



ICRC

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS REGIONAL CONFERENCE ON BEST PRACTICES OF PRISON MANAGEMENT IN THE CARIBBEAN

Kingston, Jamaica

2-3 December 2011

On behalf of the International Committee of the Red Cross (ICRC), we wish to thank the Inter-American Commission on Human Rights (IACHR) for the invitation to participate in this Regional Conference on Best Practices of Prison Management in the Caribbean. In addition, we express our gratitude to the Principal and Staff of the Norman Manley Law School, for their efficient coordination of, and warm welcome to this meeting.

The participation of the ICRC in this forum is consistent with a Memorandum of Understanding for the exchange of non-confidential information and for reciprocal invitations signed in February 2008 between our institutions, with the shared purpose of preserving the fundamental dignity of human beings. This cooperation complements the long-standing relationship between the ICRC and the Organisation of American States (OAS), as codified in a Cooperation Agreement of 1996 and a Memorandum of Understanding of 2003. In fact, we fondly recall the participation of the ICRC in a similar IACHR forum, which was held in November 2007, in Buenos Aires.

The ICRC recognizes the importance of this forum and the usefulness of having a reflection on the subject of Best Practices of Prison Management, as they relate to the Caribbean Community (CARICOM) region. With over 12,700 staff members in approximately 80 delegations around the world is cognisant of the specificities of the environments in which it operates. In this regard, the ICRC appreciates not only the beauty, but also the particular historical, legal and socio-cultural attributes which the CARICOM region possesses. The ICRC is pleased to work in this region, via its Delegation in Port au Prince (which covers Haiti and the Dominican Republic) and Regional Delegation in Caracas (which covers Venezuela, the English-speaking CARICOM region and Suriname).

As you are aware, the ICRC is a neutral, impartial and independent humanitarian organization whose mission is to provide protection and assistance to victims of armed conflicts and other situations of violence. The ICRC also endeavours to prevent the suffering of victims by promoting and strengthening International Humanitarian Law (IHL) and universal humanitarian principles. As part of the Red Cross / Red Crescent Movement, the ICRC undertakes its activities in keeping with the Movement's Fundamental Principles. Such Principles are Humanity, Impartiality, Neutrality, Independence, Voluntary service, Unity and Universality. When working in the domain of Protection (which includes all Detention activities), the ICRC adheres to the strictest levels of confidentiality.

The international community has given the ICRC a mandate, recognized in law and emanating from the Geneva Conventions. The ICRC is therefore mandated to visit prisoners, organise aid operations, reunite separated families and undertake other humanitarian activities during armed conflicts. The Statutes of the International Red Cross and Red Crescent Movement encourage similar activities in situations involving internal strife, where the Geneva Conventions do not apply.

With a few notable exceptions, it may be argued armed conflicts are no longer the norm in the Americas – North, Central, South America and the Caribbean region. This is not to say that serious humanitarian crises no longer exist. In keeping with this reality, the ICRC has expanded its activities beyond the realm of armed conflict, to include internal disturbances and other situations involving internal strife (political or social tensions) or public disturbance. For example, the ICRC would define the May 2010 events in West Kingston as one of "internal disturbances".

Of course, the Geneva Conventions oblige States to provide ICRC access to those persons detained in international armed conflict. In the context of a non-international armed conflict and situation of internal violence, the ICRC proposes an offer of services to access those persons detained. While the latter procedure is based on solid legal ground, the response to such offer remains in the discretion of the requested State.

The ICRC's detention role in international and non-international armed conflict, as well as in situations of internal violence, was recognized by the Inter-American Commission on Human Rights in its publication entitled "*Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas.*" The last paragraph of Principle XXIV upholds the obligation of States Parties to the Geneva Conventions and the Additional Protocols to grant the ICRC access to detainees. Moreover, the same paragraph provides States with the opportunity to authorise the ICRC to visit persons deprived of liberty in situations of internal violence.

Scope and Extent of ICRC Detention Activities

Over the years, the ICRC has gradually extended its scope to include common-law prisoners, whether or not they share the premises with persons detained in connection with armed conflicts, internal disturbances or internal violence, or they have suffered the direct consequences of such situations. The interventions of the ICRC in relation to the physical and psychological conditions of detention are naturally of concern to all detainees in those places that are visited.

The ICRC deploys considerable efforts to bring a minimum of humanity to places of detention and to ensure that the dignity of detainees is systematically respected. This is a complex task and one that calls for unflinching determination.

The ICRC visited prisoners for the first time in Latin America, during the Chaco War fought between Bolivia and Paraguay (1932-1935). Since the 1950s, the ICRC has been visiting thousands of persons detained in relation to diverse situations prevailing in their countries, be it in connection with armed conflicts, internal disturbances and other situations of internal violence. In Latin America and the Caribbean, the ICRC has carried out detention visits in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

In the 1980s, the ICRC's activities focused on protecting combatants and civilians detained in the context of non-international armed conflicts which affected mainly, but not exclusively, the Central American countries. In 1982, the ICRC also visited prisoners of war who had been detained during the Falklands War between Argentina and the United Kingdom. Subsequent to the armed conflict which took place in Grenada in 1983, the ICRC undertook detention visits to those detained in Richmond Hill Prison. From 1983, until their release in 2010, the ICRC visited those persons known as the "Grenada 17". Since 2002, the ICRC has been visiting internees in Guantanamo Bay. Presently, the ICRC continues to carry out substantial detention activities in some of the above-named countries, such as Colombia, Haiti, Mexico and Peru, where the ICRC shares with the authorities its expertise in health in detention and infrastructural issues.

All ICRC visits follow standardized procedures and are carried out only if certain conditions are met. With the experience gained over the years, the ICRC has developed guidelines that allow it to objectively evaluate the maximum prison system and make concrete and feasible recommendations, taking into account local customs and norms. In sum, the ICRC only visits people deprived of liberty if the following conditions are met: (i) the totality of the premises is open to be visited, (ii) interviews in private with any of the detainees, without witnesses, are allowed, (iii) repeat visits, under the same conditions, are permitted; and iv) the facility to compile a list of prisoners during its visit, whom it considers to come within its mandate, or to receive such a list from the authorities and to check and supplement it, if necessary.

The main objectives of the ICRC's visits are to prevent disappearances, ill-treatment and improve the material and psychological conditions of detention. If the situation so requires, the ICRC can help restore contact between a detainee and his/ her family through written communication (Red Cross Messages). During its visits, the ICRC pays particular attention to the specific needs of women, children, disabled, sick and elderly members of the detainee population, all of whom are particularly vulnerable groups.

ICRC Modalities

The ICRC maintains a distinctive and unique modus operandi. The ICRC never publishes its observations of a detention visit. The ICRC submits its reports – confidentially – to the Authorities concerned, in order to establish and maintain a frank and constructive dialogue on the issues observed. The ICRC's humanitarian work can be considered different, yet complementary, to the activities of other national and international bodies, such as human rights defenders. We wish to underscore, however, that ICRC visits are strictly humanitarian in nature. As such, the ICRC takes no position regarding the reasons for an arrest or capture. While maintaining its own modus operandi, the ICRC recognises the immense value of cooperating with national, regional and international organisations in an effort to avoid duplication of efforts and actions undertaken.

After visiting a penal institution, the ICRC endeavours to set up a dialogue, since this will enable it to maintain a flow of objective information based on regular contact with the relevant authorities and the detainees, all of which culminate in concrete recommendations. For this exercise to be constructive and bear fruit, the dialogue that develops is based on a relationship of trust that is established and cultivated, in large part through the confidential nature of the ICRC's work.

It bears repeating that confidentiality is an essential component of the ICRC's detention activities, which enables the organisation to tackle certain issues that may be otherwise very sensitive. Confidentiality allows the ICRC to operate with complete independence and without the pressure exerted by public opinion, the news media or political organizations.

That confidentiality is undoubtedly the key that opens doors for the ICRC, especially when the authorities are hesitant about giving outsiders access to certain places

Engaging in dialogue does not mean accepting a compromise. The ICRC will adamantly continue to press for a solution to the humanitarian problems observed, using all possible channels open to it. If the ICRC finds that it is making no headway and concludes that a new approach would be in the interest of the persons it visits, it may decide to suspend or discontinue its activities, or even appeal to the States party to the Geneva Conventions to ensure that IHL is respected, as the case may be.

One of the specific features of the ICRC is that it is both a monitoring mechanism and an operational agency. This means on the one hand, that the organization has a capacity for action which enables it to maintain regular presence at the local level in operational arenas and to entertain ongoing dialogue with the authorities and all actors who can influence the course of events. And on the other hand, the ICRC can make a very real difference by intervening directly in aid of vulnerable persons whenever the circumstances in which they find themselves comprise a risk for their physical or moral integrity.

In view of the needs observed, the ICRC can thus prevail upon the authorities concerned to assume responsibility and can make recommendations and exert pressure by mobilizing influential external factors of change. However, if the situation is serious and requires urgent intervention, the ICRC can also implement its own operational capacities in order to restore a satisfactory state of affairs. Whenever measures taken in a place of detention reveal that some of the detainees are suffering from severe malnutrition, for instance, the ICRC can carry out a therapeutic feeding programme to ensure their survival.

Also, via a system of structural support offered to authorities, the ICRC has adopted operational strategies which seek to address the needs of detainees and Prisons Administrations alike. For instance, the ICRC has developed new policies and guidelines and integrated activities in the fields of health, water and sanitation in detention.

Having been afforded the privilege of addressing this most captive audience - and one capable of influencing positive change in the administration of Prisons throughout the Caribbean region – we wish to assure all stakeholders of the commitment of the ICRC in effectively discharging its mandate in this region and others. Once again, we are grateful to be part of this timely and essential forum, which gives us all an opportunity to engage in meaningful and practical dialogue on enhancing prison management in the Caribbean.

We thank you.

Contact Information

ICRC Regional Delegation for Venezuela, the English-speaking Caribbean Community region and Suriname

Torre Bancaracas, Piso 9, Oficina 9-05, Avenida San Felipe con 2ª Transversal
La Castellana, Caracas

Phone: (+58 212) 265 77 40 / 267 83 21 / 267 90 01 / 267 96 83
Fax: (+58 212) 267 5150
E-Mail Address: caa_caracas@icrc.org

ICRC Delegation for Haiti and the Dominican Republic

1, Impasse Brave rue Mercier Laham
Delmas 60, Musseau
HT 6140, Pétion-Ville

Phone: (+509) 2 510 49 09 / 76 - 28 13 08 24 / 25
Fax: (+509) 2 256 78 26
E-Mail Address: poa_portauprince@icrc.org