

**INTERIM REPORT OF THE GOVERNMENT OF ARUBA  
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 ARUBA  
FROM 30 JUNE TO 2 JULY 1994**

**(transmitted by letter of 4 October 1995)**

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## Report of the Government of Aruba to the CPT

### I. INTRODUCTION

The Government of Aruba acknowledges the importance of upholding fundamental human rights. They are not only enshrined in the Constitution of Aruba, but specific reference is also made to them in the Policy Plan on Crime Prevention entitled "Husticia ta labora, pa pueblo descansa" which was published by the Ministry of Justice in January 1995. These rights are vested in each individual in Aruba, regardless of whether he or she is at liberty or in detention. As the Government is fully aware of its responsibility for fulfilling the obligation to uphold the fundamental rights of its people, it adopted an open stance when members of the CPT delegation visited Aruba between 30 June and 2 July 1994 to monitor compliance with the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereafter referred to as the Convention).

### II. COOPERATION BETWEEN THE CPT AND THE ARUBAN AUTHORITIES

During its visit to Aruba in mid-1994, the CPT was given every opportunity to examine the conditions in Aruba's detention centres, and to acquire information on the period in which individuals may, by law, be deprived of their liberty. The Aruban authorities gave the CPT their full cooperation in conducting its investigations. The CPT expressed its appreciation of the Aruban authorities' attitude in its report of 5 January 1995 (see report no. CPT (95) 3, pp 53 and 54).

The CPT's report on the implementation of the Convention indicated that the circumstances in the police cells and the length of time suspects were detained did not comply with all the standards arising from the Convention. The Government took the report extremely seriously. Directly after the CPT's visit to Aruba, the Council of Ministers appointed a commission which quickly produced

recommendations as to improvements that could be made to the material conditions in police cells, the period of time suspects may be detained in police premises, and the treatment of these detainees. The commission's recommendations, which are enclosed as an annex, were adopted in their entirety by the Government, and they have now largely been implemented. The Government also instructed the competent authorities constantly to monitor implementation.

The Government of Aruba appreciates the positive response it has received from the CPT for its efforts. During Aruba's report to the 14th CPT meeting of 24 April to 5 May 1995, considerable interest was shown in the progress it had made in implementing the recommendations. There can be no doubt that the Aruban Government is prepared to fulfil the requirements and provide the guarantees enshrined in the Convention as they relate both to detainees and the circumstances in which they are held (see p 54 of the CPT report of 5 January 1995). The fact that the Country Ordinance on the implementation of the Convention has now been drawn up and is currently before the Advisory Council bears witness to the vigorous action undertaken by the Government in implementing the Convention. Nonetheless, the CPT drew attention to the time-span involved in the implementation of some of the recommendations. In this regard, the Aruban Government would request the committee's understanding for its circumstances; Aruba is a small country with a limited infrastructure and even more limited funds. With the rapid appointment of the Aruban advisory commission, the submission of written interim reports, and the participation of the Aruban delegation in Geneva, the Government has made every effort to show that progress is, in any event, being made, albeit less rapidly than parties might wish.

With reference to the CPT report of 5 January 1995, information is given below on the current state of affairs with regard to the implementation of the recommendations. Reference will be made, wherever possible, to the relevant sections of the report.

### III. RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION AS CONTAINED IN THE CPT REPORT

#### A. POLICE CELLS

The following information relates to the current state of affairs with regard to the implementation of the recommendations on the conditions of police cells and the maximum period persons may be detained. In this connection, attention should be drawn to the fact that the Government was itself convinced of the need to improve the quality of police cells, and that it therefore adopted the Aruban commission's recommendations in their entirety (see enclosed report of 16 September 1994). Funds have been released, and building plans have now been drawn up, while the tenders and licences pursuant to the Government Accounts Ordinance have been allocated. The renovation work on the cell blocks at both San Nicolaas and Oranjestad will be completed by October/November 1995. Work cannot be carried out on both blocks simultaneously, as there is no alternative accommodation. Work was started on the San Nicolaas block on 15 June 1995, and this immediately led to cell shortages.

182 The Aruban Parliament will probably finalise the draft Code of Criminal Procedure this year. The Code will be introduced gradually and the agencies involved in its implementation will be given extensive guidance. The safeguards for those held in detention arising from the various human rights conventions and from international case law, which are already applied in practice, are enshrined in the provisions of the draft Code. In addition, from mid-1995, the entire body of regulations relating to detention will be reviewed and updated. According to the plans, the update will be completed in two years. It goes without saying that copies of both the new Code of Criminal Procedure and the updated regulations will be submitted to the CPT.

183 With regard to the CPT's comments and recommendations on detained aliens, the matter has already been discussed and a proposal put forward to reconstruct Dakota prison as a special centre to accommodate persons detained under Aliens legislation. This proposal is now under consideration and a decision is expected in the near future (see also 187).

184/

185 Both the regulations on the use of force by police officers (Police order 10/1987) and the regulations on the submission of complaints in respect of police conduct are to be updated. Though both sets of regulations are extensive, and the incidence of police ill-treatment negligible, the Policy Plan on Crime Prevention of January 1995 shows that the Government attaches great importance to supervision and to punitive measures in the event of unacceptable conduct on the part of police officers. The first steps towards an update of these regulations will be made in May 1995.

187 Renovation work started on the cells at San Nicolaas Police Station on 15 June 1995 and is expected to be completed by September 1995. The same contractor will then start work on the Oranjestad cell block and will complete the job in December 1995. The work will be performed in accordance with the Aruban commission's recommendations, as put forward in the 1994 report (enclosed).

All authorities concerned are devoting attention to the question of the length of detention. After 10 days in a police cell, suspects are transferred to Aruba Prison (see CPT report).

With regard to aliens, new guidelines have been drawn up by the Minister of Justice, the Attorney General and the Chief of Police. Persons detained under aliens legislation will be held separately from those suspected of criminal offences. The Chief of Police will also report every case of an alien being detained for more than 5 days to the Minister of Justice and

the Attorney General, specifying the reason. The Attorney General will then decide if the reason is valid, or whether the alien in question should be released.

190 The Government endorses the view that 10 days in a police cell is really too long. It has therefore decided to examine scope for reducing this period. In view of the current situation, however, the Aruban court permits suspects to be held in police cells for 10 days.

191 Since the State Police Department (*Landsrecherche*) was set up in early 1993, some nine of the allegations it has investigated have led to convictions. It is important to note that none of these cases involved the infliction of grievous bodily harm.

The State Police Department is well-known throughout Aruba and its work is given considerable publicity. Informing the general public on the department's duties would not, it is felt, be very effective. However, from mid-1995, efforts will be made to enhance individuals' general willingness to report offences to the police; to this end, the Aruba Police Force will produce information materials. In addition, the regulations on the submission of complaints in respect of police conduct are to be updated. Work on the update will commence in mid-1995.

194 At the Police Academy for Junior Officers, special attention is devoted to the treatment of persons in police custody.

195 See under 191

208 When renovation work in San Nicolaas and Oranjestad is completed, the cells will meet the requirements set by the CPT (see the enclosed recommendations of the Aruban commission of 16 September 1994).

209 The recommendations in this paragraph will be adopted in the plans to upgrade the facilities for persons detained under aliens legislation. Information booklets explaining procedures and specifying rights will be made available in several languages.

213 Arrested persons do not currently have the right to notify a relative or third person of their choice of their detention. The Uniformed Branch would have no objections to the introduction of legislation or regulations to this end. However, it is possible that the pre-trial investigation would not allow for the exercise of this right, but the situations in which this might be the case can be defined fairly accurately.

In response to the recommendations put forward in this paragraph, the following measures are being taken. The police force will instruct its members that when a person is arrested his relatives must be informed. Scope for enshrining this requirement in legislation will be discussed with the public prosecutor and/or other competent authorities.

215/

217 The right to legal aid is enshrined in the Constitution. A suspect is entitled to legal aid from the moment he is arrested. The lawyer has free access to the suspect and is entitled to speak to him in private.

The suspect is always entitled to consult his lawyer, should he so wish, before the first interrogation, provided the lawyer is available and the interrogation is not unduly delayed.

The lawyer is not permitted to attend the police interrogation, but may be present when the public prosecutor and/or examining magistrate questions the suspect.

218 Consultations are currently being conducted with the Law Society to seek

ways of providing rapid *pro deo* legal aid. At present, only a few lawyers are willing to give such aid and efforts are now being made to increase their number. Attempts are also being made to introduce a duty lawyer system. The Government is now considering increasing the allowances allocated to lawyers who provide *pro deo* legal aid. A marked improvement is expected in the foreseeable future.

- 220 Every person detained by the police has the right to see a doctor immediately, but it is up to the doctor to decide when he will visit the detainee. Visits occur in private.
- 221 There is a very extensive police order containing instructions for police officers on the treatment of persons in their custody and on the procedure for doctors' visits. A government-salaried doctor, who can be called in at the request of the suspect or the officer in charge, is attached to each police station. Detainees who wish to see their own doctor should not encounter any problems.
- 223 Consideration is being given to drawing up a statement in English, Spanish, Dutch and Papiamento in which detainees are informed of their right to remain silent and their right to consult a lawyer.

In the official report, which is drawn up under oath of office, police officers are already obliged to state that they have informed the suspect of his right to consult a lawyer.

Moreover, suspects must be informed of their right to remain silent before each interrogation. Failure to do so will lead to the suspect's statement being excluded from the items of evidence. Each official report must contain a statement to the effect that the suspect has been informed of this right.



- 225 This recommendation was received with great interest. Further inquiries will be conducted into the desirability of drawing up instructions on the subjects referred to in the recommendation and the manner in which they should be issued.
- 226 Attention should be drawn to the fact that suspects rarely contest the content of the statements they issue to the police. Should this be the case, the court may hear the official responsible for taking the statement as a witness. The official can submit the draft statement, which is signed by the suspect, as evidence that the statement contained in the official report is correct.
- 227 Suspects may only be questioned between 10 pm and 8 am if they have given their permission and each official report must contain a statement to this effect. If a suspect is questioned during this period, the time is subtracted from the 6 hour maximum.
- 229 With the introduction of a new computerised information system, single and comprehensive custody records can be kept and updated without any problem.
- 229 Custody records are currently kept by hand. Once the X-pol computer programme which is now being introduced at Aruba Prison is fully operational, custody records will greatly improve and will meet the standards set by the CPT.
- 230 The Public Prosecutions Department is currently consulting with the Aruba Prison board on the implementation of these measures. On the spot supervision will occur more frequently.
- 232 The principle of non-refoulement is accepted in Aruba.

235 No official complaints are known to the Government over the 1993-1994 period. In November 1993, a thorough, organised search for drugs was conducted in the prison. This led to a riot, which was most serious in the juvenile section. Disciplinary measures were taken against two juveniles, who had acted as the ringleaders. Rumours circulated that they had been beaten before being taken to the punishment cell. However, the Deputy Director was present throughout and he observed that no more force had been used by the prison officers than was strictly necessary to transfer the young men in question to the punishment cell.

## B. KORREKTIE-INSTITUUT ARUBA (KIA)

### 240 Conditions of detention in Aruba Prison

The Government is aware of the fact that the actual budgetary system and its procedures cause delay in a number of necessary repairs. Several government departments, each with its own responsibility, have to be consulted in case of a major maintenance c.q. repair project. This easily slows down progress in this field.

The Government is working on a new system which will give more responsibility directly to the departments concerning their own expenses.

### 250 The Government accepts the standard of a maximum of three persons per cell under the present circumstances and economic developments. However, if possible - depending on the actual occupation - the recommendation will be followed.

The partitioning of the sanitary annexes in the cells will be improved, in compliance with the existing security principles.

Steps are taken to ensure that all prisoners, lacking resources, without delay, be provided with sheets, pillows, and personal hygiene products on their arrival. Also they will be provided with replacements during their stay in prison.

The government will study the possibility of supplying all prisoners with sheets and pillows during their whole detention period.

Resourceful prisoners will not be provided with replacements of personal hygiene products.

Extra attention will be given to the regular supply of the necessary materials in order to maintain the cells in a clean and hygienic state.

The Government will provide the prison with financial means to install a general call system for each separate section. Because the open structure of the sections it is not considered necessary to install a call system per cell.

Cells can be equipped with an identification system showing where the particular call comes from.

### 250 Activities

The Government subscribes the recommendation of improving the present activities programmes for prisoners. The present shortage of prison officers and staff is, however

a reality, during the forthcoming years arrears can only be made up slowly in relation to the government financial developments. The Government judges the possibility for all prisoners of spending eight hours or more per day outside the cells not feasible.

Taking the above mentioned comments into consideration, extra input will be given to diversifying and improving the activities programmes for young prisoners. For this matter the Government will study the possibility of expanding the sports instructor staff by adding 20 hours a week at short notice.

250 Food

The Government will see to it that the Governor consults with the caterer to improve the hot serving of the midday meals. Furthermore, action will be taken to have the prison kitchen inspected by the food and drugs department on a regular basis.

253 Since 1992 the Government has stopped temporarily the recruitment of prison officers because of financial problems. Modern vision and requirements concerning recruitment were laid down in new legal arrangements for prison personnel in 1993.

Meanwhile, a new training programme for prison officers is being set up, in which more emphasis is put on social and professional skills according to the various career stages. It is the intention of the Government to gradually upgrade the knowledge and skills of the present prison officers in the same programme.

254 The Government will fully support the efforts of modernising the operation of the prison within the present financial possibilities.

258 The Government will work on making the arrangements for sending out correspondence more efficient. One possibility is the introduction of stamps in the prison.

259 The Government will rectify this shortcoming.

260 In general the prison organisation reacts in a flexible way regarding visits from abroad. However, in a number of cases it is not always possible to schedule them, because they are not known in advance. Moreover, there is not always sufficient personnel to guard extra visits during longer sessions.

- 261 The Government is preparing a new order on the principles governing the execution of deprivation of liberty, in which these sanctions (in practice no longer used) are amended accordingly. This order should be official in 1995, latest early 1996.
- 262 At present there is no official higher authority concerning appeals against disciplinary sanctions. The prisoner has the possibility to inform the Supervisory Commission about his objections against a disciplinary sanction. The Commission can discuss the matter with the prison staff and Governor. In the above mentioned new order an extra administrative court procedure is introduced.
- In future all disciplinary sanctions will be communicated in writing to the prisoner. Arrangements are made to ensure that the Prison Governor or his deputy officer are immediately informed of any placement of a prisoner in a punishment cell. A decision will be taken on the case within 24 hours.
- 264 The Government intends to improve the material conditions in the punishment cells by installing a fixed sleeping platform, the introduction of a general call system for the disciplinary unit and by improving lighting. The Government studies on possibilities to improve the ventilation in the disciplinary cells and to install a table and chair in each cell.
- 265 Each cell will be provided with a water jug.
- 266 The Government will study the possibility of a larger facility within the disciplinary unit for the daily fresh air exercise.
- 267 The Government will see to the regulation that all prisoners in the punishment cells will have access to reading matter.
- 268 A general call system in the women's section will be introduced equally to the men's sections.
- 269 When a prisoner is placed in solitary confinement the medical staff is informed immediately during normal working hours and otherwise the next day. Whenever considered necessary the medical staff can be called.

The Government will promote the procedures as mentioned in this sub-paragraph.

270 The Government intends to improve the material conditions in the solitary confinement unit as mentioned before under sub-paragraph 264.

271 Under the present circumstances there is no other more appropriate facility available for these psychiatric disordered prisoners. The only facility on the island (PAAZ), is there to help in some cases of acute crisis situations but cannot be used on a structural basis. The Government is now studying the possibilities for a psychiatric and forensic observation centre (FOBA) and more in general for a psychiatric and forensic hospital. At present there are only two psychiatrists working on Aruba.

272 The Government will have an official register introduced in the disciplinary/solitary confinement unit.

274 The Government will discuss the recommendations made in this paragraph with the Governor.

The prison's Supervisory Commission contacts every prisoner after receiving written complaints. These complaints are also discussed in the monthly meeting between the Commission and the Governor.

In the new order on the principles governing the execution of deprivation of liberty, the CPT is included in the list of authorities with whom prisoners can communicate by confidential letter.

276 All remarks about the Supervisory Commission, except for the annual report on its activities, are already covered in the present procedures and authority. The Commission will consider the recommendation for this annual report.

278 The prison will work on a proper information leaflet in various languages. It will be distributed after being updated in accordance to the contents of the new order on the principles governing the execution of deprivation of liberty.

In the meantime there is a daily programme schedule hanging in each section and there are announcements by the Governor about rules and restrictions on the notice boards.

280 Medical services

Presently, the medical staff consists of one general practitioner on a contract basis and only one full-time employed nurse. The second nurse has disappeared for almost one year now and in his replacement is not yet foreseen.

Since september 1994 a psychiatrist of the PAAZ unit of the hospital is available on a consulting basis for the prison.

At the request of the prison doctor, the psychologist of the PAAZ sometimes talks to prisoners on a consulting basis.

Dental care is available outside the establishment under the local rules and arrangements of the Social Affairs Department.

281 The Government will study the recommendations made for a half-time doctor in the prison.

283 Referring to sub-paragraph 280 and the lack of qualified nurses on Aruba, the Government will make her effort to reestablish the actual number of two full-time nurses in the prison organisation.

In case of opening a FOBA unit this number will be reconsidered.

285 The nurses in the prison system also provide a permanent on-call service on a rota basis and can be contacted for emergencies during the nights and weekends. Regarding the short distances on Aruba it is not considered necessary to have a nurse day and night present in the prison.

287 As stated in the report, the admission to the external hospital was subject to the prior approval of the Director of Public Health, in order to prevent unnecessary or doubtful admissions.

At the moment the specialist giving the treatment decides on the need for an admission. Specialist and hospital are responsible for the actual admission. The medical staff of the prison has no influence on this decision making.

288 The Government does not have any knowledge of problems or conflicts of interest in this matter. However, the Government will discuss the recommendation with the concerning

authorities.

291 The Government has the intention to improve the material conditions, standard of  
equipment and state of cleanliness in the prison infirmary depending on the available  
financial means.

293 Registration of prisoners' medical records is in progress. The  
294 Government shall take into consideration the points made in  
295 these paragraphs.

300 As mentioned before at present Aruba can only offer limited  
301 facilities concerning persons with psychiatric symptoms. This situation cannot be changed  
immediately, moreover as the Government has to deal with serious financial problems.  
Practically it proves to be very difficult to find proper hospital facilities for cases described  
in paragraph 298 outside Aruba. The Government has been using its contacts and  
influence inside and outside the Kingdom of the Netherlands in this matter, however up  
to now in vain.

The Government is studying the possibility to start one or more psychiatric facilities as  
mentioned in these paragraphs. Apart from the financial aspects also the necessary staffing  
must be realisable.

303 The Government intends to intensify the information sessions about communicable  
diseases for both prisoners and prison staff. Specific instructions will be worked out in this  
matter to improve a safe detention for prisoners and a safe working place for prison staff.

306 The Government is aware of the described prison's drug dependence problem.  
The prison itself however is not an ideal setting for therapeutic treatment. This specific  
problem area will be integrated in the development of a national masterplan on drug  
combative measures.

307 If a female prisoner should be imprisoned with her child the remarks will be taken into  
account. Procedures as mentioned in this paragraph are part of the new order on the  
principles governing prison affairs.



**Commission ON THE IMPROVEMENT OF POLICE CELLS****REPORT****MEMBERS:**

Mr. R Nicolaas, Chair (Aruba Prison), Ms A. R. Peterson, Secretary (International Relations Department) Mr J. Van Eck (Public Prosecutions Department), Mr J Croes (Public Works Department), Mr. R. van Duin (Aruba Prison), Mr E. Amerlaan (Aruba Prison), Mr A. Paulina

Aruba, 16 September 1994

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## INTRODUCTION

### 1. Background

During its meeting of 6 July 1994, the Council of Ministers decided to appoint a commission to examine ways of improving the cells at Oranjestad and San Nicolaas police stations. This decision was taken in response to the findings of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT).

Aruba has been party to the European Convention for the Protection of Human Rights and Fundamental Freedoms since 31 December 1955. In accordance with Article 3 of this Convention, no one may be subjected to torture or to inhuman or degrading treatment or punishment.

The European Convention for the prevention of torture and inhuman or degrading treatment or punishment (see Annex 1), which entered into force in the Kingdom on 1 February 1989, constitutes the further elaboration of the provisions of Article 3. Central to this Convention is the appointment of the CPT to carry out inspections and submit recommendations to ensure observance of its provisions.

The CPT comprises members from the countries that are party to the Convention. In accordance with Article 2 of the Convention, each party is obliged to permit members of the CPT to visit any place within its jurisdiction where persons are deprived of their liberty by a public authority.

Approximately 2 weeks prior to its arrival, the CPT notified the Government of its intention to visit Aruba from 30 June to 2 July 1994. The International Relations Department was responsible for coordinating and preparing the visit. Immediately after their arrival on 30 June 1994, the members of the CPT delegation met senior officials and officials responsible for the police and prisons

to acquire the necessary background information. They then visited the police stations at Oranjestad and San Nicolaas, Aruba Prison and Dakota Prison.

To conclude the visit, the CPT delegation held a meeting to evaluate its findings during which immediate concern was expressed at the state of the cells in the police stations at Oranjestad and San Nicolaas.

After each visit, the CPT draws up a report of its findings, taking account of the observations of the Party concerned. Within six months of the visit, the CPT was to submit its final report to the Aruban Government and put forward any recommendations it felt necessary. However, if during a visit the CPT encounters a situation which constitutes a direct violation of the provisions of the Convention, it may, under the provisions of Article 8, paragraph 5, immediately communicate observations to the competent authorities of the Party concerned.

**Having visited the police stations at Oranjestad and San Nicolaas the CPT delegation concluded that the conditions prevailing in the cells were such that they could be described as inhuman and degrading.**

Conditions in the cells were totally unacceptable, while hygiene left much to be desired. Moreover, the average stay in the police cells was much longer than acceptable. Furthermore, the CPT delegation noted that neither the right to a doctor nor the right to a lawyer was always guaranteed.

For the above reasons, the CPT urged that improvements should be made as rapidly as possible, and requested the Government to submit its response within three months of the delegation's departure. If the Government were to effect improvements within the three months, these would be included in the final report. Should the government disregard the CPT's observations, the latter could decide to issue a public statement (Article 10 of the Convention).

In order to be in a position to inform the CPT, within three months of its visit, of the improvements it had made and planned to make to the current situation, the Council of Ministers, meeting on 6 July 1994, decided to appoint a commission comprising representatives of the Aruba Police Force, the Public Prosecutions Department, the Public Works Department and the Foreign Relations Department, to put forward proposals for the improvement of the police cells at Oranjestad and San Nicolaas and to draw up the relevant cost estimate.

## **2. *Principles adopted by the commission***

Despite the very limited time-span within which the Aruban commission was required to draw up its recommendations, an attempt was made to perform a thorough analysis of the conditions in the police cells at San Nicolaas and Oranjestad, the length of time individuals are detained there and their treatment. In drawing up its recommendations, the commission adopted, as far as possible, the standards developed by the CPT (see Annex II).

In view of the objectives of these recommendations - i.e. to effect changes to the current situation as rapidly as possible - the commission largely sought solutions which could be implemented in the short term. It goes without saying that long-term solutions also need to be sought. The Conclusion will contain a brief analysis of long-term aspects.

## **3. *The commission's working methods***

The concern expressed by the CPT delegation relates to three aspects of detention:

1. Conditions in the cells
2. The treatment of persons detained by the police
3. The length of time individuals were held in police cells

Three sub-committees were formed, each of which was to examine and put forward recommendations on one of the above areas. The recommendations were then to be discussed by the entire commission. Each sub-committee assessed the current situation, formulated objectives, and recommended ways in which these objectives were to be achieved.

A separate chapter has been devoted to each of the above areas. Chapter 1 first describes the conditions in the cell blocks at Oranjestad and San Nicolaas and goes on to indicate, with the assistance of drawings, what improvements should be made to ensure that conditions no longer can be characterised as inhuman and degrading. Chapter II discusses the treatment of persons detained by the police and Chapter III contains proposals on reducing the time they are held in police cells.

## **CHAPTER 1: MATERIAL CONDITIONS IN THE POLICE CELLS**

In placing suspects in police custody, the Aruba Police Force makes use of the cells at its headquarters in Oranjestad and the police station at San Nicolaas. The cells at Oranjestad were opened in 1987, those at San Nicolaas in 1980. In view of the shortcomings reported by the CPT - the cells are located underground, they are poorly lit and ventilated, there is very little daylight, and they are insanitary - an official of the Public Works Department (a member of the commission) inspected both blocks. The state of the blocks led him to conclude that both were in need of renovation.

### **A. *The police cells at Oranjestad***

The relevant drawings are enclosed as annex III.

#### **1. The cell block at Oranjestad currently comprises:**

(see drawing no. O-1)

- 15 cells (2.90 x 3.00 metres), including 1 reception cell and 1 isolation cell. (A.B.C.).
- an interview room (airconditioned) (2.00 x 2.75 metres). (D)
- an interrogation cell (2.00 x 2.75 metres). (E)
- a doctor's office (4.03 x 2.75 metres). (H)
- a storage room (1.50 x 2.00 metres) (G)
- a central area (approx. 6.30 x 17.00 metres)

**Location:** The block is located to the southwest of a 9-metre high building. As drawing O-3 shows, the adjacent building prevents adequate ventilation of the block.

**Sunlight:** The cells are practically all exposed to the afternoon sun. They are therefore very warm and have a very low comfort factor.

**The cells:** The interior surface area of each cell is approximately 3.00 metres x 2.90 metres, which is in line with international standards.

There are window openings of at least 1 m<sup>2</sup> in the walls on either side of the cells for ventilation and natural lighting (see drawing O-5).

The floors in the cells are crumbling and insanitary.

The walls are dirty and neglected, as are the showers and toilets.

There are no electric lights in the cells.

The raised cement platform around the "beds" is uncomfortable.

The partitions in the showers and toilets are too low.

**interview**

**room:** This room is airconditioned and adequate.

**doctor's**

**office:** The present state of this room is such that it cannot be used for medical examinations. It is, moreover, unequipped.

**General:** The whole block is poorly maintained as regards:



paintwork  
 plaster work  
 hygiene.

**I. *General outline of the work needed to improve the police cells at Oranjestad, and estimate of costs.***

In order to adapt the police cells to meet the CPT's standards, the following renovations are proposed:

**A. The floors in areas A b (13x) C and F should be removed and:**

- replastered
- levelled and finished
- treated with "Gyberete"

costs Afls. 28,000

**B. A roof should be constructed in area F as follows:**

- 5 columns along the central wall for the construction of the roof in drawing 0-8;
- 10 columns along the cell walls bordering on area F (including drilling work for the light fittings);
- cross-beams of 3"x 8" at a height of 3 metres;
- purlins of 2"x 6" at a height of 61 cm;
- insulated aluminium roofing (Metallic).

costs Afls 180,000

**C. The interior and exterior walls and concrete ceilings of the cells and areas D, E, F, G, H and I should be treated as follows:**

- peeling and weather-stained paint should be removed;
- all surfaces should be scrubbed and cleaned with steel brushes;

- any damage should be repaired using filler;
- all surfaces should be painted;
- all walls should be painted with liquid chlorinated rubber to a height of 1.5 metres.

costs: Afls 55,000

E1 - 8 electric fans should be placed on the tops of the columns. These should be secured with strong wire mesh.

costs Afls 4,000

E2 - 15 Lumiance fittings should be installed as follows:  
 1 in area A, 13 in areas B, 1 in area C. The fittings are waterproof, damage proof and corrosion proof; they should be protected with strong wire mesh, e.g. 11 gauge wire mesh, 3 mesh per inch, bolted to the wall.

costs: Afls 7,000

Total costs	Afls 274,000
(including wages and supervision)	Afls 27,000
10% contingency costs	-----
	Afls 301,000

**B. *San Nicolaas cell block***

The drawings are enclosed as annex IV.

**I. The cell block at San Nicolaas comprises:**

(See drawing S-1)

- 13 cells (approx. 2.04 x 3.45 metres) including 1 isolation cell (B and C);
- a reception cell (or women's cell) (approx. 4.05 x 7.00 metres) (A);
- an interview room (approx. 2.04 x 3.45 metres) (D);
- 4 additional shower cubicles (E);
- 2 recreation areas (approx. 4.05 x 15.55 metres each) (F);
- a reception area (approx. 2.60 x 4.05 metres), not in use;
- a doctor's office (approx. 4.05 x 4.05 metres) (J);
- a service area between the cells (1.00 x 15.55 metres) H;
- a hall connecting the above areas (3.05 x 12.15 metres) (G).

**Location:** The location is good and allows for adequate ventilation; the window openings in the block catch the breeze and there are no substantial obstacles (at least as far as the northeast side of the building is concerned).

**Sunlight:** There is no direct sunlight in the cells, which may be regarded as an advantage in the circumstances.

**Cells:** see drawing S-4

- The interior surface area of the cells is 2.04 x 3.45 metres, which is in line with international standards.
- Each cell has a window opening of only 0.09 m<sup>2</sup> at the back, so that air is circulated via area H.
- The floors in the cells are crumbling and insanitary.

- The toilet and shower cubicles and the cell walls are insanitary due to poor maintenance.
- There is no electric lighting in the cells.
- The partitions in the toilet and shower cubicles are too low.

#### Women's cell (A)

- There are no platforms ("beds").
- The sanitary facilities are inadequate.
- The partitions in the toilet and shower areas are too low.

#### Service area (H)

- Ventilation is very poor.
- The mechanical air extraction system for the cells is located here.
- Wooden obstacles (see drawing S-2) impede air circulation in the cells.

#### Interview room

There are no facilities (no furniture) in this room and no partition between the lawyer and his client.

#### Doctor's office

The current state of this room is such that it cannot be used as a doctor's office. It is unequipped.

#### General

The whole complex is poorly maintained as regards:

- paintwork
- plaster work
- hygiene.

ii. ***General outline of the work needed to improve the police cells at San Nicolaas, and estimate of costs.***

In order to adapt the police cells to meet the CPT's standards, the following renovations are proposed:

A. The floors in areas A B(12x) C and F should be removed and:

- plastered
- levelled and finished
- treated with "Gyberete"

costs: Afls 30,000

B. The interior and exterior walls of the cells and areas D, E, F, G, H, I, J, K and L should be treated as follows:

- peeling and weather stained paint should be removed;
- all surfaces should be scrubbed and cleaned with steel brushes;
- any damage should be repaired using filler;
- all surfaces should be painted;
- all walls should be painted with liquid chlorinated rubber to a height of 1.5 metres.

costs Afls 65,000

C. The following work should be carried out;

- area E should be bricked up with a 20 cm deep wall (see drawing);
- 1.50 metre high partitions should be constructed in the toilets and showers (see drawing) (10 cm);
- 7 platforms should be built to serve as beds in cell A;
- a partition should be constructed in room D.

C2 Sanitary facilities:

- The toilet in area A should be removed and a new toilet and shower cubicle installed as indicated in the drawings;
- the existing partitions in area A should be removed and 3 new partitions constructed as indicated in the drawings.

costs Afls 85,000

- E1 - 6 electric fans should be installed on the ceiling and secured with strong wire mesh.

costs Afls 3,000

- E2 - 17 waterproof TL fittings model 362 160 (see documentation):
- 4 in area A, 1 in area C, 12 (12x) in area B.
  - The fittings are waterproof, shock proof and corrosion proof and are not equipped with a starter; they should be protected with strong wire mesh, e.g. 11 gauge wire mesh, 3 mesh per inch, bolted to the wall.

costs Afls 8,500

Total costs

(including wages and supervision) Afls 191,000

10% contingencies Afls 19,150

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Afls 210,650

## **CHAPTER 2: THE TREATMENT OF DETAINEES**

On the basis of its findings during its visits to the cell blocks at Oranjestad and San Nicolaas, and further examination of the regulations included in the current Police Order, the commission assessed the treatment of detainees in both theory and practice. In this connection, it discussed a wide range of topics relating both directly and indirectly to the treatment of detainees.

The commission will confine itself to those factors deemed by the sub-committee to be in need of improvement. The commission's main principle is to ensure that detainees are treated as humanely as possible (see annex 2), based on the standards developed by the CPT.

Recommendations relating to improvements of a technical nature have been discussed with J Croes of the Public Works Department. It goes without saying that improving the material conditions in the cell blocks (more lighting, better ventilation etc.) and reducing the length of time detainees may be confined there to an absolute maximum of 10 days, will greatly improve the circumstances in which suspects are detained in the cells. However, the commission is of the opinion that improvements could also be made in the following areas:

1. Supervision of the detainees
2. Sleeping facilities
3. Hygiene
4. The right to consult a doctor
5. The right to consult a lawyer
6. Exercise and recreation
7. Visitors

Where the proposed improvements entail construction work, the costs will be included in the Public Works Department estimate.

Further elaboration of these recommendations will entail structural cooperation between the Aruba Police Force and the relevant agencies and organisations (the Aruba Prison authorities, the Public Health Department, the Law Society). In this connection, the commission would draw attention to the study currently being conducted by the Public Health Department of hygiene in the San Nicolaas and Oranjestad cell blocks.

The points specified above will now be discussed in turn and a short sketch will be given of the current situation and the desired situation.

### **1. *Supervision of detainees***

#### *Current situation*

The station officer is responsible for ensuring that two police officers make a round of the cells once an hour, at irregular times. The rounds are entered, with the time at which they were made, in the logbook.

Continual supervision is not possible, due to a shortage of police officers. The station officer in Oranjestad has an intercom system at his disposal with which he can maintain continual contact with the detainees. The cameras installed in both cell blocks have been out of order for a considerable time. As a result, the observation cells (for detainees whose behaviour indicates that they are a danger to themselves) cannot be monitored round the clock.

#### *Desired situation*

An intercom system similar to that used in Oranjestad should be installed as soon as possible in the San Nicolaas cell block. In addition, cameras should be installed, where necessary, in and around the block to ensure better supervision of the detainees. Cameras that are out-of-order should be repaired as soon as possible. The t.v. monitors in the observation cells must be repaired and in



working order as soon as possible. However the intercom system and the cameras may in no way be regarded as substitutes for the hourly rounds.

## **2.. *Sleeping facilities***

### *Current situation*

Detainees at Oranjestad sleep on raised cement beds/bunks, male detainees at San Nicolaas sleep on raised wooden shelves, while the women at San Nicolaas sleep on the floor. The mats originally supplied to detainees to sleep on have all been destroyed in the course of time and never replaced.

### *Desired situation*

In the first place, detainees should never be required to sleep on the floor. For the sake of human dignity, platforms should therefore be installed in the women's cell at San Nicolaas as quickly as possible (see annex, CPT standards). According to the CPT standards, no more than 5 persons may be held overnight in a cell of 20m<sup>2</sup>. This means that in the women's cell at San Nicolaas, which has a total surface area of 28m<sup>2</sup>, no more than 7 women may be held at any time. The Public Works Department will therefore put forward a proposal to construct seven platforms in this cell.

At the moment, the women's cell is mainly occupied by women awaiting deportation under Aliens Legislation. In order to ensure that no more than seven women are held at one time, the Aliens Department of the Aruba Police Force and the Ministry of Justice should reach clear agreement on the detection and arrest of illegal aliens.

In addition, each detainee should be supplied with a mattress. Inquiries conducted at Aruba Prison showed that the mattresses used there were not suitable for use in the police cells. The mattresses in the police cells need to be

made of harder-wearing materials to minimise the risk of destruction. Suitable mattresses can be ordered in the Netherlands.

If a detainee destroys his mattress, he will have to do without for the rest of his stay in the cell. The costs of replacing mattresses should be budgeted each year.

### **3. Hygiene**

#### *Current situation*

Detainees are given the opportunity to clean their cells once every two days, when they are supplied with water and concentrated pine disinfectant. The cells are fumigated six times a year by "pest control", and the Sanitation Unit of the Public Health Department cleans out the cells once a month. Whenever a detainee leaves a cell, an inspection is carried out. If the cell is dirty, the detainee is required to clean it.

Nonetheless, hygiene in the cells is far from satisfactory. The state of the blocks, especially that of the showers and the toilets clearly shows that less money has been spent on disinfectants and maintenance in the past few years. In addition, the drains in a large number of the cells are blocked. The water supply to the showers and toilets can be controlled directly by the station officer at Oranjestad. In San Nicolaas, this is done during the hourly rounds.

A janitor is employed to clean the cell block at San Nicolaas, but at Oranjestad there are no regular cleaning staff.

#### *Desired situation*

The cells should be cleaned every day and not every other day. Detainees should be issued for this purpose with effective disinfectants (taking account of

safety precautions, the risk of suicide etc.). Moreover, on being confined in a cell, each detainee should be given the opportunity to clean it.

Detainees suffering from infectious diseases should be segregated. Contact with others should be avoided. Once the detainee in question has been released, his or her cell should be sealed and only used again once the Health Unit has disinfected and cleaned it (strict compliance with the Police Order).

As the detainees do not always clean out the cells properly, two janitors should be appointed to each cell block to ensure proper maintenance and regular cleaning. This measure should be taken as soon as possible. In addition, the Sanitation Unit should clean the blocks on a more frequent basis.

A central control system, similar to that in use at Oranjestad, should be installed for the showers and toilets at San Nicolaas.

Hygiene in the women's cell at San Nicolaas, where 20 women are sometimes confined at one time, is greatly in need of improvement. In the first place, as indicated in section 2 above, no more than seven women should be detained in the cell at one time. In the interests of hygiene and privacy, the existing toilet and shower facilities should be enlarged and adapted.

With regard to personal hygiene, detainees are supplied with soap, and their relatives supply any other items they may need, such as toothpaste, towels, toothbrushes etc. A supply of towels and other items should be kept at the police stations for the use of detainees who, for one reason or another, cannot supply their own. These items could be purchased in cooperation with Aruba Prison. The services of a professional laundry should be used for the laundering of the towels. (In Aruba Prison, the detainees wash their own towels and clothes). A measure of discretion should be exercised in supplying towels and other items, as it is, in principle, up to the detainees' relatives to supply them.

The Aruba Police Force, the Sanitation Unit and the Contagious Diseases Unit of the Public Health Department should endeavour to cooperate more closely. The Public Health Department receives little cooperation during its routine checks at Oranjestad police station.

In this connection, the sub-committee would draw attention to the findings and recommendations of a study of hygiene at the police stations which the Public Health Department is currently completing.

#### **4. *The right to consult a doctor***

##### *Current situation*

If a suspect so requests, the prison doctor can be summoned, having first been informed of the symptoms. The prison doctor attends to detainees held at Oranjestad and San Nicolaas police stations and in Aruba Prison. He is now paid a fixed amount monthly, regardless of the number of patients he treats. In the past, the doctor was paid for every detainee he treated, but this led to complaints about delays in payment and thus to reluctance on the part of the doctor to respond to calls. Problems relating to the payment and accessibility of the doctor have been solved with the introduction of the new system of payment.

Separate rooms were originally planned at both San Nicolaas and Oranjestad for medical examinations. Their condition is such, however, that they cannot be used for this purpose. As a result, any form of physical examination must be conducted at the polyclinic, which is highly inconvenient for the police authorities, as transport must be arranged and staff released to act as escorts.

Medicines prescribed to a suspect either before or after their arrest, are kept by the station officer who is responsible for ensuring that they are issued in the prescribed doses. If necessary, the assistance of the Socio-Psychiatric Unit is

called in.

#### *Desired situation*

The prison doctor has indicated that he would like to have an office at both police stations. The existing rooms should therefore be refurnished and equipped and they should be cleaned every day. The following equipment is needed for a basic physical examination: a bed, a washbasin, a mirror, a desk and chair, a set of scales, a first-aid kit and disposable gloves. The following equipment should also be purchased in due course; a sphygmometer, a stethoscope, an otoscope and spatulas. The costs of purchasing and replacing any of the above items should be budgeted annually.

#### **5. *The right to consult a lawyer***

##### *Current situation*

The Country Ordinance on *pro deo* legal aid contains regulations on the provision of legal aid to suspects who are unable to afford a lawyer. At present, only 4 out of the 19 law firms provide *pro deo* legal aid. There are therefore already too few lawyers available and it is not inconceivable that this number will diminish even further in the near future. This development is largely due to fact that the Law Society regards the sum of fls 450,- which the government now allocates per case as too low. At present, the police officer dealing with the case has to contact the various law firms to obtain *pro deo* legal aid for the suspect. Hearings repeatedly have to be postponed because no lawyer is available and this is a costly matter.

##### *Desired situation*

In order to reach a solution for the problems relating to the provision of *pro deo* legal aid, consultations between the parties involved should be organised on a

structural basis. An official should be appointed to the Law Society to liaise with the police, so that lawyers can be allocated as efficiently as possible (duty lawyer system). The Legal Aid Committee could be requested to put forward recommendations as to payment and a duty lawyer system.

A separate office, equipped with a partition, similar to that at Oranjestad, should be provided at San Nicolaas for interviews between suspects and their lawyers. The office now available is totally inadequate.

## **6. *Exercise and recreation***

### *Current situation*

Due to lack of manpower, the only time the detainees get any exercise is when they clean out their cells once every other day.

### *Desired situation*

As detainees - and sometimes several detainees together - are held in small cells for periods of up to ten days without anything to distract them, it is not surprising that they become aggressive or depressed after a time. Tension could be relieved considerably if they were allowed some exercise each day. Such exercise should consist of more than cleaning out the cells. The detainees should be allowed to exercise in the open air and should be given games equipment (a ball, at least) (see CPT standards, annexe II).

Police duty rosters should be organised in such a way that these sessions can be held every day. This may involve extra costs - such as overtime pay. A small amount should be reserved on the annual budget for games equipment.

Some recreation in the form of music or reading matter would lead to less aggressive or destructive behaviour and would lighten the police officers'

workloads. The intercom system could be connected to a music station. Reading matter is permitted in Aruba Prison unless the Public Prosecutor decides against it. Such a ruling could also be applied to the police cells.

## **7. Visitors**

### *Current situation*

Despite the instructions contained in the current Police Order, each detainee is, in practice, allowed visits from relatives, unless the Public Prosecutor specifies otherwise. Current regulations with regard to visitors are flexible and do not give rise to problems. Oranjestad has an adequately equipped visitors' room, but this is not the case at San Nicolaas, where detainees receive their visitors in the station officer's office. This is not only inconvenient for the police officers, but it means that the detainee has no privacy.

### *Desired situation*

A partition, similar to the one installed at Oranjestad, should be installed at San Nicolaas police station for the reception of visitors.

### **CHAPTER 3: LENGTH OF TIME SPENT IN POLICE CELLS**

During its visit, and on examining the register kept at the police cells, the CPT noted that suspects were sometimes held for up to 26 days. Some may have been held for longer. According to the CPT, suspects should be held in police cells for one or two days at most. In order to put forward recommendations aimed at reducing the time spent in police cells, the commission first examined the current situation, both as regards the procedures after arrest and the length (average and maximum) of stays in the cells. On the basis of its findings it has put forward recommendations as to the desired situation with regard to both procedures and the maximum length of detention, and suggested further improvements.

#### **I. *Current situation***

##### **I.1. *Capacity at Aruba Prison***

Aruba Prison can accommodate 208 prisoners (excluding those held in detention in lieu of payment, and prisoners held in isolation or observation cells).

The accommodation is distributed as follows:

- 90 places for adult males held in pre-trial detention;
- 70 places for adult males serving long prison sentences;
- 30 places for juveniles, no distinction being made between those held in pre-trial detention and those serving their sentences;
- 18 places for female detainees (both juveniles and adults, either in pre-trial detention, or serving their sentences).

Average occupancy, on the commission's visit, was as follows:

- Approximately 15 of the 90 places reserved for adult males in pre-trial



detention were unoccupied; these places are also used for persons awaiting appeal court hearings. Offenders who have been sentenced but are still at liberty are placed in this unit when their sentences are executed. This means that a more flexible policy on releasing suspects to await trial, whether or not necessitated by a shortage of cell space, offers no solution. Once judgement has been given, these detainees will occupy the same 90 places they would have occupied had they been held pre-trial detention.

- Of the 70 places reserved for long-term prisoners, approximately 35 were unoccupied.
- The 30 places in the juvenile unit were occupied. There is frequently a shortage of cell space.
- Of the 18 places in the women's unit, 6 were unoccupied.

### *1.2 Average length of stay in police cells*

Between 1 March and 26 July 1994, 505, persons were released from the police cells. An average of 100 persons per month were thus released. These figures and those below relate to the detainees held at Oranjestad police station. As capacity at San Nicolaas is the same, and if we assume that occupancy of the cells there also follows the same pattern, these figures should be doubled in order to acquire a total picture.

In 241 cases, detainees were held under Aliens Legislation and deportation usually ensued. Nine of these persons were held for more than 10 days. In 151 cases, the persons in question were held on suspicion of having contravened the provisions of the Criminal Code and Country Ordinance on Drugs. 70 of these detainees were released within ten days, 21 were transferred to Aruba Prison and 57 were held for more than 10 days in the police cells (4 for 11 days, 6 for 12 days, 4 for 13 days, 7 for 14 days, 5 for 15 days, 6 for 16 days, 4 for 17 days, 2 for 18 days, 3 for 19, 20, 21, 23 and 24 days, and 2 for 26 and 27 days). Of the other detainees, 97 were detained in the cells to sober up.

If these suspects had been transferred to Aruba Prison within ten days, along with the same number from San Nicolaas, they would have occupied an average of 4 places a month there.

### *1.3 Aruba Prison throughput procedure*

At Aruba Prison, transfers from the police cells are coordinated by the central detainee records department. For the Aruba Police Force, coordination is the responsibility of a constable of the Oranjestad Criminal Justice Police (investigations department). Capacity is a recurring problem where juveniles are concerned, but there is seldom a shortage of cell space at Aruba Prison for adult detainees. We must therefore conclude that it is not so much capacity at the prison as the failure of the police to transfer detainees in time that is at the root of the problem. The police work according to the first in, first out system and only make exceptions in cases where medical treatment is needed.

### *1.4 Juveniles and adults*

At present, any detainee who has not yet reached the age of 23 is held in the juvenile unit, regardless of whether he is serving his sentence or is being held in pre-trial detention. Capacity in this unit is therefore a considerable problem. The existing regulations are obviously based on the belief that youthful detainees should be protected from the harmful influence of the hardened criminals in the adult units.

## **II *Desired situation***

In defining the situation it would like to see, the commission has made every attempt to take account of a number of facts and interests. The interests of the investigation and those of the suspect are not always the same, while police and prison staff shortages give rise to the necessary problems. It has proved impossible to limit the maximum length of time suspects are held in the cells to

the two or three days recommended by the CPT. The courts are, therefore, prepared to accept a maximum of ten days. The Examining Magistrate has decided that, as of 26 July 1994, any suspect who is placed in pre-trial detention is to be transferred to Aruba Prison.

The commission regards a stay of 2 or 3 days in the police cells as the maximum, but is aware that this is not feasible under the present circumstances. Taking due note of the planned renovations of the cells and the recent judgement of the Aruban court, the commission would define the ideal situation as follows:

*"suspects held in pre-trial detention should be transferred to Aruba Prison as soon as possible, in any event before the remand in police custody expires".*

### **III     *How and when the ideal situation can be achieved***

In view of the recent court decision, suspects held in pre-trial detention now have to be transferred to Aruba Prison on the day the remand in police custody expires at the latest. The Public Prosecutions Department, and the other parties concerned were confronted with this new situation in such a way, and at such a late date, that it was impossible for them to make the necessary preparations. Problems are at present being tackled on ad hoc basis. The commission will restrict itself to proposals for structural improvements.

In the first place, efforts will need to focus on achieving the 10 day maximum. This implies that such changes need to be made to current practices that the objective "as soon as possible" will only be at all feasible once the ten day maximum has become accepted practice. Achieving the ten day maximum now gives rise to problems. These are listed below, together with suggestions as to solutions.

*Distribution of accommodation at Aruba Prison*

A comparison of the total cell capacity at Aruba Prison, (208 persons) and average occupation (158), leads one to think that there is enough space to cope with a structural increase in the number of suspects held in pre-trial detention. However, the way in which accommodation is distributed, and in particular the division between juveniles and adults, limits this space.

The sub-committee recommends that a study be conducted into scope for and the effects of putting detainees awaiting the outcome of appeal proceedings into the same unit as those whose sentences have become irrevocable. As much of the cell capacity of this unit is unused, more cell space in the pre-trial detention unit would probably become available.

The commission recommends that a study be conducted into scope for and the effects of adopting a lower age-limit for placement in the juvenile unit, and creating scope for the prison authorities to adapt the accommodation in this unit to the needs of juvenile offenders. The existing, strictly enforced age limit of 23 is based on no existing statutory regulation, but on a prison rule which is possibly in need of revision. Revision of the rule is to be recommended not only for reasons relating to the cell capacity in this unit, but also in view of the other effects it has had, which, the commission is sure, cannot have been intended.

*Keeping a record of detainees*

The commission recommends that coordination within the Aruba Police of Force of throughput from the police station cells to Aruba Prison should be placed in the hands of one official. In view of the fact that restricting the time suspects may spend in the police cells will lead to a greater number of transfers (and, possibly, a greater number of suspects being released to await trial), it would be in the interests of the police to keep a central record of all detainees. Such a record will also form a vital reference point for the prison authorities and the Public Prosecutions Department.

Transport

At present, the transport of suspects held in pre-trial detention involves the deployment of far too many officers and this situation will only deteriorate further when suspects who have been transferred to the prison are required to assist the police in their investigations. The officers, either police detectives or prison staff, are few in number and expensive to deploy. The Public Prosecutions department has recently launched a study of the feasibility of establishing a transport unit.

The establishment of such a unit would, in the opinion of the commission, go a long way towards relieving pressure on both prison and police staff. The unit would be responsible for escorting detainees to the examining magistrate, transferring them from the police cells to the prison, and escorting them to the court. These are activities that can easily be planned and establishing such a unit would cost considerably less than deploying police and prison staff. The investment would be more than worthwhile, if we take into consideration that the pressure on these clearly overburdened officers would be greatly relieved.

## CONCLUSIONS

The cell blocks are in an appalling state, due to poor maintenance and the insanitary conditions in and around the cells. There is too little light and ventilation in most of the cells, while sleeping facilities are either inadequate or non-existent.

If the cells are to be renovated as proposed in Chapter 1, total costs will amount to Afls. 512,050. It goes without saying that such work will be pointless unless the cell blocks are properly maintained.

The purchase, maintenance and replacement of a number of essential items, as referred to in the recommendations, should be funded, on a structural basis, from the Aruba Prison budget. It is absolutely pointless to purchase items on a one-off basis unless funds are released annually to cover the costs of maintaining and replacing them. Otherwise, experience has shown that the situation will deteriorate very rapidly.

As far as the treatment of the detainees is concerned, it can be concluded that the existing Police Order guarantees that this, in theory, is correct and humane. However, practice shows that, as a result of staff shortages (the commission assumes that the government is aware of the staff shortages at Aruba Prison) and consecutive cuts to the Aruba Prison budget, the circumstances in which detainees are held in the cells have gradually deteriorated.

In addition to improvements to the condition of the police cells, efforts should be made to alleviate the problems referred to above. In its recommendations, the commission has attempted to keep any effects this might have on staff numbers to a minimum.

Providing the detainees with some distraction, by allowing them access to reading materials (except in cases where the Public Prosecutor objects) and

connecting the intercom system to a music channel, would not, in principle, cost money, and would improve the circumstances of both the detainees and the police officers. If the detainees are kept occupied they will be less likely to become aggressive or depressed, and will not constantly demand the officers' attention.

The following recommendations, which will ensure more humane treatment of the detainees, can be implemented relatively rapidly. Insofar as they relate to renovation work, the costs involved have been included in the estimate.

1. To improve supervision, an intercom system, similar to the one in use in the cell block at Oranjestad, should be installed in the San Nicolaas block.
2. For the same reason, cameras should be installed, where necessary, in both blocks, and damaged cameras repaired.
4. In the interests of hygiene, a central control system should be installed for the showers and toilets in the San Nicolaas block.
5. 7 platforms should be installed in the women's cell at San Nicolaas so that the women no longer have to sleep on the floor.
6. In the interests of hygiene and privacy, the existing toilet/shower cubicle in the women's cell at San Nicolaas should be enlarged and adapted.
11. To improve facilities for medical examinations, the doctor's offices at Oranjestad and San Nicolaas police stations should be refurbished and equipped. (see no. 20).
12. A properly equipped room should be available for consultations between suspects and their lawyers. For this purpose, the lawyers' office at San Nicolaas should be refurbished and equipped with a partition. (Compare

with lawyers' office at Oranjestad).

13. A separate partition similar to that in use at Oranjestad should be installed in the visitors' room at San Nicolaas.
14. In order to ensure that the cells are maintained and cleaned properly, two janitors should be appointed to each police station.
15. To guarantee that detainees can exercise every day, a list should be drawn up of Aruba Prison staff and duty rosters re-organised.
16. One hundred mattresses should be purchased immediately. The costs of replacing them should be budgeted annually.
17. Fifty towels should be purchased immediately. The costs of replacing and laundering them should be budgeted annually. (Towels should only be provided in exceptional cases when detainees cannot provide their own).
18. Although detainees are, in principle, responsible for providing their own toiletries, a supply of soap and other toilet articles should be kept at the police stations for the use of those who cannot provide their own (to be provided in exceptional cases only). The costs of purchasing these articles should be budgeted annually.
19. A supply of disinfectants should be purchased immediately. The costs of purchasing disinfectants should be budgeted annually.
20. The doctor's office should be equipped with the following basic items: a bed, a washbasin and mirror, a desk and chair, a set of scales, a first-aid kit and disposal surgical gloves. These should be purchased immediately. Consideration should also be given to purchasing the following equipment: a sphygmomanometer, a stethoscope, an otoscope, and spatulas.



21. Funds should be released annually for the purchase of games equipment to enable detainees to exercise.
22. Part of the annual Aruba Prison budget should be earmarked to cover maintenance and repair work on cells. In this way, Aruba Prison can make the payments directly so that long delays in this regard can be avoided. Repair work can also be carried out without the long delays that are now customary.

Although better conditions and the guarantee of more humane treatment will lead to far better circumstances in the police cells, the length of time in which persons may be detained should, in principle, be kept to a minimum.

Efforts should be made to ensure that suspects held in pre-trial detention are transferred to Aruba Prison as soon as possible, in any event before the remand in police custody expires. For the time being, efforts should be made to enforce the ten day maximum.

To this end, the commission would put forward the following recommendations:

23. The following objective should be adopted: "to achieve a situation in which suspects held in pre-trial detention are transferred to Aruba Prison as soon as possible, in any event before the remand in police custody expires".
23. A central record should be kept at Aruba Prison of all detainees. This record, which should be continually updated, would form a reference point for both the prison authorities and the public prosecutions department.
24. The organisation of Aruba Prison and its selection procedures should be reviewed to achieve a more flexible intake policy and optimum

deployment of capacity.

25. A study should be conducted into the feasibility of establishing a transport group. A working group comprising representatives of the Public Prosecutions Department, the Aruba Prison authorities and the Public Works Department could put forward proposals to this end.

The main principle underpinning the above recommendations is that all the parties involved bear equal responsibility for ensuring that conditions in the police cells are humane. They should therefore meet on a regular basis for talks.

### ***Further comments***

A number of factors have a direct influence on the matters addressed in the commission's report. Though not part of its remit, the commission feels that its report would be incomplete if no mention were made of these factors.

### **Staff shortages**

The staff shortages in Aruba Prison in particular constitute a problem which cannot be dealt with within the context of this report. Nonetheless, they affect the prison's scope to use its cell capacity as effectively as possible. With the introduction of the new working methods - regardless of whether changes are made to the organisation of the prison or age-limits are raised - Aruba Prison will be confronted with an increasing numbers of detainees. More staff will therefore be needed. The commission assumes that the government is aware of this problem.

### **Collusion**

Aruba Prison is not equipped to implement restriction orders. The fact should be faced that suspects detained in Aruba Prison are able to maintain contact with

their fellow-suspects and people outside the prison. As a result, criminal investigations can be impeded when suspects in pre-trial detention are transferred there. Collusion forms the main problem. If a detainee under restriction orders is admitted to the prison, the only restrictions that can in fact be imposed are those relating to telephone calls and visitors. Opportunities for contact with fellow-detainees, and thus with fellow-suspects and/or people on the outside are practically unlimited. Due to its limited scope to segregate detainees, it must therefore be concluded that Aruba Prison fails to meet the standards required of a detention centre.

### **Dakota Prison**

For some time now, a thorough face-lift has been planned for Dakota Prison, so that it can be used as an extra facility by the Aruba Prison authorities. During its visit, the CPT raised the problem of detention facilities for illegal aliens; in principle, individuals detained under aliens legislation may not be held in the same cells as those suspected of criminal offences. (The CPT will examine this matter more closely in its final report). Illegal aliens are now held in the police cells at Oranjestad and San Nicolaas, which places an extra burden on these facilities.

Dakota Prison cannot be used in its present state. If it were to be given a thorough overhaul, illegal aliens could be detained here separately from the other detainees. Moreover, the majority of illegal aliens are women, for whom Aruba Prison has too few cells. Dakota Prison might provide an alternative.

### **Guards**

For obvious reasons, time-consuming duties should not be performed by staff that are few in number and relatively expensive. Consideration should therefore be given to employing staff other than police officers to supervise the detainees. Continual supervision could be provided, for example, by specially trained and

recruited guards. Such a system would not only relieve pressure on the police officers, but would also lead to a considerable improvement in the supervision of detainees.

As senior police officers have long expressed the wish to introduce such a system, a study should be conducted of its feasibility and desirability now that government services are undergoing reorganisation. Efforts should be made to establish the extent to which such a system could be linked to the introduction of a transport group.

### **Pro Deo Legal Aid**

In view of current problems with regard to *pro deo* legal aid, the committee appointed to look into the matter is urged to put forward specific proposals focusing on ways of improving current procedures, (too lengthy, too much red tape and no system of duty lawyers) and cost factors, i.e. the allowances lawyers should receive.

*ANNEXES*

*(not translated)*

May 10 2018

***BIJLAGE I***

### Some standards developed by the CPT concerning conditions of detention in police stations

Police cells should be of a reasonable size for the number of persons they are used to accommodate. When assessing police cells intended for single occupancy for stays in excess of a few hours, the CPT uses the following criterion: in the order of 7 m<sup>2</sup>; 2 metres or more between walls. As regards cells intended for collective occupancy, it can be indicated by way of example that the CPT has recommended in previous visit reports that cells measuring 20 m<sup>2</sup> hold a maximum of 5 persons overnight. Cells should be kept in a satisfactory state of repair and in a clean and hygienic condition.

Police cells should have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Further, cells should be equipped with a means of rest (eg. a chair or bench) and persons obliged to stay overnight in custody should be provided with a clean mattress and (if appropriate) blankets. Preferably, cells should be equipped with a call bell system.

Persons in custody should be allowed to comply with the needs of nature when necessary, in clean and decent conditions, and be offered adequate washing facilities. In-cell toilet facilities should be equipped with a suitable partition, in particular if the cell concerned can be used to hold more than one prisoner. If the design of in-cell toilet facilities is such that they cannot be flushed by the detained persons themselves, they should be flushed regularly by staff.

Detained persons should have ready access to drinking water and should be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day.

Persons held for extended periods (24 hours or more) should, as far as possible, be offered outdoor exercise every day. Persons should not be detained for lengthy periods (i.e. more than a few days) in police stations: lengthy periods spent in police stations can lead to high-risk situations from the standpoint of ill-treatment; further, the physical surroundings and the level of activities that can be offered in a police station will almost invariably fall distinctly short of what a detainee held for a lengthy period is entitled to expect.



***BIJLAGE II***

32 (1987) Nr. 1

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1988 Nr. 19

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A. TITEL

*Europees Verdrag ter voorkoming van foltering en onmenselijke of  
vernederende behandeling of bestraffing, met Bijlage:  
Straatsburg, 26 november 1987*

## C. VERTALING

**Europees Verdrag ter voorkoming van foltering en onmenselijke of vernederende behandeling of bestraffing**

De Lidstaten van de Raad van Europa die dit Verdrag ondertekenen.

Gelet op de bepalingen van het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;

In herinnering roepend dat krachtens het bepaalde in artikel 3 van hetzelfde Verdrag „niemand mag worden onderworpen aan foltering noch aan onmenselijke of vernederende behandelingen of straffen”;

Opmerkend dat het in dat Verdrag voorziene mechanisme werkt in relatie tot personen die aanvoeren het slachtoffer te zijn van schendingen van artikel 3;

Ervan overtuigd dat de bescherming van personen die van hun vrijheid zijn beroofd, tegen foltering en onmenselijke of vernederende behandeling of bestraffing kan worden versterkt door niet-juridische middelen van preventieve aard gebaseerd op bezoeken;

Zijn als volgt overeengekomen:

**HOOFDSTUK I****Artikel 1**

Er wordt een Europees Comité inzake de voorkoming van folteringen en onmenselijke of vernederende behandelingen of bestraffingen (hierna te noemen: „het Comité”) ingesteld. Het Comité onderzoekt, door middel van bezoeken, de behandeling van personen die van hun vrijheid zijn beroofd, ten einde de bescherming van deze personen tegen foltering en onmenselijke of vernederende behandeling, indien noodzakelijk, te versterken.

**Artikel 2**

Elke Partij laat, in overeenstemming met dit Verdrag, bezoeken toe aan elke plaats binnen haar rechtsmacht waar personen van hun vrijheid zijn beroofd door een overheidsinstantie.

**Artikel 3**

Bij de toepassing van dit Verdrag werken het Comité en de bevoegde nationale instanties van de betrokken Partij met elkaar samen.

**HOOFDSTUK II****Artikel 4**

1. Het Comité bestaat uit een aantal leden dat gelijk is aan het aantal Partijen.

2. De leden van het Comité worden gekozen uit personen van hoogstaand zedelijk karakter bekend wegens hun bekwaamheid op het gebied van de rechten van de mens of met beroepservaring op de gebieden vallende onder dit Verdrag.

3. Geen twee leden van het Comité mogen onderdaan zijn van dezelfde Staat.

4. De leden treden op in hun persoonlijke hoedanigheid, zijn onafhankelijk en onpartijdig en zijn beschikbaar om het Comité doeltreffend van dienst te zijn.

**Artikel 5**

1. De leden van het Comité worden bij absolute meerderheid van stemmen gekozen door het Comité van Ministers van de Raad van Europa uit een lijst met namen opgesteld door het Bureau van de Raadgevende Vergadering van de Raad van Europa; elke nationale afvaardiging van de Partijen in de Raadgevende Vergadering draagt drie kandidaten voor, van wie er ten minste twee haar nationaliteit dienen te bezitten.

2. Dezelfde procedure wordt gevolgd bij het vervullen van tussentijdse vacatures.

3. De leden van het Comité worden gekozen voor een periode van vier jaar. Zij kunnen slechts éénmaal worden herkozen. Van de leden die bij de eerste verkiezing zijn gekozen, loopt de ambtstermijn van drie leden echter na twee jaar af. De leden wier ambtstermijn na de beginperiode van twee jaar afloopt, worden bij looting aangewezen door de Secretaris-Generaal van de Raad van Europa onmiddellijk nadat de eerste verkiezing heeft plaatsgevonden.

**Artikel 6**

1. Het Comité komt achter gesloten deuren bijeen. Het quorum wordt gevormd door de meerderheid van zijn leden. De besluiten van het Comité worden genomen bij meerderheid van stemmen van de aanwezige leden, onder voorbehoud van de bepalingen van artikel 10, tweede lid.

2. Het Comité stelt zijn eigen reglement van orde op.

3. Er mogen echter geen persoonlijke gegevens openbaar worden gemaakt zonder de uitdrukkelijke toestemming van de betrokken persoon.

#### Artikel 12

Met inachtneming van de regels inzake de vertrouwelijkheid in artikel 11 brengt het Comité elk jaar aan het Comité van Ministers een algemeen verslag over zijn werkzaamheden uit, dat wordt toegezonden aan de Raadgevende Vergadering en openbaar wordt gemaakt.

#### Artikel 13

De leden van het Comité, de deskundigen en de andere personen die het Comité bijstaan, zijn verplicht, gedurende en na hun ambtstermijn, tot geheimhouding van de feiten of inlichtingen die tijdens de vervulling van hun functie te hunner kennis zijn gekomen.

#### Artikel 14

1. De namen van de personen die het Comité bijstaan, dienen te worden vermeld in de kennisgeving, bedoeld in artikel 8, eerste lid.

2. De deskundigen handelen op last en gezag van het Comité. Zij dienen bijzondere kennis en ervaring op de onder dit Verdrag vallende gebieden te bezitten en zijn gebonden door dezelfde verplichtingen van onafhankelijkheid, onpartijdigheid en beschikbaarheid als de leden van het Comité.

3. Een Partij kan, bij wijze van uitzondering, verklaren dat een deskundige of een andere persoon die het Comité bijstaat, niet wordt toegestaan deel te nemen aan een bezoek aan een plaats binnen haar rechtsmacht.

### HOOFDSTUK IV

#### Artikel 15

Elke Partij stelt het Comité in kennis van de naam en het adres van de autoriteit die bevoegd is kennisgevingen aan haar Regering te ontvangen, alsmede van een eventueel door haar aan te wijzen contactpersoon.

#### Artikel 16

Het Comité, zijn leden en de in artikel 7, tweede lid, bedoelde deskundigen genieten de voorrechten en immuniteiten die in de Bijlage bij dit Verdrag zijn vastgesteld.

#### Artikel 17

1. Dit Verdrag maakt geen inbreuk op de bepalingen van nationaal recht of van een internationale overeenkomst, die grotere bescherming bieden aan personen die van hun vrijheid zijn beroofd.

2. Niets in dit Verdrag mag worden uitgelegd op zodanige wijze, dat daardoor de bevoegdheden van de organen van het Europese Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden of de door de Partijen krachtens dat Verdrag aanvaarde verplichtingen worden beperkt of aangetast.

3. Het Comité brengt geen bezoek aan plaatsen die door vertegenwoordigers of gedelegeerden van de Beschermende Mogendheden of van het Internationale Comité van het Rode Kruis geregeld en op doeltreffende wijze worden bezocht krachtens de Verdragen van Genève van 12 augustus 1949 en de Aanvullende Protocollen daarop van 8 juni 1977.

### HOOFDSTUK V

#### Artikel 18

Dit Verdrag staat open voor ondertekening door de Lidstaten van de Raad van Europa. Het dient te worden bekrachtigd, aanvaard of goedgekeurd. De akten van bekrachtiging, aanvaarding of goedkeuring worden nedergelegd bij de Secretaris-Generaal van de Raad van Europa.

#### Artikel 19

1. Dit Verdrag treedt in werking op de eerste dag van de maand volgend op het verstrijken van een periode van drie maanden na de datum waarop zeven Lidstaten van de Raad van Europa hun instemming tot uiting hebben gebracht door dit Verdrag gebonden te worden in overeenstemming met artikel 18.

2. Met betrekking tot elke Lidstaat die daarna zijn instemming door dit Verdrag gebonden te worden tot uiting heeft gebracht, treedt het Verdrag in werking op de eerste dag van de maand volgend op

## Bijlage

*Voorrechten en immunititeiten**(artikel 16)*

1. Voor de toepassing van deze Bijlage worden verwijzingen naar leden van het Comité geacht tevens verwijzingen naar de in artikel 7, tweede lid, bedoelde deskundigen te omvatten.
2. De leden van het Comité genieten, tijdens de uitoefening van hun functies en gedurende reizen gemaakt in de uitoefening van hun functies, de volgende voorrechten en immunititeiten:
  - a. immuniteit van persoonlijke arrestatie of gevangenhouding en van inbeslagname van hun persoonlijke bagage en, met betrekking tot in hun officiële hoedanigheid gesproken of geschreven woorden of verrichte handelingen, vrijstelling van gerechtelijke vervolging van welke aard ook;
  - b. vrijstelling van alle beperkingen ten aanzien van hun bewegingsvrijheid bij het verlaten van of de terugkeer naar het land van hun gewone verblijfplaats en bij het binnenkomen en verlaten van het land waarin zij hun functies uitoefenen, alsmede van vreemdelingenregistratie in het land dat zij bezoeken of waar zij doorreizen in de uitoefening van hun functies.
3. Gedurende de reizen die de leden van het Comité in de uitoefening van hun functies maken, ontvangen zij, wat de douane- en deviezencontrole betreft,
  - a. van hun eigen Regering dezelfde faciliteiten als die welke worden toegekend aan hoge ambtsdragers die met een tijdelijke, officiële opdracht naar het buitenland reizen;
  - b. van de Regeringen van de andere Partijen dezelfde faciliteiten als die welke worden toegekend aan de vertegenwoordigers van buitenlandse Regeringen met een tijdelijke, officiële opdracht.
4. Documenten en papieren van het Comité zijn onschendbaar, voor zover zij betrekking hebben op de aangelegenheden van het Comité.  
De officiële correspondentie en andere officiële mededelingen van het Comité mogen niet worden opgehouden of aan censuur worden onderworpen.
5. Ten einde de voor leden van het Comité volledige vrijheid van spreken en onafhankelijkheid bij de uitoefening van hun taak te verzekeren, blijft de immuniteit van rechtsvervolging met betrekking tot door hen gesproken of geschreven woorden en alle door hen in de uitoefening van hun functie verrichte handelingen toegekend, niettegenstaande het feit dat de betrokken persoon niet langer is belast met de uitoefening van dergelijke taken.

6. Voorrechten en immunititeiten worden aan de leden van het Comité toegekend niet voor het persoonlijke voordeel van de individuen zelf, doch ter waarborging van de onafhankelijke uitoefening van hun functie. Het Comité is bevoegd afstand te doen van de immuniteit van zijn leden; het heeft niet alleen het recht, maar ook de plicht afstand te doen van de immuniteit van een van zijn leden, in elk geval waar, naar zijn oordeel, de immuniteit de loop van het recht zou belemmeren en waar er afstand van kan worden gedaan zonder schade te berokkenen aan het doel waarvoor de immuniteit wordt toegekend.



***BIJLAGEN III / IV***

(At the request of the Aruban authorities,  
these appendices have not been made public)





**LETTER OF 9 FEBRUARY 1996  
FROM THE PRESIDENT OF THE CPT  
TO THE AUTHORITIES OF  
THE KINGDOM OF THE NETHERLANDS**

COMITE EUROPEEN POUR LA PREVENTION DE LA TORTURE  
ET DES PEINES OU TRAITEMENTS INHUMAINS OU DEGRADANTS

Strasbourg, 9 February 1996

*Le Président*

Dear Sirs,

1. During its 27th meeting, held from 4 to 7 December 1995, the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) examined the interim report of the Government of Aruba in response to the report drawn up following the CPT's visit to Aruba from 30 June to 2 July 1994. The CPT appreciates the constructive character of the response, which contains positive elements as regards various issues raised in the Committee's report. The Committee is particularly impressed by the action taken concerning material conditions of detention in police cells. In the following paragraphs the Committee makes a number of remarks concerning specific matters, and trusts that they will be addressed in the follow-up report of the Government of Aruba, or in an addendum thereto.

2. As regards the police, in the light of the allegations referred to in paragraph 185 of the report, the CPT recommended that senior police officers deliver to their subordinates the clear message that ill-treatment is not acceptable and will be the subject of severe sanctions. The CPT would like to receive information on the action taken by the Aruban authorities in this respect.

3. Concerning access to a doctor, the CPT recommended that legal provisions be adopted on the subject of the right of persons detained by the police to have access to a doctor (including to a doctor of their own choice). In the light of the response of the Aruban authorities, the Committee would like to recall that the right of access to a doctor of the detainee's choice should be formally guaranteed. Further, the CPT would like to receive a more precise response to the third indent of paragraph 221 of its report (the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, to be made available to the detainee and his lawyer).

./.

Ministry of Foreign Affairs  
Council of Europe and Scientific Cooperation Department  
Council of Europe Section  
Bezuidenhoutseweg 67  
NL - 2594 AC THE HAGUE

cc: M. Johan S.L. GUALTHERIE VAN WEEZEL, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Netherlands to the Council of Europe  
Ms Kanta ADHIN, Deputy Human Rights Co-ordinator, Ministry of Foreign Affairs

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4. The CPT has noted that the Aruban authorities envisage drafting a document in four languages informing detainees of certain of their rights (right to silence and right of access to a lawyer). The CPT would underline in this respect that it recommended that detained persons be informed in writing of all the rights enjoyed by them while in police custody.

5. The CPT welcomes the interest displayed by the Aruban authorities as regards the recommendation that a code of practice for interrogations be drawn up; it would like to receive further information on the measures adopted in this respect.

6. Concerning foreigners, the CPT is pleased to note that the principle of non-refoulement is accepted in Aruba. Nonetheless, it wishes to receive more precise information on the measures taken in practice to ensure that a foreigner is not returned to a country where he risks being subjected to torture or to ill-treatment.

7. As regards matters concerning the prison service, in its report, the CPT focused on the activities to be offered to inmates, and more particularly to young prisoners. The Committee has noted the efforts undertaken as regards the latter, notably concerning sport activities; however, it would recall that the objective should be to ensure that all inmates are able to spend a reasonable part of the day (eight hours or more) outside their cells, engaged in purposeful activities of a varied nature.

8. Concerning discipline, the CPT recommended that any disciplinary sanction be communicated in writing to the prisoner concerned and that a procedure of appeal to a higher authority be established. The Committee is pleased to note that, in future, a prisoner shall be informed in writing of any sanction imposed to him, but would like to be informed whether the authorities of Aruba contemplate establishing an appeal procedure.

As regards more particularly the disciplinary unit, the CPT recommended that all prisoners placed in a punishment cell be entitled to at least one hour's outdoor exercise every day. In this connection, it would like to stress that its recommendation was aimed at open air exercise, and not the enlargement of the recreation area in front of the cells, which is not situated in the open air.

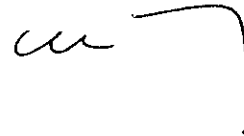
9. The CPT also recommended that inmates suffering from serious psychiatric disorders should not be placed in the isolation unit in Aruba Prison (KIA); it stressed that those premises are entirely inappropriate for such inmates. In their response, the authorities indicated that they are studying the possibilities for a psychiatric and forensic observation centre (FOBA) and, more generally, for a psychiatric and forensic hospital. The CPT would like to receive precise information on developments concerning this question, the urgency of which was underlined in its report.

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10. Concerning health care at Aruba Prison, the CPT recommended that immediate steps be taken to increase the staff of the medical service. It would like to receive confirmation that the doctor's post at the prison is now half-time. Further, while welcoming the intention expressed by the authorities to recruit a second qualified nurse, it would point out that it recommended the creation of a third qualified nurse's post.

11. Finally, given the size of Aruba, the CPT accepts that a nurse can be on call at home during the night; however, it would highlight the importance of someone trained in providing first aid always being present in the prison.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'CN', followed by a large, stylized closing bracket that extends upwards and then curves back down to the right.

Claude NICOLAY