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**Report to the Government of the Netherlands
on the visit to the Netherlands Antilles
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
from 25 to 29 January 1999**

This report has been made public by the Netherlands Government.

Strasbourg, 25 May 2000

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Copy of the letter transmitting the CPT's report

Strasbourg, 17 March 1999

Dear Sirs,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the authorities of the Kingdom of the Netherlands drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to the Netherlands Antilles from 25 to 29 January 1999. The report was adopted by the CPT at its 38th meeting, held from 9 to 12 March 1999.

The CPT intends to monitor closely developments at Koraal Specht Prison; consequently, it requests that the Netherlands authorities provide **within three months** a response to its report, in particular paragraphs 36 et seq. The Committee would also like to receive regularly updated information on the measures being taken in respect of the prison.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Ivan ZAKINE
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

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I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to the Netherlands Antilles from 25 to 29 January 1999. The visit was organised following an invitation from the Netherlands authorities (cf. paragraph 49 of the explanatory report to the Convention).

2. The visit was carried out by the following members of the CPT:

- Ms Ingrid LYCKE ELLINGSEN, 1st Vice-President of the CPT (Head of the delegation);
- Mr Rudolf SCHMUCK.

They were assisted by:

- Mr James McMANUS, Scottish Prisons Complaints Commissioner (expert);
- Mr Stanley BRAAFHEID (interpreter);
- Ms Wilhelmina VISSER (interpreter);

and were accompanied by Mr Jan MALINOWSKI of the CPT’s Secretariat.

B. Context of the visit

3. The CPT carried out a first visit to the Netherlands Antilles in June 1994, in the course of which it visited various places of detention, and in particular Koraal Specht Prison.

In the report on that visit, conditions of detention at Koraal Specht Prison were described by the CPT as amounting to inhuman and degrading treatment. The ensuing dialogue between the Netherlands authorities and the CPT indicated that those authorities were committed to implementing the recommendations made by the Committee in respect of the prison.

4. During a second visit in December 1997, the CPT's delegation made a detailed examination of the situation at Koraal Specht Prison, in order to ascertain whether the recommendations made by the Committee after the 1994 visit to that prison had been implemented. The delegation found that, despite certain steps taken by the Netherlands Antilles Government since the June 1994 visit, many inmates at Koraal Specht Prison continued to be held under conditions which could fairly be described as inhuman and degrading. Further, in December 1997, the very poor conditions of detention were compounded by a serious problem of violence within the establishment.¹

The CPT was extremely concerned by the gravity of the situation observed by its delegation at Koraal Specht Prison and - in the report on the December 1997 visit - indicated that, were such a state of affairs to persist, the Committee would be obliged to consider having resort to Article 10, paragraph 2, of the Convention.²

5. The dialogue between the CPT and the Netherlands authorities continued and, subsequently, those authorities took the initiative and requested that the President of the CPT meet Mr Rutsel MARTHA, Minister for Justice of the Netherlands Antilles. At that meeting, which took place in late October 1998, Mr MARTHA requested that the CPT carry out a further visit to Koraal Specht Prison. He indicated that the main purpose of such a third visit would be to review action taken in the light of the CPT's previous recommendations concerning Koraal Specht Prison, and to hold consultations with the Netherlands authorities with a view to proposing a clear timetable for the taking of further measures required.

After having ensured that all the relevant authorities of the Kingdom of the Netherlands were in agreement with the envisaged visit, the CPT decided to respond favourably to the above-mentioned request. In reaching the decision to accept this task, notwithstanding its exceptional nature, the CPT had regard not only to the principle of cooperation set out in Article 3 of the Convention but also to the gravity of the situation, as described in paragraph 4.

¹ The Committee's reports on the 1994 and 1997 visits and the reports of the Government of the Netherlands Antilles in response were published respectively in January 1996 and December 1998.

² Article 10, paragraph 2, of the Convention reads as follows: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

C. Cooperation between the CPT and the Netherlands authorities

6. In the course of the visit, the delegation held detailed discussions with Mr Rutsel MARTHA, Minister for Justice of the Netherlands Antilles, and Mr Marcel GUMBS, Secretary of State for General Affairs and Justice. It also met Mr Russel URSULA, Director of the Department of Justice, and Mr Glenn MINGELI, Director General of the Prison Service of the Netherlands Antilles. In addition, the delegation held consultations with members of the management team and staff of Koraal Specht Prison, with staff representatives and with a number of other senior officials and persons involved in the project for the reorganisation and expansion of Koraal Specht Prison. It also had fruitful exchanges with members of the Commission established to supervise the treatment of persons deprived of their liberty (the Kleinmoedig Commission).³

Further, the Head of the delegation was received by Mr Jaime SALEH, Governor of the Netherlands Antilles.

7. As regards the more substantive aspects of cooperation, aimed at improving the situation in the light of the CPT's recommendations, the Committee noted the commitment expressed once more by the Netherlands authorities to take the steps required to improve the quality of life and the treatment of persons held at Koraal Specht Prison (including further measures aimed at eradicating violence) and, at the same time, the working conditions of staff.

Nevertheless, in the light of the delegation's findings and reports received from various sources following the visit, the CPT remains seriously concerned by the situation at Koraal Specht Prison. It calls upon the competent authorities to spare no effort to address the situation at the prison. In this context, the CPT trusts that this report, and more particularly paragraphs 36 et seq. below, will prove useful in identifying the measures required and in establishing a timetable for their implementation (cf. also Appendix I to this report).

³ A list of the authorities and other persons met by the delegation is set out in Appendix II to this report.

II. INFORMATION GATHERED DURING THE VISIT AND ACTION PROPOSED

A. Situation at Koraal Specht Prison

1. Preliminary remarks

8. As compared to the situation found in December 1997, the CPT's delegation observed some improvement at Koraal Specht Prison as regards certain aspects of the material conditions of detention, attributable in great measure to the decrease in the total number of persons held in the establishment. On the first day of the visit, the establishment was accommodating 434 inmates, all categories included; in December 1997, it had accommodated some 550 persons.

Not unrelated to this, the general atmosphere had improved, and some - albeit very limited - improvements had been made as regards the provision of activities (work, education, sport) for prisoners. Moreover, reports of ill-treatment of inmates by staff had apparently declined of late.

9. Nevertheless, Koraal Specht Prison still suffers from a number of serious shortcomings which pose a threat to the basic rights of prisoners (including the right to life and to physical integrity) and put at risk the stability of the institution to the detriment of both prisoners and staff.

2. Ill-treatment

10. Reported cases of ill-treatment by prison staff had apparently diminished in the months prior to the visit. However, a new phenomenon had appeared in the meantime, namely ill-treatment of prisoners by police personnel (be it the riot police or the voluntary corps of Curaçao - VKC) called upon to perform duties which are properly those of prison officers. Further, inter-prisoner violence continues to be of much concern.

According to statistics produced by the prison's doctors, between January and June 1998, 17 cases of violence were recorded in the prison: 3 apparently involved alleged ill-treatment of inmates by staff and 14 inter-prisoner violence. In addition, one inmate was beaten to death by fellow prisoners during that period (on the night of 26 February 1998, when prisoners were supposed to have been locked in their cells).

Further, as had been the case in 1997, health care staff insisted that many cases of violence go unreported and it would appear that efforts to keep a precise record of cases of violence waned during the second half of 1998.

11. The delegation was particularly concerned to hear of an incident which occurred on 14 July 1998, where all the information gathered suggests that police officers beat prisoners who had already been brought under control: the prisoners were apparently naked and handcuffed behind their backs. The delegation was all the more concerned by the fact that the matter had not immediately been reported by prison staff present to their own hierarchical superiors (the director of Koraal Specht Prison) nor to the Landsrecherche. More than half a year later, investigations into the conduct of the police officers involved and the prison officers who failed to discharge their duty to protect the prisoners under their care were still at an embryonic stage. Moreover, it appeared that those very police officers continued to be deployed in the prison.

Further, the delegation interviewed two prisoners who alleged that - while the delegation was in the prison - they had been struck by VKC officers using batons. It would appear that in one of those cases, the prisoner concerned, instead of following instructions to return to his cell, tried to explain that he had been called to the visiting facilities; the account given by him was corroborated by a prison officer who also received a baton blow, apparently when he intervened to protect the prisoner in question.

12. As for inter-prisoner violence, in addition to the prisoner killed in February 1998, a further two prisoners died and several required hospital treatment in late December 1998, apparently following the ingestion of a poisoned beverage prepared by fellow inmates.

Other forms of inter-prisoner violence - including, according to staff and management, rape - continue to be commonplace at Koraal Specht Prison. By way of example, between 11 and 28 January 1999, health care staff had treated five prisoners for injuries apparently resulting from inter-prisoner violence, the last two cases during the delegation's stay in Curaçao.

13. Clearly, a great deal still needs to be done to tackle the problem of violence at Koraal Specht Prison.

In the report on the December 1997 visit, the CPT recommended that immediate steps be taken to draw up a comprehensive strategy to combat violence in all its forms at Koraal Specht, and that this strategy be vigorously implemented without delay. It also indicated that this should involve a review of the tasks of the prison's *Mobile Eenheid* and the methods used by its members in the performance of their duties, and that interventions by that riot squad should be reduced to a minimum. In order to permit this, prison officers as a whole should have received training in the handling of violent incidents.

The prison's riot squad had been disbanded in December 1997 and, in its place, police officers had been deployed to take over what are essentially prison officers duties. In the meantime, prison officers had received little further training in modern methods of control and restraint.

14. The CPT wishes to stress that the use of police officers or other law enforcement officials instead of prison officers in order to perform ordinary tasks within a prison inevitably leads to high risk situations. This danger is compounded when the police uniform does not permit the identification of individual officers, which was the case at the time of the visit.

15. Nevertheless, the CPT has noted that certain measures have been adopted which can contribute (and would appear to have already contributed) to the decrease and ultimately to the prevention of ill-treatment of prisoners by staff.

By a Decree of 2 November 1998, an independent Commission was established (the Kleinmoedig Commission) to guarantee the integrity of persons deprived of their liberty and to investigate any abuse which might occur. The Commission has itself set out the measures that are to be taken in case of alleged ill-treatment, which include: immediately notifying the President of the Commission of any such allegations; promptly interviewing the person making the allegations and other relevant persons; a thorough medical examination of the person concerned by the prison doctor, who is required to note the allegations and make a detailed record of any injuries and conditions observed; taking, in appropriate cases, photographs of the relevant parts of the body of the person making the allegations; referral to hospital for more detailed examinations; the requirement that a record be made of the doctors' conclusions in the light of the allegations and medical findings. Further, the members of the Commission seem to be making themselves visible to prisoners and to staff, and accessible to them. In addition, inquiries have been initiated into certain of the incidents which have occurred in the prison in recent times.

More generally, on 30 November 1998, standing orders were issued (Dienstorder GWC No. 010-98) for the reporting of cases of violence. However, this reporting system was apparently not fully operational at the time of the visit, and did not involve the recording of relevant information in appropriate central registers (e.g. in the health care service and the office of the director).

16. In the context of inter-prisoner violence, some steps have been taken to address the question of the appropriate classification and distribution of inmates, e.g. through the development of a department of detainees' affairs, and further measures are envisaged. More particularly, a 28-place reinforced security unit (EBA) has been established in Koraal Specht Prison; at the time of the visit, this unit was being used to accommodate on a temporary basis prisoners suspected of having abused or assaulted fellow inmates or staff.

3. Staff and management issues

17. In the report on the December 1997 visit, the CPT indicated that the deplorable conditions of detention which prevailed at Koraal Specht Prison were certainly an important factor in the culture of violence in the establishment. However, it stressed that the problem of violence also stemmed in large part from shortcomings as regards staff and management. In paragraph 17 of that report, the CPT stated that:

"The fundamental requirement is to ensure that prison officers are placed in a position to exercise their authority in an appropriate manner.

Prison officers will not be able to carry out their duties satisfactorily if they fear for their own safety. In such a situation, staff are likely to be prone to abuse or ill-treat prisoners in their charge; moreover, they will be poorly placed to protect prisoners from violence from other inmates. Consequently, the level of staffing must be sufficient to enable prison officers effectively to support each other in the exercise of their supervisory tasks.

Adequate staffing levels must be accompanied by a clear message to prison officers that the ill-treatment of prisoners is unacceptable and will be severely punished. Further, if complaints of ill-treatment by staff do emerge, the prison's management and other relevant authorities must take swift and effective action to address them. More generally, it should be underlined that ready access to an efficient complaints system, preferably with an independent element, is crucial to ensure the maintenance of good order in prison.

Tackling the phenomenon of inter-prisoner violence requires of a prison's staff that it be alert to signs of trouble and both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Further, management must be prepared fully to support staff in the exercise of their authority. Specific security measures adapted to the particular characteristics of the situation encountered (including effective search procedures) may well be required; however, such measures can never be more than an adjunct to the above-mentioned basic imperatives. In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners."

18. However, at the time of the January 1999 visit, the problem of unauthorised staff absences continued to be acute at Koraal Specht Prison. The very high incidence of staff absenteeism resulted in levels of prison officer presence on the wings being considerably lower than necessary for the proper and safe functioning of the establishment. This problem was compounded by what appeared to be a large number of staff deployed in the administration building or employed in duties that kept them quite apart from inmates. The overall morale and confidence of prison officers continued to be low, demotivation being enhanced by a number of factors, not least by the continued deployment of police personnel to perform prison officer duties.

In this connection, the CPT has noted that the measures so far adopted to address the problem of absenteeism have failed and that no target date has been set for strengthening the enforcement of those measures; further, it would appear that, at the time of the visit, no alternative policy was being considered.

19. Recruitment efforts in the recent past had served to make up for staff departures, without a significant increase in staffing levels. Nonetheless, the CPT has noted with interest that it is now envisaged to recruit between 25 and 50 additional staff for Koraal Specht Prison.

20. In paragraph 17 of the report on the 1997 visit, the Committee also stressed that:

"If prison officers as a whole receive training in the handling of violent incidents, it should be possible to reduce to a minimum interventions by a "riot squad". Certainly, such a squad should not be routinely involved in such operations as the counting of prisoners and searches. Further, any such squad should be suitably trained and equipped; it should be resolutely committed to using the minimum degree of force necessary through recourse to modern intervention techniques. Such techniques do not include meeting violence with violence."

21. Further, any achievements will be short-lived if Koraal Specht Prison is not provided with appropriate management. This question has already been addressed in the previous visit reports. In paragraph 15 of the report on the 1997 visit, the CPT indicated that:

"only a governor, possessing the necessary authority, competence and experience and supported by a closely-knit team, would be in a position to instil the right tone and atmosphere into the establishment and be sufficiently motivated to develop policies and plans for the future. In the absence of real management, the establishment will tend to drift. Such an environment is a propitious one for the growth of undesirable practices."

In that report, the Committee reiterated the recommendation that the Netherlands Antilles authorities provide the prison with a management team possessing the above-mentioned qualities.

22. The appointment of a specific Location Director (*Lokatiedirekteur*) for Koraal Specht Prison is a positive development. However, the potential benefits of such a measure have been curtailed by a number of factors: insufficient experience of the Location Director on prison matters; temporary nature of the appointment (for six-month periods); apparent absence of suitably equipped and structured middle management; lack of powers and resources required effectively to manage the prison; insufficient support and guidance from hierarchical superiors. The CPT wishes to add that in the past the recruitment process has not always been successful in identifying the right persons for senior posts.

By contrast, the CPT has noted that the Kleinmoedig Commission has apparently been given the necessary authority (and means) to address urgent problems, something which the prison's management at both local and central level has, for different reasons, not been capable of doing in the past. That is, in itself, an indictment of the prisons' management at the most senior level.

23. As regards more particularly middle management, it should be rendered effective through careful selection and suitable training. Further, the current arrangements concerning middle management at Koraal Specht Prison need to be reviewed and, possibly, reorganised. Precise job descriptions should exist for each post, setting out clearly the areas of responsibility, powers and accountability arrangements. Suitable middle management would relieve the Director of part of his current functions, permitting him visibly to be involved with staff and prisoners on a regular basis, and to participate in drawing-up longer term plans and strategy for the establishment.

24. Staff organisational structure at other levels also requires attention. On the one hand, the nature of the work involved in the case of certain posts should be clarified (and perhaps some officers re-deployed to other functions). On the other hand, the current system of promotion by length of service will not encourage good performance and does not, at present, seem to imply any extra responsibility. It is clear that this promotion system will not serve to identify suitable candidates for posts involving additional responsibility, e.g. to lead teams of officers working in specific accommodation units or involved in the different areas serviced by prison staff (workshops, education, sport, visits and escorts).

4. Conditions of detention

25. The CPT has noted and welcomes the efforts made to improve the material environment at Koraal Specht Prison. In the course of the visit, the delegation observed that the premises had been freshly painted; work had been done to keep the prison in a better state of repair than that observed at the time of the previous visits; efforts had been made to improve the provision of water and the sanitation in the detention areas; and work continued as the Committee visited the prison.

These factors have led to improved conditions of detention at Koraal Specht Prison. As already indicated, much of that improvement is due to the decrease in the number of persons being held in the prison, a reduction of about 20% as compared to the establishment's population in 1994 and 1997.

26. Notwithstanding this, the prison continued to suffer some degree of overcrowding. By way of example, certain cells regarded by the CPT as being suitable for accommodating half a dozen persons were holding between 8 and 10 inmates, and cells which should ideally accommodate one or, at most, two inmates were being used to hold up to three prisoners.

Consequently, efforts should continue to be made to bring the occupancy levels of prisoner accommodation into line with the criteria expressed by the CPT in paragraph 95 of the report on the CPT's 1994 visit.

In this context, the CPT welcomes that the current plans for the expansion of the prison provide for an adequate amount of cell space per prisoner. Indeed, the delegation was told that some 288 new cells, designed to accommodate one prisoner each, will be built; this will allow existing cell occupancy levels to be reduced markedly. Moreover, following its expansion, the prison's capacity will apparently be calculated on the basis of some 7 m² of cell space per prisoner held in collective accommodation.

However, the CPT is far from convinced that providing additional accommodation will alone offer a lasting solution to overcrowding. Additional measures, including at a statutory level, may well be required to limit or modulate the number of persons being sent to prison.

27. Even the present level of occupation would permit further improvements to be made in the short-term. This should involve, in particular, a more developed regime of activities for all prisoners, placing special emphasis on those serving longer sentences. Prisoners should be offered a variety of constructive activities involving a significant part of the day. As already indicated, as compared to the situation observed in the course of previous visits, some improvements had been made as regards the provision of activities to prisoners; in particular, the sports hall had been brought back into service, some prisoners were offered work in the workshops and in the prison's services and, on occasion, educational activities were organised. Nevertheless, as regards the vast majority of prisoners, not even the modest target of six hours of activities per week was being met.

In order to succeed in developing prisoners' regime, the active participation of the relevant staff will be required, and the necessary facilities should be provided. In this connection, the delegation was told that funds have been made available by the Netherlands authorities to develop the regime for prisoners, and provision is also made for prisoners activities in the prison's own budget. Apparently, these funds have not been fully utilised. More generally, it would appear that the total budget for Koraal Specht Prison for the last two years has been considerably underspent. This reflects badly on the prison service management, particularly if regard is had to the prevailing situation at Koraal Specht Prison. Furthermore, the delegation heard allegations that some officers did not facilitate the attendance of inmates at the courses which were organised.

28. Priority must continue to be accorded to providing prisoners with the most basic necessities, such as adequate access to running water and to proper sanitary facilities (a matter which is long overdue), and with a hygienic environment. Further, there can be no justification for failing, for whatever reason, to provide them with adequate food at regular times and ready access to drinking water. Problems in these areas persist at Koraal Specht Prison. In addition, all prisoners should be supplied with a bed and bedding.

In this latter respect, certain prisoners interviewed complained that they had not received a mattress. The delegation was subsequently told that there was a shortage of mattresses, despite the fact that the budgetary means were available.

29. As for the question of buildings, this may be thought the most straightforward way of resolving Koraal Specht's problems. However, new buildings do not necessarily produce new attitudes. Motivated and well trained staff and prisoners who are kept occupied can tolerate poor buildings, at least for some time. In respect of construction efforts, since new buildings are likely to be used for a long time and involve a significant investment, efforts should be made to get them right at the outset. Provided that: first, the current level of occupation in the prison's accommodation facilities is not surpassed (preferably reduced further to comply fully with the criteria set out in paragraph 95 of the 1994 visit report); secondly, the basic needs of prisoners are satisfied; and thirdly, the programme of activities is developed somewhat, the Netherlands authorities will have the time required to ensure that efforts and financial resources are not wasted, and that new buildings adequately meet the current and future needs of Curaçao's prison system.

However, the time at their disposal will not be unlimited and it is crucial that the planning process maximises the opportunity available to those authorities. To be fully effective, this process requires a combined effort by all relevant parties (planners, management, staff), a guarantee that finance is available, a team retained and committed to work until the completion of the project, an efficient procedure for considering the plan and responding to it, and an agreed realistic timetable for its implementation with strict monitoring of compliance.

30. The plans for the improvement of conditions at Koraal Specht Prison and for the expansion of its facilities were well advanced and seemed adequate. However, those responsible for the plans appeared not always to have a full understanding of what other people involved in the process were doing. Similarly, the system for securing final decisions on aspects of the plans and overall approval was not immediately clear. Thus, for example, it was very difficult to establish clear timeframes for the implementation of the plans which were being developed.

31. As already indicated, the Kleinmoedig Commission has been given the authority and the means to address urgent problems. This possibility is to be welcomed, not least because it is the first sign seen by the CPT that good intentions might in effect be translated into real action leading to the bettering of conditions of detention and the treatment of persons deprived of their liberty. However, this effective trouble shooting should not cloud the need to develop a coherent strategy. The development of longer-term plans to address the underlying issues at Koraal Specht should not be overlooked.

32. The possibility of privatising the prison as a means of addressing existing problems was raised by the Netherlands authorities. The CPT wishes to stress that the advantages of such an option may only be transient. It is true that the immediate capital costs can be defrayed over a longer time period and responsibility for certain aspects transferred to someone else. However, the outcome of such an enterprise will very much depend on the initial agreements entered into - which must ensure, inter alia, that the State remains in a position to discharge all its obligations vis-à-vis the persons it deprives of liberty - and on the existence of an appropriate ongoing monitoring process.

33. In the course of the visit, the delegation also saw the new cellular accommodation being constructed inside the barracks formerly used to hold persons detained under the aliens legislation. The cells consisted of cage-like structures mostly measuring some 6 m²; it appeared that they would not be equipped with in-cell sanitary facilities and running water. The delegation was informed that the new accommodation was intended for convicted foreigners in the last period of their sentence and awaiting deportation.

Given the current endemic shortage of staff at Koraal Specht, the CPT has serious misgivings about the manner in which those facilities might be used. It would be unacceptable to keep prisoners locked in such cells without access to sanitary facilities and drinking water during prolonged periods, and without the permanent presence of staff in the facility.

5. Health care services

34. At the time of the visit, the health care team at Koraal Specht Prison had not been reinforced as compared to the position in December 1997. In fact, the situation had worsened given the temporary absence of one of the nurses. This resulted in a very heavy workload and responsibility for the only nurse currently working full-time at the prison. Further, medical screening on reception and access to a doctor in non-emergency situations continued to suffer significant delays. As had been the case during previous visits, the delegation received many complaints from prisoners as regards the provision of health care. Moreover, the shortcomings concerning dental care had not yet been resolved.

Nonetheless, the delegation was led to believe that certain changes in the above respects were imminent, inter alia by the employment of four additional full-time nurses and a doctor. These developments concerning staff should permit the implementation of at least certain of the recommendations made by the CPT in previous reports concerning the health care service at Koraal Specht Prison.

6. Other issues related to the CPT's mandate

35. The CPT has noted with satisfaction that the outdoor exercise area for women prisoners had been completed. Further, the disciplinary unit, which was being refurbished at the time of the visit, had been provided with an exercise area. In this connection, the CPT would recall that all prisoners - including those undergoing a disciplinary punishment and persons detained under aliens legislation - must be allowed at least one hour of outdoor exercise every day; this is a basic requirement.

B. Further measures required and proposed timetable

36. Controlling overcrowding will be a crucial factor in improving the treatment of persons held in Koraal Specht Prison, and has a bearing on all aspects of life in the prison. Consequently, the current level of occupation in Koraal Specht Prison must not be surpassed and, preferably, additional measures (including at a statutory level) should be taken to reduce further the number of persons held in the prison. **The objective should be to ensure that the inmate population is kept at an acceptable level pending the implementation of the improvement and expansion plans.**

37. **The reporting system for cases of violence should be rendered effective without delay.** This should be accompanied by the introduction of central registers containing relevant information to be kept in the health care service and the office of the director.

Similarly, **the procedure laid down by the Kleinmoedig Commission for the investigation of allegations of ill-treatment should be made fully effective in practice.**

38. **It is crucial that the position of Location Director be clarified immediately.** In particular, the director should be given the authority and resources required to perform his duties. It is also necessary that the director be given greater security of employment. Further, if the Location Director has no direct experience of work in prisons, consideration might be given to providing him with the assistance of an adviser who does have such experience.

The current structure of the middle management at Koraal Specht Prison should be reviewed and, possibly, reorganised. Further, middle managers should be provided with suitable training. **It would be possible to complete this process within three months.**

More generally, **the Location Director should have some involvement in the longer-term planning concerning the establishment.**

39. Vigorous action is also required to address other staffing issues.

The first priority should be to ensure that, within the present staff complement, the number of prison officers actually present in the detention facilities is maximised. This requires both drastically reducing absenteeism and ensuring that prison officers are deployed with prisoners rather than outside the living units.

As regards reducing absenteeism, it may be worthwhile giving consideration to offering incentives to prison officers for attendance or performance. However, unauthorised absences should be curbed. This could involve: introducing a system of strict medical supervision of absences for health reasons; the possibility to offer, in appropriate circumstances, medical retirement to staff; and taking appropriate disciplinary action in the event of unjustified absence, including dismissal in persistent cases. **A policy to address absenteeism should be introduced as soon as possible. The initial measures could be taken within a maximum of two weeks. It should be possible to make a first appraisal of the effectiveness of the measures taken within two to three months; however, assessment of staff attendance should be ongoing.**

As for ensuring that prison officers are deployed with inmates, it should be borne in mind that many tasks not directly concerned with the control and supervision of prisoners can be carried out by clerical or other specifically selected staff, freeing prison officers (i.e. uniformed staff) to spend the vast majority of their time working directly with prisoners. **Immediate steps should be taken in this respect. The objective should be, within six months, to reduce to a minimum the number of prison officers working in administrative functions.**

As staff availability at Koraal Specht Prison is restored, the next priority should be to introduce a programme of staff training to ensure that all staff can perform the basic security tasks of a prison officer and begin to be involved in delivering constructive regimes to prisoners. A primary objective of staff training should be to build up prison officers confidence in their ability properly to perform all of their duties and to encourage and enable them to work as a team. Moreover, the mere introduction of a training programme is likely to contribute to reduce absenteeism and improve job performance. An ideal means to build morale, as well as to train personnel in relevant skills, is a control and restraint training programme. A pre-requisite for this would be to obtain the appropriate equipment and a qualified instructing team. With adequate rostering and a full complement of staff, in a comparatively brief period all staff could be trained to be competent in handling incidents within the prison and at the same time formed into a cohesive team with increased self confidence and understanding of mutual responsibilities.

The aim should be to commence such training within four to six weeks; it should be possible to offer this training to all prison officers already in service over a period of four months.

The third priority in respect of staff should be to review its organisational structure, including the rank system of prison officers. The review should be aimed at distributing officers into groups or teams entrusted with clearly defined duties, without prejudice to a general duty to assist fellow officers in case of need. Each specific team of officers should be placed under the direct supervision of a team leader, with responsibility to ensure that all relevant tasks are performed and authority over individual staff members in this respect. The team leader should, in turn, be answerable to an identified middle manager. **This review should be completed and the outcome implemented within six months.**

The final priority as regards staff should be to introduce regular training programmes, especially for staff members identified initially as team leaders. This will require that measures be taken to ensure that staff are available to attend training courses. The aim should be that team leaders have a minimum commitment of 15 days training per year, with a 10-day minimum for all other prison officers. Having regard to the conditions required in order effectively to organise regular ongoing training for staff, **it would be possible to realise this objective within 18 months**

40. The CPT would underline that as certain of the measures are implemented, it would be possible to cease using police officers or other law enforcement officials (rather than prison officers) to perform tasks requiring contact with prisoners. The intervention of outside agencies should, in principle, be avoided and limited to the direst of emergencies. Further, a specialist *Mobile Eenheid* for Koraal Specht Prison will be unnecessary if all staff are properly trained in the full range of a prison officer's duties. **The objective should be to cease using routinely outside agencies in Koraal Specht Prison within six months.**

41. The CPT would like to be informed of any developments as regards the recruitment of additional staff, as well as on the initial training effectively provided to the new recruits.

42. An adequate staff complement for the prison, in terms of both numbers and their aptitudes and training, will also permit the effective development of activities for prisoners.

A system of classification and allocation of prisoners is a pre-requisite for the organisation of any meaningful regime. Basic classification can be done in accordance with objective factors, such as the legal situation of the prisoner and age. A more sophisticated classification system will take longer to develop and require a greater level of staff involvement. However, even objectively-based classification can create the opportunity for developing specialised regimes in each of the individual living units.

In the short term, efforts should be made to ensure that each inmate is offered a minimum of two hours of programmed activities per day (exclusive of outdoor exercise); this should be achievable within existing resources.

Further development of the regime, with the ultimate aim of eight hours of programmed activities per day for all inmates, will require additional resources - including in terms of suitable staff and facilities/premises - and detailed planning. Consequently, **it should be regarded as a medium term objective, which can be attained progressively within two years.**

43. Means should be made available as of now to ensure that the basic needs of prisoners are satisfied (e.g. prisoners should be guaranteed food at appropriate times and ready access to drinking water, and they should be supplied with a bed and bedding), **and that all of them are offered at least one hour of outdoor exercise every day.**

Further, efforts should be redoubled to ensure that prisoners are accommodated in a hygienic environment, and have suitable access to proper sanitary facilities and running water. The CPT has noted that progress has been made in this regard and understands that the water supply problem should have been resolved within the three weeks following the visit. **The Committee would appreciate receiving confirmation that this task has been successfully completed.**

Further, **an ongoing maintenance programme should be elaborated without delay and the resources made available to ensure that repair work is carried out as and when it becomes necessary.**

44. The CPT has noted that it is intended to review the work of the Kleinmoedig Commission in May 1999, inter alia as regards action taken by it to address urgent problems at Koraal Specht Prison. The Committee would like to be informed of the outcome of that review.

45. As regards the expansion of Koraal Specht Prison, the building plans seen by the delegation should now be available for full examination and discussion by all parties involved, leading to a decision about a building programme. **Such a decision could be taken within three to six months.** However, it is essential that the use to which the buildings are to be put and the regime activities which are to be offered to prisoners within the buildings are properly defined in advance.

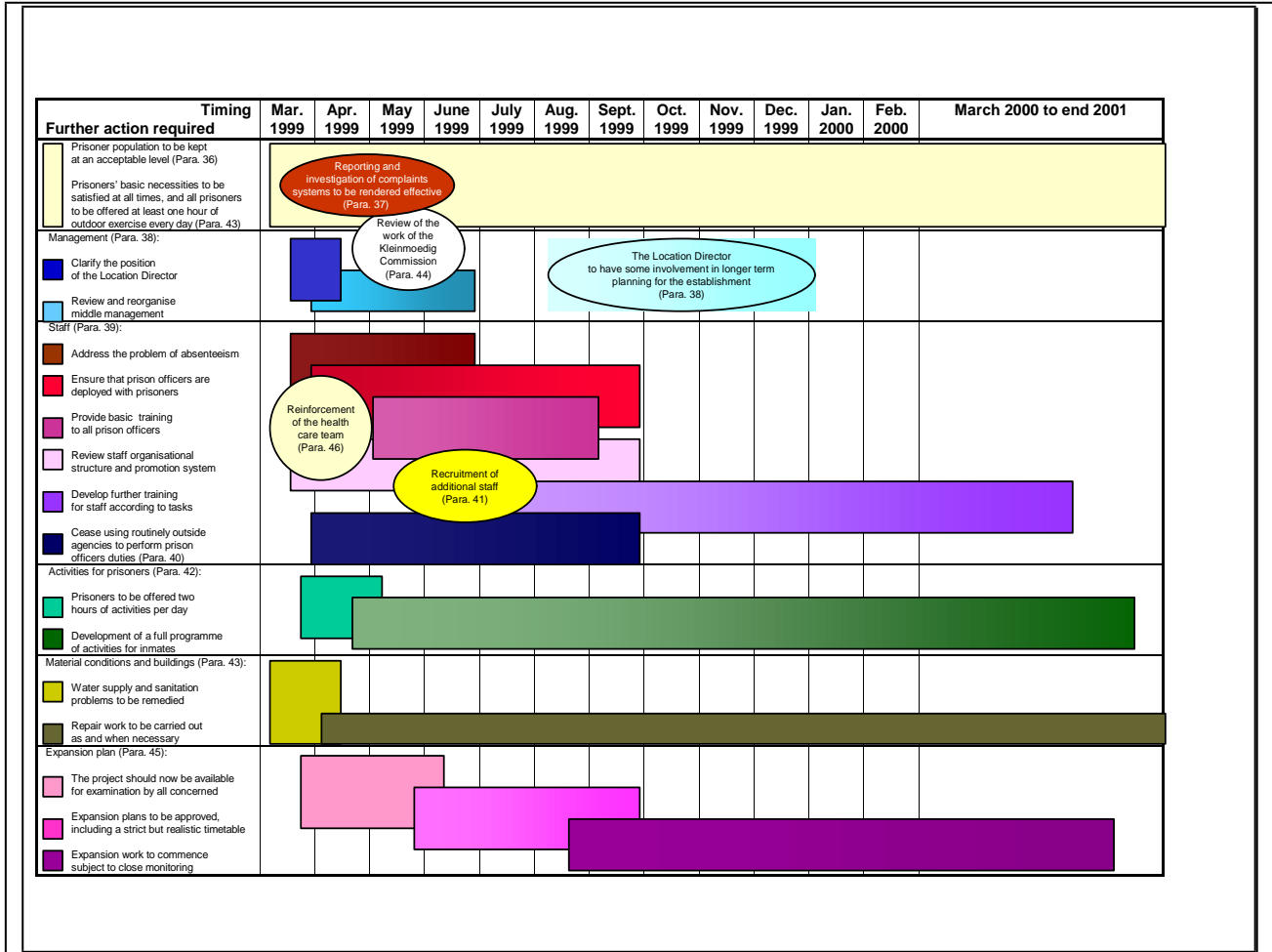
As for the manner in which building should take place (a matter which was raised by the authorities during the visit), the relative advantage of modular construction - namely the time involved - is evident: according to the information provided to the delegation, between 10 and 14 months would be required for the planned expansion, as compared to two to three years if traditional construction methods were to be used. Speed is not, however, of the essence in relation to the accommodation blocks, provided appropriate action is taken in respect of other urgent issues (staff, management, development of programmes of activities, basic necessities of detainees) and the present population is not exceeded, or is reduced further.

Whatever technique is used, **a strict but realistic timetable should be drawn up for the implementation of the building programme and appropriate monitoring be put in place to ensure compliance**, backed up by suitable contractual provisions (e.g. penalty clauses).

46. Reinforcement of the health care team is long overdue. **The CPT understands that although three candidates for nursing posts had been identified, at the time of the visit no concrete date had been fixed for them to commence employment. The CPT would like to receive further information on this subject. As regards increasing doctors' presence in the establishment, it looks forward to receiving confirmation of the employment of an additional doctor and information about the actual time the doctor is present in the prison.**

APPENDIX I

**PROPOSED TIMETABLE
FOR THE TAKING OF FURTHER MEASURES REQUIRED**



APPENDIX II

**LIST OF THE AUTHORITIES AND OTHER PERSONS
WITH WHOM THE CPT'S DELEGATION HELD CONSULTATIONS**

Mr Jaime SALEH Governor of the Netherlands Antilles

Department of Justice of the Netherlands Antilles

Mr Rutsel MARTHA	Minister for Justice
Mr Marcel GUMBS	Secretary of State for General Affairs and Justice
Mr Russel URSULA	Director
Mr Alvin DAAL	Head of the Legal Division
Ms Alba MARTIJN	Special Adviser to the Council of Ministers
Mr GLENN MINGELI	Director General of the Prison Service
Ms Flori BENTOERA	Legal Adviser
Mr Nano VEENDAM	Legal Adviser

Bureau of Foreign Affairs of the Netherlands Antilles

Mr Eric KLEINMOEDIG	Director
Ms Alma Louise de BODE OLTON	Head of Treaties Department and Legal Affairs

Other authorities

Mr Frits GOEDGEDRAG	Attorney General
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**Commission for the Supervision of the Treatment of Persons Deprived of their Liberty
(Kleinmoedig Commission)**

Mr Eric KLEINMOEDIG	President
Mr W.S. ELHAGE (medical doctor)	
Mr H.N. STEWARD (medical doctor)	
Ms Flori BENTOERA	Secretary of the Commission

Management of Koraal Specht Prison

Mr Russel RICARDO	Location Director
Mr Gilbert BENITA	Training Coordinator

Project team for the reorganisation and expansion of Koraal Specht Prison

Ms A. van VELSEN	Project Manager (regime and organisation)
Mr S. TEIJEMA	Project Manager (construction)

Landsrecherche

Mr Sindey MACAAY	Landsrecherche Officer
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Civil Servants Trade Union (ADVO)

Mr Roland H. IGNACIO	Vice-President
Mr S. HEEREVEEN	Secretary General

Mr F. GRESSMAN	Adviser
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Mr S. VLYT	Chairman of the Prisons Working Group
Mr H. ALBERT	Vice-Chairman of the Prisons Working Group
Mr E. IGNACIA	Secretary of the Prisons Working Group

Others

Mr Eldon SULVARAN	Lawyer
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