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Summary Report on Human Rights Situation in Detention Centers

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MONITORING AND INVESTIGATION UNIT

Summary Report on Human Rights Situation in Detention Centers

1397-1398 (2018-2019)

SUMMARY REPORT

The following is the findings of the 1,245 monitoring missions carried out by the Commission in detention centers over the years 1397 and 1398 (2018-2019).

A: The number of people deprived of their liberty in 1397-1398 (2018-2019).

In 1397 there were 34,063 prisoners and detainees, of whom 27,829 (27,276 men and 553 women) were imprisoned and 6,234 (5,978 men and 256 women) others were detainees.

However, in 1398 the number of people deprived of their right to liberty reached 37,529, of whom 28,885 (28,310 men and 575 women) were imprisoned and 8,644 others (8,456 men and 188 women) were detained, indicating an increase of 9.23% compared to the previous year.

B: The Challenges of Access to Justice

Once the number of people deprived of their liberty has been identified in this research, the challenges identified as a result of ongoing monitoring by AIHRC staff will be addressed.

Mistreatment and violence in detention facilities

The mistreatment of prisoners and detainees in detention centers is one of the most serious complaints in this research. The Commission monitoring team have been able to document mistreatment in Nangarhar, Balkh and Samangan detention centers.

The use of handcuffs and chains in detention centers

The findings of this study show that although in 2018 -2019 the use of handcuffs and chains in prisons and detention centers has decreased compared to previous years, the authorities have confirmed that in some cases handcuffs and chains are still used as a disciplinary punishment in detention facilities.

Disregarding the principle of segregation in detention facilities

Another problem was the lack of adherence to the principle of segregation of peoples deprived of their liberty; findings of this report showed that in Balkh, Samangan, Laghman, Nangarhar, Nuristan, Badakhshan and Daykundi provinces prisoners suffering from infectious diseases are kept together in the same rooms with other detainees.

Unknown destiny

According to the findings of the Commission's staff, 732 cases (97 cases in 1397 and 635 cases in 1398) were in a state of uncertain destiny. Of which, 105 cases are resolved as a result of the advocacy by the AIHRC, but 625 cases are still in a state of uncertainty.

6. Illegal detention

The findings of this study show that 210 people were illegally detained or imprisoned in 1397. In 1398 this number declined to 49 people, all of whom were released from detention or prison as a result of advocacy by the Commission.

Challenges of Access to defense lawyer

Findings show that access to defense lawyers has been better in recent years, but there are still challenges in the provinces of Zabul and Samangan due to lack of defense lawyers.

C. Livelihood Challenges in detention facilities

The livelihood situation in detention facilities has been largely faced with challenges as described below.

Lack of access to proper food

According to the findings of this study, there have been numerous complaints about access to proper food, particularly in the detention centers of the provinces of Balkh, Jawzjan, Samangan, Kandahar, Uruzgan, Ghazni, Panjshir, Kapisa, Logar, Wardak, Gardez and Ghor.

Challenges relating to Building

The Commission's monitoring showed that many of the newly constructed buildings did not comply with international standards and problems such as space, lighting, sports fields and so on have always been encountered.

Information confirms that detention centers in Nangarhar, Nuristan, Ghazni, Parwan, Balkh, Herat, Badghis, Gardez and Paktika do not have a special building; old government office buildings or rental houses have been used for detention facilities. The most important challenges related to the detention facilities' buildings are as follows.

I. Lack of sunlight in the rooms

According to the research, access to sunlight and room light is a problem in most of the detention centers, except for new buildings with rooms with relatively larger windows. This problem is most evident in the rooms located in the shade.

II. Humidity of the rooms

The findings of this research have shown that, in most provinces, the humidity of rooms in detention centers is problematic and, in some cases, because of the proximity of the rooms to the bathrooms, the humidity is very serious and the smells of these bathrooms are very unpleasant.

III. Lack of heating and ventilation facilities

According to the findings, there is no specific budget for heating and cooling services in all prisons, although in some cases inmates have provided their own services.

The lack of heating and cooling facilities is one of the serious problems faced by the majority of detention centers in all provinces. The General Directorate of Prisons and Detention Centers attributes this to the procedure of prisons and detention centers, which forbids the transfer of flammable things and fuel to the detention centers.

IV. Bathroom and toilet challenges

Monitoring by the Commission has shown that there are serious problems with access to clean bathrooms and toilets in some detention centers. The shortage of bathrooms and toilets is noticeable in most of these centers. There is less access to hygiene and sanitary services and there are challenges in cleaning the bathrooms and toilets.

D. Access to health services

The Commission's findings indicate that all detention centers have a health center, but these findings confirm that there are persistent problems in detention facilities, especially shortages of doctors, nurses, midwives, medications, beds and medical facilities. There are no specialist doctors in some detention centers; the sanitation situation in these centers has been poor and due to lack of space, pollution and overcrowding in some facilities, prisoners with infectious diseases have not been segregated.

E: Access to education and training

Findings have shown that there are vocational training programs in some of the detention centers, but concerns have also been identified confirming that some of the facilities do not have libraries or that their libraries are insufficient.

In Paktika, Badakhshan and Paktia provinces, there is no significant training program for people deprived of their liberty. In addition, according to the Commission's findings, children who are in prisons with their mothers and are of an educational age are, in most cases, deprived of educational services, such as kindergartens and schools. Kindergarten and school facilities are only available in Herat, Balkh and Jawzjan provinces.

F: Access to the right to recreation and sports

According to the findings of the Commission's monitoring, although the use of open-air programs and times in prison and detention centers varies, it can usually be assumed that there is open-air access in most detention centers, but problems have also been identified; meaning that some detention facilities have been faced with a lack of recreational and sports facilities.

G: The right to visit friends and family

Commission research has shown that the right to visit and contact families is guaranteed by law in all prisons in the country. Visits take place two days a week and are held separately and under the supervision of the police.

H: Preventing monitoring of detention facilities

The monitoring team of the Commission had faced many obstacles during its monitoring mission in the previous years. In some situations, they had to perform their monitoring with advance notice, although this

form of monitoring is not considered a real monitoring, because there may be some changes in the actual situation and the prisoners may refuse to reveal all the evidence. However, in 1397-1398, the Commission's monitors had better access to detention facilities and no case of prohibition of monitoring the human rights situation was recorded