 6 below) which will be implemented on 1 October 1996, should eliminate the possibility of a similar situation recurring and provide a framework in which such matters may be addressed.



**3. Mountjoy**

The CPT in its letter sought further details on the specific arrangements which have been made at Mountjoy prison to closely supervise "individual prison officers whose attitudes towards prisoners is the subject of suspicion by prison management". The Governor has indicated that on three separate occasions since the publication of the CPT's Report, he has addressed staff parades and instructed all those present that under no circumstances were prisoners to be abused or ill-treated in any way whatsoever. In addition to this the Governor has made an Order earlier this year on the matter advising staff that ill-treatment of prisoners is not acceptable and that officers in breach of this Order shall be subject to disciplinary action. The Order also states that where physical force is required, no more force than is necessary shall be used. A copy of the Order is attached at Appendix 3.

As already stated at paragraph 2. above, any misconduct by officers will be dealt with under the new Code of Discipline.

**4. Cork Prison**

The Committee's concerns in relation to the Unit D at Cork Prison are noted. As stated in the Interim Response, this Unit is used to hold prisoners who are particularly disruptive or unruly and who provide a threat to good order. Prisoners are not held in this Unit as a means of punishment. Their stay in Unit D is normally for relatively short periods, generally 2 months or less. The operation of the Unit has been reviewed in light of the CPT's comment and the construction of a gymnasium at the Unit is almost complete. Extra safeguards have been put in place in relation to the management of these prisoners while in custody in Unit D. These include the keeping of daily records in respect of searches carried out and complaints made by and on behalf of prisoners.

## **Government Comments**

### **5. Paragraph 76 of the CPT Report, Pages 47-49 in the Interim Response**

The Government agrees with the CPT on the critical importance of high quality training and wishes to provide an update of the position since the CPT's Report.

The in-depth survey of training needs in the Prison Service which was referred to in paragraph 47 of the Government's Interim Response has now been completed. The Response indicated that the training recommended for Governor grades would be implemented, and this has commenced this year. In relation to middle ranking grades and basic grade officers, a range of training, mostly in the inter-personal and communication skills areas is recommended. The report notes that, given the necessity to replace staff undergoing training courses, there are major resource implications to the training proposed.

A strategy to implement the training proposed has been drafted by the Department of Justice and is being discussed with the Prison Officers' Association. The strategy envisages that staff undergoing training courses would, within certain limits, not be replaced on an overtime basis. The Association has sought further details on the operational implications of this proposal.

In regard to Control and Restraint Training, the position is that virtually all front-line prison staff have been trained in Control and Restraint (Phase I) techniques. In addition, a sufficient number of these staff will have acquired Phase II skills by the end of this year. The matters covered in Phase I and Phase II have been outlined in the Government's Interim Response. Arrangements are in train for the introduction of Phase III training. Phase III is aimed at enabling staff to effectively deal with large scale incidents e.g. riots, in a professional manner as part of a Control and Restraint Section (Team).

As a consequence, it is proposed that, with effect from 1 July 1996, Control and Restraint techniques will be the means used in controlling violent incidents.

6. Another development is that a Code of Discipline for Prison Staff was agreed with the Prison Officers' Association in March 1996. To allow sufficient time for all staff to become familiar with the new procedures employed, it has been agreed that the Code will become applicable on 1 October, 1996. The Code:-
- (i) sets out very clearly for the first time what constitutes misconduct - there is a schedule of offences specified,
  - (ii) sets out formal procedures to deal with disciplinary charges,
  - (iii) provides that where the charge is serious enough, the Governor can hold an oral hearing, with witnesses being called for all sides,
  - (iv) provides a range of disciplinary actions which can be taken up to and including dismissal,
  - (v) provides for an appeals body which will be independent.

The familiarisation period is essential to allow management, supervisors and staff sufficient time to ensure that the new procedures will be operated correctly. A programme of training for all staff towards this end is now commencing.

The intention is that the new Code will provide a mechanism for ensuring that alleged misconduct by staff will be dealt with expeditiously and fairly and should, for the future, prevent the type of situation which arose in Limerick prison in 1992. (See paragraph 2. above). A copy of the Code is attached at Appendix 4.

**CONDITIONS OF DETENTION IN THE POLICE (GARDA SÍOCHÁNA)**  
**ESTABLISHMENTS VISITED**

**1. Recommendation (a)**

**Paragraph 37 of the CPT Report, Page 52 of the Interim Response**

Senior Garda Officers have carried out formal and informal inspections of cell accommodation and impress upon members of the force the standards that are required in this regard. Contracts for the cleaning of stations, including cell accommodation, have been placed with contract cleaners or, alternatively, workers are employed directly by the State to clean all Garda stations. In busy stations, e.g. District Headquarters and those open to the public for long periods, these contracts are for daily cleaning and in small stations, which are open for shorter periods and generally not used to detain prisoners, cleaning is carried out on a few occasions per week. Superintendents must certify that cleaning has been carried out satisfactorily before payment can be arranged. In addition, all Chief Superintendents have been directed to arrange for any necessary maintenance works should there be any deficiencies in cell accommodation.

Arrangements are now in place whereby Chief Superintendents speak regularly at local In-Service training courses on these matters.

Some cells have already been identified as needing repair and steps are being taken to have the necessary improvements carried out.

2. ***Recommendation (b)***

***Paragraph 37 of the CPT Report, Page 55 of the Interim Response***

Immigrants are no longer detained at Santry. The Fitzgibbon Street and Bridewell Stations as well as Mountjoy Prison are used instead.

3. ***Comment (b)***

***Paragraph 45 of the CPT Report, Page 56 of the Interim Response***

The Minister for Justice proposes to seek Government approval for carrying out a review of the entire operation of the Criminal Legal Aid Scheme. This review should provide an opportunity for examining the issues of granting legal aid to persons detained at Police Stations.

4. ***Comment (c)***

***Paragraph 55 of the CPT Report, Page 56 of the Interim Response***

The CPT's comment concerning the composition of the Garda Síochána Complaints Board is under consideration along with other proposals for legislative change concerning the operation of the Board.

5. ***Request (g)***

***Paragraph 52 of the CPT Report, Page 61 of the Interim Response***

The Steering Committee on Audio and Audio/Video recording of Garda Questioning of Suspects has not yet submitted any recommendations to the Minister for Justice as the pilot studies referred to in the Government's Interim Response are ongoing.

## **CONDITIONS OF DETENTION IN PRISONS AND PLACES OF DETENTION**

### **1. General**

As the Interim Response states, the Government has never denied that physical conditions in some of the prisons are poor. This is particularly true in the case of the closed institutions, where many buildings are outworn and lacking in basic facilities and must be upgraded. In addition to the poor physical conditions of the buildings, the growth in the number of persons in custody leads to serious overcrowding. As well as putting pressure on the accommodation in the prison institutions, these conditions have a detrimental effect on the activities and services available to prisoners.

In its Interim Response, the Government outlined its proposals to tackle these problems in a structured way, on a phased basis, as indicated in the policy document "The Management of Offenders - A Five Year Plan". The proposals included a programme for the upgrading of physical conditions in a number of institutions and plans for the provision of an additional 210 prison spaces. A lot of the refurbishment work has since been completed.

As the CPT have indicated in their Report, the problem of overcrowding with all its consequences is acknowledged as the single most pressing issue needing to be tackled. In early July 1996 the Government approved a programme of measures which will greatly assist in addressing this problem. They are:

- The Government agreed to build a new remand Prison capable of holding 400 prisoners on a site already available at Wheatfield. Planning for this project will commence immediately. The estimated cost is £40 million.

- Government approval was also given for capital funding so that the construction of Phase III of a new prison at Castlerea can begin at the latest by January 1997 at an estimated cost of £13 million.
- Approval has also been given for capital funding for the construction of a new Women's Prison at an estimated cost of £13 million.
- Approval was also granted so that work can be expedited in 1996 on a new Wing at Limerick Prison, which will provide 55 extra prison places. Planning for this prison project is at an advanced stage and will cost an estimated £3 million.

Building works, which are ongoing, also include:

- the provision of an additional 68 places at the former Military Detention Barracks at the Curragh, Co Kildare at an estimated cost of £3 million and
- the provision of a special unit of 25 spaces as Phase II of the Prison in Castlerea, which will be ready for occupation in October 1996, at an estimated cost of £0.8 million.

## **2. Recommendation (c)**

### **Paragraph 90 of the CPT Report, Page 66 of the Interim Response**

Construction of a new prison for women (60 places) will commence in January 1997. The estimated capital cost of the project, as indicated at paragraph 2 above is £13 million.

3. **Recommendation (f)**

**Paragraph 96 of the CPT Report, Page 68 of the Interim Response**

Annex 2 of St Patrick's Institution is no longer used as living accommodation for offenders. Major refurbishment and adaptation works to convert the Annex for offender training uses has been completed.

4. **Recommendation (g)**

**Paragraph 98 of the CPT Report, Page 69 of the Interim Response**

Between September 1994 and December 1995, 36 subversive prisoners were released early as part of a programmed plan to respond to the Peace Process. A side-effect of this was to create a substantial number of additional places to relieve overcrowding. This programme is now on hold. Measures recently approved by the Government which will help to relieve overcrowding are outlined above in the introductory paragraph to this Chapter.

5. **Recommendations (j) and (k)**

**Paragraph 101 and 103 of the CPT Report, Page 71 and 72 of the Interim Response**

In addition to the plans for the provision of integral sanitation to be undertaken in Mountjoy, Portlaoise and Limerick, which were mentioned in the Interim Response, construction works for the installation of integral sanitation for all 130 offenders at Arbour Hill Prison are underway. It is planned to complete installation in Arbour Hill in 1996.

The Report of the Prisons Hygiene Policy Group, which makes recommendations on all aspects of prison hygiene, is due to be published shortly.



6. ***Recommendation (l)***

***Paragraph 107 of the CPT Report, Page 73 of the Interim Response***

It was accepted in the Interim Response that regime activities for male prisoners are not adequate in Mountjoy Prison. There has, however, been some amelioration in the circumstances in that the new kitchen and bakery provide a good work training facility, as well as providing a much improved standard of catering for prisoners. The workshops in the A and D Wings have been extensively refurbished and new dedicated staff structures introduced. These have the intended effect of providing the maximum possible level of activity in the very limited spaces available. A new computer training activity has been set up catering for 20 prisoners.

7. ***Recommendation (m)***

***Paragraph 111 of the CPT Report, Page 73 of the Interim Response***

The Committee's concerns regarding the number of work places offered to prisoners at Cork Prison and the regime activities for remand prisoners have been noted. Prisoners who are particularly disruptive and who prove a threat to good order are housed in the D Unit for relatively short periods, generally 2 months or less and work and training activities are not readily available to them. The operation of the Unit has been reviewed in the light of the CPT's comment and the construction of a gymnasium at the Unit is almost complete. The position regarding work and training activities is being kept under review and the Co-Ordinator of Work/Training has been asked to examine the situation with a view to making additional facilities available in the prison generally. Recently one craft area which prisoners found boring has been closed and clothing manufacturing has been introduced.

8. **Recommendation (n)**

**Paragraph 113 of the CPT Report, Page 74 of the Interim Response**

The Interim Response indicated that there are limits to what can be achieved in relation to regime activities for young offenders at St Patrick's Institution due to its physical limitations. The use to which each institution is put is an issue which will have to be addressed in the context of the implementation of the new prisons building programme which was approved by the Government in early July 1996. Regime activities for all offenders will be reviewed in this context.

9. **Comment (c)**

**Paragraph 109 of the CPT Report, Page 75 of the Interim Response**

Design of the replacement D Wing at Limerick Prison is well underway and it is planned to commence construction works towards the end of this year and complete it in 1997.

## **MEDICAL SERVICES IN PRISONS AND PLACES OF DETENTION**

### **1. Recommendations (a), (b) and (g)**

#### **Paragraphs 117, 120 and 132 of CPT Report, Pages 78, 79 and 80 of the Interim Response**

The negotiations with the Irish Medical Organisation (IMO) regarding a common contract of employment for all prison doctors have, regrettably, not yet been finalised. However, meetings are taking place regularly and have been intensified - there are genuine differences between the parties which have to be worked through. Once these negotiations are finalised, it is the intention to pursue the matter of appointing a full-time doctor for Mountjoy male prison, as recommended in paragraph 117. It is fully accepted that in tandem with the agreement of a common contract for doctors, the introduction of nurses is a fundamental matter in our efforts to improve the quality of medical services available to prisoners. Pending the recruitment of dedicated nursing staff which has now been agreed by the Department of Finance, arrangements have been made to assign a small number of prison officers, with nursing qualifications, to nursing duties and to supplement them, on a temporary basis, by nurses recruited from outside Nursing Agencies. This arrangement is to be reviewed in 3 months time.

## **OTHER ISSUES OF RELEVANCE TO THE CPT'S MANDATE**

### **1. Recommendation (c)**

#### **Paragraph 153 of the CPT Report, Page 90 of the Interim Response**

This issue, in relation to the use of D Unit at Cork prison, has been covered under the section dealing with allegations of physical ill-treatment of persons in prison custody.

### **2. Recommendation (e)**

#### **Paragraph 156 of the CPT Report, Pages 91 and 95 of the Interim Response**

The Government proposes to include the President of the CPT among those to whom confidential communications may be sent by prisoners. This will be done eventually by inclusion of an appropriate provision in the draft new Prison Rules. In the meantime, Prison Governors have been instructed to inform all prisoners, by Governors Order, that they may communicate on a confidential basis with the President of the CPT.

### **3. Recommendation (f)**

#### **Paragraph 157 of the CPT Report, Page 91 of the Interim Response**

The Minister for Justice met with the Chairperson of each Visiting Committee in March last and proposes to set up a Visiting Committees Chairpersons Group in the current year.

4. ***Recommendation (h)***

***Paragraph 165 of the CPT Report, Page 93 of the Interim Response***

Plans for the introduction of a card phone system for prisoners in the Mountjoy Prison complex are well underway. Tenders were invited in June 1996 in the national newspapers and the EU journal. The initial requirement will be for 50 telephones, with a final requirement of 80. The system will allow for outgoing calls and a free-phone facility on selected numbers, e.g. the Samaritans. It is hoped to have a system installed before the end of the year. The specifications of the system are outlined at Appendix 5.

5. ***Request (a)***

***Paragraph 145 of the CPT Report, Page 96 of the Interim Response***

The draft new Prison Rules are being considered jointly by the Attorney General's Office and the Department of Justice.

6. ***Recommendations (a) and (b)***

***Paragraph 174 of the CPT Report, Page 98 of the Interim Response***

The Refugee Act, 1996, (enacted on 26 June 1996) provides for the existing administrative arrangements in relation to the processing of asylum applications to be put on a statutory footing. It provides for the appointment of a Refugee Applications Commissioner, who shall be independent in the exercise of his or her functions, to make recommendations to the Minister for Justice on individual applications for refugee status. The Act also provides for the establishment of a Refugee Appeal Board to review, on appeal, negative recommendations of the Commissioner. The Appeal Board may affirm or set aside a recommendation of the Commissioner. In the case where an application was considered to be manifestly unfounded, and therefore not fully investigated, the Appeal Board,

when setting aside the recommendation, shall remit the application to the Commissioner to carry out a full investigation. Save on grounds of national security or public policy, the Minister for Justice must accept a positive recommendation of the Commissioner or Appeal Board.

7. ***Training of Immigration Officers:*** The UNHCR undertook a further training course for Immigration Staff in 1995 and a number of other courses are planned. The objectives set for the training are to heighten awareness among immigration staff of their rights and duties and, the rights of applicants under the 1951 UN Convention relating to the status of refugees, as amended by the 1967 New York Protocol. They also set out clearly the procedures to be set in train from the time an asylum application is received and to provide an overview of EU/International developments in the area.
  
8. ***Interpretation Facilities:*** Multi-language information sheets and application forms have been provided and interpreters are provided at airports, ports, in-land and at court appearances for all foreign nationals who do not speak English.
  
9. ***Overall:*** Facilities and procedures are reviewed on a regular basis and Department of Justice officials, in co-operation with the Garda Síochána, pay regular visits to Shannon and Dublin airports and the sea ports with a view to fostering more effective and efficient work practices and greater understanding of the law and practice.



EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE  
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

*The President*

Strasbourg, 12 April 1996

Dear Mr Mellett,

Thank you for your letter dated 21 November 1995, with which you transmitted the response (interim report) of the Irish Government to the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Ireland from 26 September to 5 October 1993.

The CPT intends in due course to provide detailed comments on both the interim and follow-up reports in response to the Committee's visit report; in this connection, it trusts that the follow-up report will be forwarded in the near future. However, the CPT wishes to make three preliminary observations at this stage.

Firstly, the Committee does not share the view that the "general drift" of its report tends to suggest that there is evidence of "institutionalised or widespread ill-treatment" of inmates by prison staff (cf. Chapter 2, paragraph 39 of the response). On the contrary, the report explicitly states that the CPT's delegation "was satisfied that the great majority of prison officers were attempting to deal in a humane manner with prisoners in their charge" (cf. paragraphs 71 and 185 of the report). In the Committee's view, this conclusion provides the best indice by which to gauge the tenor of its visit report.

It might be added that, where the Committee's report records that its delegation "heard no allegations of physical ill-treatment ... and found no other evidence of the existence of such ill-treatment" (cf. paragraph 67 of the report), this is intended as a positive finding. Such wording - which has been used in many of the Committee's reports on visits to other States - should certainly not be interpreted as meaning that the CPT's delegation was "suspicious that there was ill-treatment even though they could not come up with anything to support it" (cf. Chapter 2, paragraph 20 of the response). Rather, it is simply a reflection of the Committee's mandate, which obliges it first and foremost to address the issue of whether or not persons are being deliberately ill-treated in the establishments visited.

./.

Mr Michael Mellett  
Assistant Secretary  
Department of Justice  
72-76 St. Stephen's Green  
IRL - Dublin 2



Secondly, the Committee greatly appreciates the frankness of the replies given by the Irish Government in response to the Committee's finding that, "in at least some prisons in Ireland and, in particular in Mountjoy and Limerick Prisons, there are certain officers who have a propensity to ill-treat prisoners" (cf. paragraph 71 of the report). Nevertheless, the CPT notes that most if not all of the prison officers concerned still work at Mountjoy and Limerick Prisons and that little or no action would appear to have been taken against them.

The Committee would like to receive further details of the "specific arrangements" which have been made at Mountjoy Prison to closely supervise "individual prison officers whose attitude towards prisoners is the subject of suspicion by prison management" (cf. Chapter 2, paragraph 7 of the response). The Committee would also like to know whether similar arrangements (or any other measures) have been adopted as regards the prison officers identified in the "Confidential Report on the Incident in Limerick Prison on the 9th of April 1992". More generally, the Committee would like to receive an update on progress made in addressing the "difficult management/staff relations" in Limerick Prison (Chapter 2, paragraph 16 of the response).

Thirdly, the CPT wishes to recall that it recommended that the Irish authorities review the use made of Unit D at Cork Prison, in order to ensure that the unit is not being used to hold prisoners in solitary confinement for prolonged periods as a punishment, subject to a regime which does not provide the necessary mental and physical stimulation (cf. paragraph 153 of the report). The Committee was disappointed to note that the only reply to this recommendation in the response is that it was "not considered practicable, from an operational point of view, to make any major changes in the operation of the unit" (cf. Chapter 7, paragraph 4 of the response). The CPT invites the Irish authorities to give further consideration to its recommendation on this subject.

Yours sincerely,



Claude NICOLAY