The Islamic Republic of Afghanistan

In the Name of God, the Merciful, the Compassionate
The Prophet Muhammad (peace be upon him) said
“Prevent punishment in case of doubt;
release the accused if possible,
for it is better that the ruler be guilty of the wrong
of forgiving than the wrong of punishment.”
BASIC TRAINING MANUAL COMMITTEE OF PRISON EXPERTS

This draft manual is the result of a collaborative effort with input, review, examples and suggestions received from a variety of sources. Following are some of the major players who participated in the preparation of the information in this Manual.

The General Directorate of prisons and detention centers of Afghanistan.

Information and advisory services also came from the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program (ISPAC) and the International Corrections and Prisons Association (ICPA)

The material in this Manual was reviewed to insure it conformed to the Constitution and laws of the Islamic Republic of Afghanistan and to insure that it was consistent with the sacred religion of Islam by the following legal and Shari’ah experts:

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</table>

*This is not a complete listing and we apologize to those whose names are not included*
## Contents

**FORWARD**..................................................................................................................................................6

**LESSON PLAN 1** – Orientation to the nation’s prison system and the officer’s obligation under the law..........................................................................................................................................................................................9

- Treatment of Prisoners: ..................................................................................................................................11
- Article 5 (Law on Prisons and Detention Centers): .........................................................................................11
- Law on Prisons and Detention Centers – Deprivation from Freedom: ............................................................13
- Article 2: .......................................................................................................................................................13

**Prison Officers and Protectors:** .......................................................................................................................14

- Article 18: ......................................................................................................................................................14

**Article 46:** ...................................................................................................................................................16

**Article 45:** ...................................................................................................................................................16

**Article 44:** ...................................................................................................................................................16

**Article 43:** ...................................................................................................................................................15

**Article 42:** ...................................................................................................................................................15

**Article 41:** ...................................................................................................................................................15

**Article 40:** ...................................................................................................................................................15

**Body Search:** ...............................................................................................................................................15

**Reward:** ....................................................................................................................................................15

**Punishment:** ...............................................................................................................................................15

**Giving Reward and Punishment:** ................................................................................................................16

**Article 44:** ...................................................................................................................................................16

**Article 45:** ...................................................................................................................................................16

**Article 46:** ...................................................................................................................................................16

**LESSON PLAN 2** – Overview of the Prison System .........................................................................................19

**Structure and Organization of Prisons** ........................................................................................................20

- Regional Division of Prisons: .........................................................................................................................20
- Article 12: ......................................................................................................................................................20

**The Supreme Council of Prisons:** ..................................................................................................................21

- Article 13: ......................................................................................................................................................21

**Leading Prisons Affairs:** ...............................................................................................................................21

- Article 14: ......................................................................................................................................................21

**Holding Meetings:** .......................................................................................................................................21

- Article 15: ......................................................................................................................................................21

**Proposal for Amendment of the Law and Enactment of a Regulation:** ............................................................21

- Article 16: ......................................................................................................................................................21

**Central Administration:** .................................................................................................................................22

- Article 17: ......................................................................................................................................................22

**Holding of Suspects, Accused and Prisoners:** .................................................................................................22

- Article 20: ......................................................................................................................................................22

**Change of Place of Imprisonment:** ................................................................................................................22

- Article 21: ......................................................................................................................................................22

**Supervision of the Law Application:** ............................................................................................................22

- Article 22: ......................................................................................................................................................22
Article 22: .................................................................................................................................................22
General Conditions of Detention Centers and Prisons ..................................................................................23
Specifications of Prison Buildings: ..................................................................................................................23
Article 23: ....................................................................................................................................................23
Living Conditions: .......................................................................................................................................23
Article 24: ....................................................................................................................................................23
Food: .............................................................................................................................................................23
Article 25: ....................................................................................................................................................23
Sports and Physical Exercise: ..........................................................................................................................23
Article 26 .......................................................................................................................................................23
Health Services: ...........................................................................................................................................24
Article 27: ....................................................................................................................................................24
Work and Education: ....................................................................................................................................24
Article 28: ....................................................................................................................................................24
Method of Attitude Toward Detainees and Prisoners .......................................................................................24
Entry to Detention Centers and Prisons: ........................................................................................................24
Article 29: ....................................................................................................................................................24
Role of the Civil Society: .................................................................................................................................25
Article 30: ....................................................................................................................................................25
Family Contact: ..........................................................................................................................................25
Article 31: ....................................................................................................................................................25
Education and Vocational Training: .............................................................................................................25
Article 32: ....................................................................................................................................................25
Work: ............................................................................................................................................................25
Article 33: ....................................................................................................................................................25
Performance of Religious Rites: ....................................................................................................................26
Article 34: ....................................................................................................................................................26
Necessary Communication in Special Circumstances: ....................................................................................26
Article 35: ....................................................................................................................................................26
Burial: .............................................................................................................................................................26
Article 36: ....................................................................................................................................................26
Home Leave: ...............................................................................................................................................26
Article 37: ....................................................................................................................................................26
Entry to Detention Centers and Prisons: ........................................................................................................27
Article 38: ....................................................................................................................................................27
LESSON PLAN 3 – UN and International Human Rights Standards Impacting on Prisons ......................31
Human Rights Instruments Related to LESSON PLAN 3 ............................................................................42
LESSON PLAN 4 – Prison Policies and Procedures ....................................................................................45
Reward: ..........................................................................................................................................................57
Article 42 of the Law on Prisons and Detention Centers: ............................................................................57
Punishment: ..................................................................................................................................................57
Article 43 of the Law on Prisons and Detention Centers: ............................................................................57
Giving Reward and Punishment: ....................................................................................................................57
Article 44 of the Law on Prisons and Detention Centers: ............................................................................57
Reward: ..........................................................................................................................................................59
Article 42 of the Law on Prisons and Detention Centers: ............................................................................59
Punishment: ..................................................................................................................................................60
Article 43 of the Law on Prisons and Detention Centers: ............................................................................60
Giving Reward and Punishment: ....................................................................................................................60
Article 44 of the Law on Prisons and Detention Centers: ............................................................................60
Article 20 of the Law of Prisons and Detention Centers and criminal procedure code: ..........................60
FORWARD

The idea of preparing a manual for prison and detention center workers took its origin from the awareness on the part of the Afghan General Directorate of prisons and detention centers, the United Nations Office on Drugs and Crime (UNODC) and the International Institute of Higher Studies to Criminal Sciences (ISISC) that a set of guidelines was necessary in order to reconcile two aspects underlying the Afghanistan prison systems: the safeguard of prisoners’ rights and the recognition of the role of prison officers. A prison worker who has been given the means and skills proper to his or her job, and who feels confident about what he/she has got to do, will be fully enabled to deal with people in his/her charge in a fair and humane way.

Those working on the preparation of this Manual, though cognizant of international standards impacting on prisons, were well aware of the fact that Afghanistan has its own distinct legal and prison system as well as cultural, economic and social features and that Islamic Shari’a is the basis of the all Afghan law and procedures. This, together with the consciousness that a practical approach was needed in order to give prison workers the effective means to do their job, led to the preparation of a manual which is at the same time comprehensive and open in conception; that is to say that it offers the foundations on which the central and each provincial prison administration will build up its internal organization, taking into the account the characteristics peculiar to each one.

The professional experts of the International Corrections and Prisons Association (ICPA) reviewed the original draft of the Manual, added their input and circulated the material to prison experts and trainers around the world. Afghan experts in the constitution and legal procedures as well as Shari’a scholars added their input to insure the material is appropriate to all the provinces of Afghanistan.

Article 3 of the Afghan Constitutions states: In Afghanistan, no law can be contrary to the sacred religion of Islam and the values of the Constitution.

The Qur’an defines standards of human conduct, but it does not contain a detailed legal code. Only a few verses of the Qur’an actually deal with legal issues. Muhammad helped clarify the law by interpreting provisions in the Qur’an and acting as a judge in legal cases.

Islamic penal systems, like those of any other kind of system, are generally based on and governed by a specific theory or philosophy. The typical Islamic penal system is primarily a religious system, so it deals with “sin” and “culpability.” “Speaking of goodness and shunning evil” represents the philosophical background for every system governing social relations in Islam. In the final analysis, this background reflects the social solidarity of the Islamic world in its move to reach its ultimate goal, the idealistic society and the idealistic human being. The staff in a prison is charged with helping the prisoners return to free society and live a life that shuns evil. However, the prison staff must perform his or her duties in such a manner that is consistent with the teachings of Islam. That is not always easy and each individual may not be able to react in times of crisis or to control their own weaknesses without strict personal discipline and knowledge of what is the correct way to respond when
having so much power over the fate of the prisoners in their charge. For that, training is essential.

It was also noted that as the Afghanistan prison system is in a state of rebuilding, training is being provided to correctional staff by many different entities. This particular manual is primarily concerned with insuring that all the training prison staff receives, from any source, is consistent with the Constitution and laws of Afghanistan and nothing in the training is contrary to the sacred religion of Islam.
It is important to remind the user that this manual is a generic version and must be modified for the unique needs of each prison facility. Thus, each reader is encouraged to use the following as a guide and to rewrite the material as deemed appropriate.

INSTRUCTOR’S NOTES:
In between lines like this will be notes to the instructor on the material that follows. Some of the notes will indicate specific suggestions on how the material should be presented. Other items might include reasons for the presentation of the material and/or specific ways to involve the students.

DISCUSSION GUIDE:
In between lines like this will be material that can be used by the instructor to lead group discussions with the students. Depending upon the size of the class and the amount of individual student participation desired, the instructor can either lead a discussion (or question and answer session) with the entire class or the class can be divided into smaller groups with each group discussing specific items (each group can discuss the same item or each group can discuss separate items assigned by the instructor). If the class is divided into groups, a spokesperson for each group should give a brief summary of their conclusions to the entire class.

Material in the lesson plans written in bold italics generally mean that it is taken directly from the laws, policies, or standard operating procedures of a particular nation to be used as an example. The reader is reminded that these laws, policies or standard operating procedures are the ones available to the writer and may be out-of-date or may even have been eliminated. They are used as examples and must be reviewed and changed as necessary to fit the applicable laws, policies or procedures of the nation for which the training manual is being modified.
LESSON PLAN 1 – Orientation to the nation’s prison system and the officer’s obligation under the law.

Method of Instruction: Lecture, Discussion, Question and Answer

Performance Objectives: At the conclusion of this block of instruction the student will:
1. The student will correctly name the major components of the nation's justice system.
2. The student will correctly identify the nation's Law on Prisons and Detention Centers and the Prisons and Detention Center’s Regulation for Management of Affairs.
3. The student will list at least 3 things permitted of prison officers identified in the legislation.
4. The student will list at least 3 things a prison officer is prohibited from doing.

References: Law on Prisons and Detention Centers (Final draft date: May 31, 2005), Prisons and Detention Center’s Regulation for Management of Affairs, Constitution of Afghanistan as amended in 1382 (2003).

Training Aides Required: Blackboard or Flip Chart, copy of handout material for each student.
Copy of Law on Prisons and Detention Centers (Final draft date: May 31, 2005), Prisons and Detention Center’s Regulation for Management of Affairs, Constitution of Afghanistan Year 1382 (2003).

INSTRUCTOR’S NOTES:
The following introduction should be read pretty much as it is written. The instructor may wish to change some of the wording to better fit his or her style and to include some specific mention of the local or national identity. This is the time to insure that the students understand the importance of this material to themselves, to the organization, to the nation and to the citizens they are hired to protect and serve. This would be a good time for a high ranking government or judicial official to be present to either deliver this introduction or to help give credibility to how seriously this material is viewed by the leadership.

INTRODUCTION
A prison is not a democracy! Having said that, it is important for all staff to know that it is also not a private kingdom ruled over by all-powerful staff. Not even the top prison administrator in our nation has total power over the lives of the inmates. We operate by a system of laws and procedures. Just as the police in the free world can only arrest, charge and convict a person for activities that have been declared illegal by the governmental process, so it is in the prison. We operate under a set of laws. We can only discipline a prisoner for a violation of those specific laws. Just as a free person has certain rights to a properly handled arrest and trial, so do we within the prison.

The justice system is composed of three elements — police, courts and prisons. Operating under the law of Afghanistan, it has the police who arrest, the courts which convict and the prisons to carry out the decrees of the court. The police do not give out punishment, they are to only arrest those suspected of a crime. They must remember that the person is
innocent until a court says they are guilty. The court, using the laws established by the legislative branch and hearing the evidence, determines the guilt or innocence of the person and decides on the sentence. That sentence is also prescribed in accordance with established law. The prison is to keep the person away from other citizens to help protect the public. The prison is also charged with doing all it can to help the person acquire whatever skills or treatment possible so as when the prisoner is released, he or she will be equipped to live a crime-free life if they so choose. Finally, a person is sent to prison as punishment, not for punishment. That means that the prison staff is not given the responsibility to make the person suffer through the application of abuse, mental or physical. The mere fact that the person is deprived of freedom of movement, has limits placed on his or her ability to visit with family and friends is the punishment.

The Constitution of Afghanistan, the Law on Prisons and Detention Centers and the Regulation for Management of Affairs defines the disciplinary and penal provisions under which we operate.

DISCUSSION GUIDE:
Break the class into small groups and ask each of them to discuss the substance of the following material in terms of how they see it defining their roles.

In 1382 (2003) the current Constitution of Afghanistan established. The Preamble says, in part:

“We the people of Afghanistan:

1. With firm faith in God Almighty and relying on His mercy, and Believing in the Sacred religion of Islam,

2. Observing the United Nations Charter and respecting the Universal Declaration of Human Rights,

5. Understanding the fact that Afghanistan is a single and united country and belongs to all ethnicities residing in this country,

8. For the creation of a civil society free of oppression, atrocity, discrimination, and violence and based on the rule of law, social justice, protection of human rights, and dignity, and ensuring the fundamental rights and freedoms of the people,

Article 4 of the Afghan Penal Code and Article 29, para. 3 of the Afghan constitution prohibit penal measures which are against human dignity. However, the prohibited penal measures are defined in the Afghan Penal Code or the Afghan constitution. The concept of human dignity is derived from human rights conventions and its definition is based on the writings of human right institutions and organizations including the United Nations.

INSTRUCTOR’S NOTES:
This is an excellent time to remind the students that the nation and its prisons work under a system of laws. Point out that the reason they are to learn these and other laws and
policies is because it is their responsibility not only to carry out the dictates of the law, but to recognize when they are asked or encouraged to do something that is against the law. When that happens they have the right to refuse the order on the grounds that it is not lawful. This will be a rare occurrence, but should be especially followed in regards to the treatment of offenders and fellow officers. Be sure the students understand that all personnel, including the Warden, are responsible to insure that all who are imprisoned are done so under the direction and protection of the laws of Afghanistan.

Article 27 (3) of the Afghan Constitution states “No person can be punished except in accordance with the decision of an authorized court and in conformity with the law adopted before the date of the act.”. It is the intent of the criminal law of Afghanistan that both the correction of the offender as well as the protection of the public be considered. As stated in the Law on Prisons and Detention Centers, Article 2 “The application of a sentence order in the prisons takes place only to prepare the prisoners to abide by the laws and social and moral standards of living, to do the beneficial social work and not commit crimes again.”

**Treatment of Prisoners:**
**Article 5 (Law on Prisons and Detention Centers):**

(1) The staff of the prisons is required to fairly and properly treat the prisoners so that they can reintegrate into the society as law-abiding citizens.

**INSTRUCTOR’S NOTES:**

Point out that the following specific sections of the Prison and Detention Center’s Regulations for Management of Affairs have direct bearing on the work of the prison officer. For example, Article 13 tells the prison officer about specific acts that they can not do. Make sure each group discusses the following sections in terms of how it impacts on them and their work.

**Article 13:**
**Prohibited Acts of the staff**
Prisons and detention centers staff are prohibited from doing the following:

1. Any kind of physical or psychologically torture of prisoners or detainees
2. Prisons and detention center staff are not allowed to revenge prisoners or detainees or give punishment to them.
3. To receive any unauthorized fee, gratuity, or anything of material value either directly or indirectly from prisoners/detainees or their relatives or authorized visitors;
5. Selling things on prisoners/detainees. This provision is not applicable over the person assigned for canteen to sell goods on the prisoners/detainees.
6. To take loans or lend money or other goods to/from prisoners/detainees;
7. To bring any object into the facility for a prisoner/detainee or to deliver any object to any other place or individual on behalf of a prisoner or detainee, unless authorized by the responsible authorities.
8. Divulging any kind secret information that they received during their job fulfillment about the prisoners or detainees.

DISCUSSION GUIDE:
As the individual groups begin to discuss the above, ask the class as a whole if they know why it is important for individual officers to know how sentences are calculated. The class should be helped to understand that the main question all inmates have and the most important item to them is when they will be released. Thus, it is important for all officers to be able to explain how sentences are calculated.

Taziraat (discretionary punishments) are punishments which are defined by the judge. It is also the judge who defines which crimes invoke these types of punishments. However, in Afghan penal legislation as in some other Islamic countries, the government is involved in defining the type of crimes and the corresponding discretionary punishments. The Afghanistan Penal Code is a clear example of discretionary penal law.

Classification of Punishment according to Importance

Punishments can be classified into three types: cardinal, ordinal or complementary. Cardinal punishment is the main response or the reaction of law to a crime, such as qisas (retaliation) or execution for a premeditated murder. According to Article 97 of the Afghanistan Penal Code,

“Types of principal (cardinal) punishments are:

• execution
• life imprisonment
• long-term imprisonment
• medium-term imprisonment
• short-term imprisonment, and
• civil penalty.”

Articles 98 to 111 of the Afghan Penal Code define the duration and nature of each of these punishments. Ordinal punishment is "a punishment that will be applied to the convict according to the law, without being stipulated in the court’s ruling" (Article 112 of the Afghan Penal Code).
Law on Prisons and Detention Centers – Deprivation from Freedom:

Article 2:

(1) The freedom of an accused in a detention center can only be taken away in accordance with the concerned attorney’s arrest warrant and the court order in conformity with the provisions of the law.

(2) The application of sentence in prisons shall take place in accordance with the final court order.

(3) The Ministry of Justice is the authority for applying orders and the provisions mentioned in paragraphs (1) and (2) of this article.

Article 9:

Procedures of holding

1. Female prisoners and detainees shall be held in separate prisons and detention centers from male prisoners and detainees.

2. Female prisoners will be kept by female police and male prisoners will be kept by male police. Entry of male police is not allowed to the female prison and detention centers. Entry for preventing incidents or by the permission of the prison or detention center director is exception.

3. Detention of the accused and suspects that have not turned 18 shall not be detained in a prison or detention centers.

4. Prisoners and detainees affected by contagious or acute psychological diseases or addicted with narcotics substances should be kept separately from all other prisoners and detainees.

DISCUSSION GUIDE:

Article 9 is clear that even if a superior officer orders a subordinate to carry out a clearly unlawful order – such as to confine a person under the age of 10 in the same cell with adult offenders – the subordinate can be prosecuted for a criminal act. Have the class discuss how they can tell what is “manifestly unlawful” as opposed to something that they might not know for sure is unlawful.

Pick individual students to read the following sections of the Law on Prisons and Detention Centers out loud and the class briefly discuss them. Be sure to identify, in advance, if you have students who would have difficulty reading and do not call on them. Watch your time and control the discussion so it does not go too long on any particular subject. The purpose of the students reading and the class discussing these items to both to familiarize them with the law and to help them understand the importance of them and how they will impact on the prison officers work.
**Prison Officers and Protectors:**

**Article 18:**

(1) Prison and detention center police working under the Ministry of Justice and shall be responsible for the maintenance of internal and external order and security of prisons and detention centers.

(2) Prison and detention center police is required to ensure the external security of the respective prisons and detention centers installations up to a distance of 500 meters provided the area is not within the jurisdiction of the Police.

(3) Prison and detention center officers do not have the right to carry arms while performing their duties inside prisons and detention centers. The heads of the prisons and detention centers can give permission to carry arms in exceptional circumstances but they must report to the General Directorate of the Prison mentioning the reason behind this decision.

(4) **Employment, transfer, promotion, retirement, leave, illness, and other affairs of prisons and detention centers officers and protectors shall be regulated by the existing law for military officers.**

**Family Contact:**

**Article 31:**

(1) Detainees and prisoners have the right to maintain contacts with their families and relatives by meeting them in places under the control of prisons and detention centers staff, through mail and any other means that do not disrupt order.

(2) Prisons and detention centers staff can keep an eye on the visits of the persons mentioned in paragraph (1) of this article to the extent it should not ignore the Islamic Shari’aaah.

(3) The heads of detention centers or prisons can control and check detainees’ and prisoners’ mail on the basis of a written permission from the concerned attorney or court officers until the enforcement of the special legislative regulation will be issue.

**Obligations of Detainees and Prisoners:**

**Article 39:**

(1) Detainees and prisoners are required to observe the internal order and discipline of prisons and detention centers in line with the respective bills.

(2) Detainees and prisoners, who **intentionally** damage moveable or immovable property of the Government, shall compensate for the damage.

(3) The volume of the damage and the procedure of its compensation shall be determined by technical team and communicated to the responsible detainee. If the loss is not compensated voluntarily the court shall take necessary decision.
Continued Quarantine:
Article 40:
Detainees and prisoners shall be held continuously separate from the rest of prisoners under the following circumstances:

1 – In case of having chronic health problems.
2 – In case of continued riots barring the prisons and detention centers staff from taking legal actions.
3 – In case the detainee is in the process of being interrogated.
4 – Other circumstances provided for in the respective bills.

Body Search:
Article 41:
(1) Prisons and detention centers authorities are authorized to frisk detainees and prisoners in such a manner not to damage their dignity and honor.

(2) A male staff shall carry out the body search of a man and a female staff shall carry that of a woman out.

Reward:
Article 42:
(1) Detainees and prisoners, who respect the prisons and detention centers order and discipline and behave well, shall be encouraged by being awarded by the concerned authorities of prisons and detention centers.

Punishment:
Article 43:
(1) Detainees and prisoners, who do not observe order and discipline, shall be punished by prisons and detention centers authorities as follows:

1 – Warning in private.
2 – Warning in public.
3 – Depriving them of work and other common activities for a maximum period of 15 days.
4 – Repealing their leave grant.

(2) Pregnant women and nursing mothers shall only be punished by keeping in mind the provisions mentioned in clauses 1 and 2 of paragraph (1) of this article.

(3) The duration of the punishment mentioned in clauses 3 and 4 of paragraph (1) of this article regarding men and women between 18 and 25, cannot exceed half of the maximum period.
Giving Reward and Punishment:
Article 44:
(1) The heads of detention centers and prisons shall give rewards and punishments.
(2) Rewards and punishments mentioned in articles 42 and 43 of this law shall be recorded in the respective files of detainees and prisoners.

Grievances:
Article 45:
(1) Detainees and prisoners have the right to complain verbally or in writing to wardens of prisons and heads of detention centers, General Director of prisons and detention centers, complaints and legal commissions of the Wolesi Jirga, concerned attorney, Minister of Justice, and the other concerned authorities. Written complaints shall be registered in the respective office before being addressed.
(2) Complaints and petitions addressed to the attorney, courts or other Government offices, shall be sent by the prison administration within 24 hours to the concerned authorities confidentially.
(3) The authorities mentioned in paragraphs (1) and (2) of this article are required to take necessary decisions within the limits of the provisions of the law for redressing the grievances of prisoners and detainees.

Use of Force:
Article 46:
(1) The use of physical force against detainees and prisoners is not allowed unless the detainee or prisoner is escaping, resisting or attacking others or causes disorder which cannot be prevented by any other means but use of force.
(2) In case of using force, the concerned staff is required immediately report the issue to the heads of the detention center and the prison. The heads of detention center and prison must investigate the matter in order to find out the facts, and provide the report to the Director General of Central Prison Department

CONCLUSION
The Afghanistan Prisons Corp is a very important part of a legal system designed to provide all our citizens and visitors with a fair and effective system of justice. Because the taking away of individual freedom and the locking of individuals in prisons is such a harsh and difficult part of all societies, the Afghanistan people have taken great steps to insure that the system is as humane and just as possible. It is our duty as prison staff to be aware of both the spirit and the letter of the law and to follow it strictly.
To this end and to strive for meeting the charge to encourage and assist prisoners to change positively to lead a crime-free life all prison officers who have contact with inmates must always interact and communicate with prisoners with respect and in a manner that reinforces positive behavior and progressive change in their lives.
TEST

1. List the three sides of the justice triangle.

2. What does the Constitution of Afghanistan say about the human person?

3. Discuss three things that prison officers are prohibited from doing.

4. What is the main Prison Law of Afghanistan?
Answers to TEST

1. Courts, Police, Prisons

2. Article 4 of the Afghan Penal Code and Article 29, para. 3 of the Afghan constitution prohibit penal measures which are against human dignity.

3. Any of the following or others listed in the text of the lesson, Constitution or Penal Code

   1. Any kind of physical or psychologically torture of prisoners or detainees
   2. Prisons and detention center staff are not allowed to revenge prisoners or detainees or give punishment to them.
   3. To receive any unauthorized fee, gratuity, or anything of material value either directly or indirectly from prisoners/detainees or their relatives or authorized visitors;
   5. Selling things on prisoners/detainees. This provision is not applicable over the person assigned for canteen to sell goods on the prisoners/detainees.
   6. To take loans or lend money or other goods to/from prisoners/detainees;
   7. To bring any object into the facility for a prisoner/detainee or to deliver any object to any other place or individual on behalf of a prisoner or detainee, unless authorized by the responsible authorities.
   8. Divulging any kind secret information that they received during their job fulfillment about the prisoners or detainees.

4. Law on Prisons and Detention Centers.
LESSON PLAN 2 – Overview of the Prison System

Method of Instruction: Lecture, Discussion, Question and Answer

Performance Objectives:
At the conclusion of this block of instruction the student will:
1. The student will be able to describe the places of imprisonment in Afghanistan.
2. The student will be able to name the separate prisons or sections within a prison where different prisoners must be kept, separate from each other and the staff requirements.
3. The student will be able to describe the purpose of training and treatment of convicted prisoners.

References: Laws on Prisons and Detention Centers.


INTRODUCTION
Any person charged with or convicted of any criminal offence or any person ordered detained by any court or other lawful authority having the power and jurisdiction to order imprisonment may be confined in prison. Places of imprisonment are specified and classified.

Within Afghanistan, the following prisons exist:

1. Faizabad Prison – Badakhashan Province – Medium level security.
2. Badghis Central Prison – Badghis Province – Medium level security.
4. Balkh Prison – Balkh Province – Maximum and medium level security.
5. Bamyan Prison – Bamyan Province – Medium level security.
10. Lashkar Gah Prison – Helmand Province – Maximum, medium and minimum level security.
23. Western Nuristan Prison – Nuristan Province – Medium level security.
27. Bazarak Prison – Panjsher Province – Medium level security.
28. Charikar Prison – Parwan Province – Medium level security – Prison also contains a separate facility for women and their accompanying children, while juveniles are housed outside the prison.
29. Samangan Prison – Samangan Province – Medium level security.
32. Tirin Kot Prison – Uruzgan Province – Maximum and medium level security.
33. Maidan Shar Prison – Wardak Province – Medium level security.
34. Qalat Central Prison – Zabul Province – Maximum, medium and minimum level security.

CONFINEMENT AND TREATMENT OF PRISONERS:

DISCUSSION GUIDE:
Let different students read each section of the following and then ask for class comments to make sure they understand the intent. Be sure to determine if there are any students in the class who can not read. Be sure the class understands that an accused person or suspect is different than a convicted person. A suspect or accused person is to be considered innocent of any crime until a court convicts him or her.

STRUCTURE AND ORGANIZATION OF PRISONS

Regional Division of Prisons:
Article 12:

(1) A detention center and a prison shall be established in the center of each province.

(2) A detention center shall be established in the center of each district.
(3) The authority for the establishment, division and closure of prisons shall lie with the Ministry of Justice.

**The Supreme Council of Prisons:**

**Article 13:**

In order to effectively organize the activities of detention centers and prisons, lead their related affairs and coordinate the activities of the concerned ministries and offices, the Supreme Council of prisons and detention centers having the following composition shall be formed:

1. Minister of Justice as the Chairman of the Council.
2. Deputy Attorney General as the Deputy Chairman.
3. An authorized representative of the Supreme Court as a member.
4. Technical Deputy Interior Minister as a member.
5. Technical Deputy Public Health Minister as a member.
6. Technical Deputy Education Minister as a member.
7. Deputy Minister of Work and Social Affairs as a member.
8. Deputy Minister of Women’s Affairs as a member.
9. Deputy National Security Department as member.
11. Representative of the civil society (selected by the civil society) as a member.
12. The Director-General of Prisons as a secretary.

**Leading Prisons Affairs:**

**Article 14:**

The Supreme Council of prisons and detention centers shall be responsible for leading all affairs of detention centers and prisons all over the country.

**Holding Meetings:**

**Article 15:**

(1) Normally, the Supreme Council of prisons and detention centers shall hold a meeting once in 3 months. Extraordinary meetings can be held by the decision of the chairman of the council and the suggestion of one third of the council members.

(2) In the absence of the Minister of Justice, meetings of the Supreme Council shall be held under the chairmanship of the Deputy Attorney General.

**Proposal for Amendment of the Law and Enactment of a Regulation:**

**Article 16:**

(1) The Supreme Council can propose necessary amendments in this law.
(2) To better apply the provisions of this law, the Supreme Council shall propose regulations, enact and approve bills and procedures.

Central Administration:
Article 17:
(1) The General Directorate of prisons and detention centers is the central administration for the whole affairs of prisons and detention centers. This department shall supervise all prison organizations and their installations and buildings.
(2) The General Directorate of prisons and detention centers is part of the Ministry of Justice and performs its duties in line with the provisions of this law, regulation, procedures and relevant bills and in conformity with the instructions of the Supreme Council of prisons and detention centers.

Holding of Suspects, Accused and Prisoners:
Article 20:
(1) The suspected and accused (the sentence persons awaiting trial) shall be held in detention centers of districts and provinces in which their cases are under legal process.
(2) Those sentenced to imprisonment shall be held in prisons located close to their homes unless this law specified otherwise.
(3) Prisons wardens and heads of detention centers can receive persons mentioned in paragraphs (1) and (2) of this article by keeping in mind the provisions of the law and noticing official documents.
(4) If the file of an accused individual is not completed in 9 months as has been provided in article 6 of the Interim Criminal Procedure Code, administration of the prison is bound to notify relevant court or attorney in written 15 days before expiration of the abovementioned period.

If there is no reply the accused person shall be released from prison.

Change of Place of Imprisonment:
Article 21:
The period of imprisonment of a convicted person shall be spent in one prison.

If the prisoner’s family moves permanently from one place to another, the transfer of the prisoner except the provision of Article 10 of this law shall take place only by the permission of the Minister of Justice.

Supervision of the Law Application:
Article 22:
The respective attorney’s office supervises the equitable application of the law and equal treatment of the detainees and prisoners in detention centers and prisons. The administrations of detention centers and prisons are required to comply with all the
demands of the respective attorney with regard to the observance of the provisions of the laws while they are performing their duty.

GENERAL CONDITIONS OF DETENTION CENTERS AND PRISONS

Specifications of Prison Buildings:
Article 23:
(1) Detention centers and prisons shall be built in accordance with the Islamic principles and United Nations standard principles and terms.
(2) Ministry of Justice is required to adjust the existing detention centers and prisons construction with the United Nations norms and standards.

Living Conditions:
Article 24:
(1) The administrations of detention centers and prisons are required to supply proper hygienic and heating equipment to the detention centers and prisons and observe environmental sanitation.
(2) The administrations of detention centers and prisons shall provide each one of the detainees and prisoners and the children of the female detainees with a bed and bedding.
(3) The Ministry of Justice in collaboration with the Ministry of Health shall take necessary measures regarding the size of (space for) the cells, amount of light provided to the cells and ventilation of detention centers and prisons.

Food:
Article 25:
(1) Keeping in mind their age, gender, health, work, and climate, the administrations of detention centers and prisons shall provide proper and healthy food and water to the detainees and prisoners.
(2) Keeping in mind the recommendation of the Ministry of Health and in accordance with the menu approved by the Council of Ministers, the amount and quality of food shall be determined.

Sports and Physical Exercise:
Article 26
(1) Prisoners have the right to walk outdoor and open air at least for 2 hours daily.
(2) Or practice physical exercises. (Athletic exercise) The warden of the prison can reduce this duration of time to not less than one hour in exceptional circumstances. In this case, the correction officers of the prison are required to inform the concerned attorney’s office of his action.
Health Services:

Article 27:

(1) In collaboration with the Ministry of Health, the administrations of detention centers and prisons are required to provide the detainees and prisoners with free health services.

(2) If the treatment of an ailing detainee or prisoner is not possible at the health clinic of a detention center or prison, the head of the detention center or the prison can transfer the patient to a hospital outside the detention center or prison on the basis of the recommendation of the doctor-in-charge. The head of the detention center or prison shall inform the concerned attorney’s office of his action in this respect.

With coordination and assistance of chief of police, the head of the detention center or the prison is responsible to take precautionary measures to ensure security of the prisoners.

(3) In order to observe the sanitary and hygienic rules and regulations, the doctor-in-charge is required to control the daily food provided for detainees and prisoners and inspect at least twice a week their cells and other services provided for them.

(4) The prisoners and detainees who have infectious diseases or those who are dubious of having health problems are kept in special area separated from others in quarantine.

Work and Education:

Article 28:

(1) The administrations of detention centers and prisons are required to set up well equipped libraries, pave the ground for detainees’ and prisoners’ study, worship, education, vocational training, recreational and cultural activities, and provide them with the needed facilities.

Method of Attitude Toward Detainees and Prisoners

Entry to Detention Centers and Prisons:

Article 29:

Files shall be created for detainees and prisoners and the information about their background, medical checkup, legal status and any other relevant information shall be registered in their respective files.

1 – Prisons and detention centers staff are required to interview the accused and the prisoner for preliminary assessment of his personality, attitude and problems at the time of his entry to the detention center or prison.

2 – In accordance with the assessment mentioned in clause 1 of this article, the group of the accused or prisoner shall be determined and all the obtained facts shall be registered in his file.
Role of the Civil Society:
Article 30:

(1) Nongovernmental organizations and social organizations rendering social services can work inside detention centers and prisons provided their work benefits detainees and prisoners and should not be in contradiction to the Islamic rules and principles and national interests and have obtained the permission of the Ministry of Justice.

(2) The working procedure of the organizations mentioned in paragraph (1) of this article shall be determined by heads of detention centers and prisons wardens after consultation with the respective attorney’s office.

Family Contact:
Article 31:

(1) Detainees and prisoners have the right to maintain contacts with their families and relatives by meeting them in places under the control of prisons and detention centers staff, through mail and any other means that do not disrupt order.

(2) Prisons and detention centers staff can keep an eye on the visits of the persons mentioned in paragraph (1) of this article to the extent it should not ignore the Islamic Shari’aah.

(3) The heads of detention centers or prisons can control and check detainees’ and prisoners’ mail on the basis of a written permission from the concerned attorney or court.

Education and Vocational Training:
Article 32:

The prison administrations are required to open and organize educational and vocational training centers at primary and high levels in line with the educational programs approved by the Ministry of Education.

Work:
Article 33:

(1) Prison administrations can arrange for industrial handcraft workmanship and agricultural activities in their respective prisons through private companies. None working, working hours and holidays shall be fixed in accordance with the provision of the labor law.

(2) Skilled prisoners (having agricultural, art and industrial skills) are exempt from other ordinary work and shall be involved in their own fields.

(3) Prisoners and detainees have the right to be remunerated for their work. The Supreme Council of prisons and detention centers shall fix the amount of remuneration.
**Performance of Religious Rites:**
**Article 34:**
Detainees and prisoners with respect to the rights of others have the right to perform their religious rites, worship and acquire knowledge of their religion freely on the condition that they do not bother others.

**Necessary Communication in Special Circumstances:**
**Article 35:**
(1) Detainees and prisoners have the right to inform their respective relatives about their entry into or transfer from detention centers and prisons.

(2) Prisons and detention centers authorities are required to inform detainees and prisoners about the death or critical illness of their relatives immediately upon the receipt of information. Relatives in this context are: spouse, parents, siblings, grandfather, grandchild, father-in-law, and mother-in-law.

(3) Prisons and detention centers authorities are required to immediately inform about the death or serious illness of detainees and prisoners to those relatives whom are introduced by them.

**Burial:**
**Article 36:**
When a detainee or a prisoner dies, his corpse after forensic medical examination shall be handed over to his respective relatives. In case of the absence of his relatives or their refusal to receive his corpse the corpse shall be provided with a shrouding and buried by the respective prison or detention center administration and the expenses shall be borne by the administration of the respective prison or detention center.

**Home Leave:**
**Article 37:**
(1) In order to maintain good relations of prisoners with their families, to ensure law obedience of prisoners inside and outside the prison up to 20 days leave shall be granted to a prisoner by keeping the prevailing conditions in mind. The procedure of using this leave shall be determined and regulated in a separate bill.

(2) In circumstances mentioned in paragraph (2) of article 35 of this law, the concerned attorney is authorized to grant up to 7 days leave to prisoners to go home and visit their ailing relative or arrange for shrouding and burial of their dead relative by the suggestion of the head of the prison. The concerned attorney shall determine the procedure of using this leave.

(3) If a prisoner transgresses the limits of the granted leave mentioned in paragraph (2) of this article and determined by the concerned attorney, prisons authorities are authorized to nullify the leave and report the issue to the concerned attorney.

(4) The duration of the leave mentioned in paragraphs (1) and (2) of this article shall be counted to the period of his/her sentence.
Entry to Detention Centers and Prisons:
Article 38:

(1) Except prisons authorities and staff no one else can enter into the detention centers and prisons without the permission of the Ministry of Justice.

(2) The following persons can enter the detention centers and prisons without the prior permission of the Ministry of Justice:

1 – President and the Vice-President.
2 – Members of the Supreme Court mentioned in article 117 of the Constitution.
3 – Chairman and Vice-Chairman of the National Assembly (Parliament).
4 – Members of the National Assembly in their respective constituencies.
5 – Head of Government and its members.
6 – The Attorney General.
7 – Chairman of the Independent Human Rights Commission.
8 – Members of the Supreme Council of Detention Centers and Prisons.
9 – Provincial governors.
TEST

1. List at least five places of imprisonment in Afghanistan.
2. What does the law say about prisoners being able to maintain contact with their family?
3. What does Afghan law say about how long an accused person or suspect can be held and what is to happen if that period is exceeded?
4. What is the difference between a suspect, accused and a sentenced prisoner?
Answers to TEST

1. Any five of the following:
   1. Faizabad Prison – Badakhshan Province – Medium level security.
   2. Badghis Central Prison – Badghis Province – Medium level security.
   4. Balkh Prison – Balkh Province – Maximum and medium level security.
   5. Bamyan Prison – Bamyan Province – Medium level security.
  10. Lashkar Gah Prison – Helmand Province – Maximum, medium and minimum level security.
  23. Western Nuristan Prison – Nuristan Province – Medium level security.
  27. Bazarak Prison – Panjsher Province – Medium level security.
  28. Charikar Prison – Parwan Province – Medium level security – Prison also contains a separate facility for women and their accompanying children, while juveniles are housed outside the prison.
  29. Samangan Prison – Samangan Province – Medium level security.
  32. Tirin Kot Prison – Uruzgan Province – Maximum and medium level security.
  33. Maidan Shar Prison – Wardak Province – Medium level security.
Qalat Central Prison – Zabul Province – Maximum, medium and minimum level security.

2. (1) Detainees and prisoners have the right to maintain contacts with their families and relatives by meeting them in places under the control of prisons and detention centers staff, through mail and any other means that do not disrupt order.

(2) Prisons and detention centers staff can keep an eye on the visits of the persons mentioned in paragraph (1) of this article to the extent it should not ignore the Islamic Shari’aah.

(3) The heads of detention centers or prisons can control and check detainees’ and prisoners’ mail on the basis of a written permission from the concerned attorney or court.

3. If the file of an accused individual is not completed in 9 months as has been provided in article 6 of the Interim Criminal Procedure Code, administration of the prison is bound to notify relevant court or attorney in written 15 days before expiration of the abovementioned period.

If there is no reply the accused person shall be released from prison.

4. An accused person or suspect is not guilty of any crime. He or she is in prison only to make sure they will appear at the trial. A sentenced prisoner has had a trial and has been found guilty of an offense and is serving a term defined by the law and the court.
LESSON PLAN 3 – UN and International Human Rights Standards Impacting on Prisons

Method of Instruction: Lecture, Discussion, Question and Answer

Performance Objectives:
At the completion of this course, the participants will be able to write or state, without benefit of notes (unless otherwise specified), the following:
1. A list of three (3) major UN or international standards impacting on prisons and prisoners.
2. A list of ten (10) basic rights for all prisoners.
3. A description of the basic philosophy in dealing with detainee and a description of the basic philosophy in dealing with convicted persons.
4. A listing of the two (2) steps in handling situations in which a person observes the violation of a prisoners human rights.

References: Selected parts of UN and other international standards and norms. Material contained in the section of this manual dealing with UN and International Standards.

Training Aids Required: Flip Chart, Chalk Board, Overhead (if available -- if not, copies of the overhead material for each student).

INSTRUCTOR’S NOTES:
The first part of this should be read or paraphrased by the instructor

INTRODUCTION
Charged with the responsibility of making sure people who have broken the law of the Afghanistan do not escape and making sure that the punishment the courts has given to offenders is carried out is the main job of the prison. Yet the prisoner retains many basic rights. Knowing what those rights are and making sure they are not violated is directly connected to how the prison officer can and must carry out his or her assignments. The prison environment, by definition, places the inmate in the same position as a dependent child. He or she must ask the prison staff for permission to move or work or talk to people. It is the staff that determines when a prisoner will eat or sleep or even use the bathroom. That dependency makes the inmate vulnerable to potential abuse by other prisoners and staff alike.


When a suspected criminal is arrested, he is a total unknown in terms of background and security. He may be innocent or he may be a psychotic killer. His legal status is that of an innocent person under suspicion. He is not guilty of any wrongdoing until the court says he is. Thus, in theory, he should have all the rights every other citizen has. Yet we know that this is not possible in a jail or prison setting.
This training is designed to:
1. Familiarize correction officers with the basic international instruments that define what rights all prisoners have.
2. Familiarize correction officers with what basic rights all prisoners have.
3. Advise correction officers how to protect prisoner rights while doing their job in a safe and effective manner.
4. Train correction officers how to handle difficult inmates and situations without violating their basic rights and when suspension of certain rights might be appropriate.
5. Advise correction officers how to properly handle situations in which they see or know of violations of inmate basic rights by other prison staff or public officials.

Since the founding of the United Nations, more than thirty instruments have been written and adopted by the General Assembly and other UN organs, in the area of criminal justice which deal specifically with human rights.

Two basic documents cover the human rights of all people, and in both special protection is provided for persons accused of crimes. These documents are:

1. Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations in 1948. Article 5 states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Other articles state that no one shall be subjected to arbitrary arrest, detention or exile. That everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial. A heavier penalty cannot be imposed on a person than the one that was applicable at the time the penal offense was committed. The Universal Declaration lists the rights of all people, such as the rights to worship as they choose, rights of privacy in their home, equal protection under the law, freedom of opinion and expression, and many other freedoms most of us enjoy. However, the Declaration also provides for the limiting of those freedoms, but only "as determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

2. International Covenant on Civil and Political Rights adopted by the General Assembly in 1966. Again the prohibition against torture or cruel, inhumane or degrading punishment is stressed. But in this Covenant, specifices are added:
A. No one shall be subjected without his free consent to medical experimentation.

B. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence or amnesty. No one under 18 years of age, nor any pregnant women can be put to death.

C. Anyone arrested or detained on a criminal charge shall be brought promptly to a judge or other judicial authority and shall be informed, at the time of arrest, of the charges against him.

D. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

E. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

F. Accused persons, except in exceptional circumstances, shall be segregated from convicted persons and "shall be subject to separate treatment appropriate to their status as unconvicted persons.

G. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

H. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Four very important UN documents speak specifically about the protection of persons subjected to detention or imprisonment:

1. The Standard Minimum Rules for the Treatment of Offenders were originally adopted in 1957 and amended in 1973 to include persons arrested or imprisoned without charge.

Not intended to describe in detail a model system of penal institutions, they set out what is generally accepted as being good principles and good practice in the treatment of offenders and the management of institutions. The rules are divided into two parts.

Part I of the rules applies to all categories of prisoners criminal or civil, untried or convicted. They contain such basic principles as:

1. There shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which the prisoner belongs.

2. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.

3. In all places where prisoners are required to live or work,
   a. The windows will be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
   b. Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
4. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

5. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

6. Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

7. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

8. Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

9. Drinking water shall be available to every prisoner whenever he needs it.

10. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

11. All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall be placed in safe custody, an inventory made of the items and signed by the prisoner. Those items, along with anything he received from outside while incarcerated, shall be returned to him upon release.

12. Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

13. A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

14. Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

15. Every prisoner shall have an opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

16. Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

Two specific categories, under Part I of the Standard Minimum Rules for the Treatment of Prisoners deserve special attention by all prison officers:

A. Discipline and punishment

1. Discipline and order shall be maintained with firmness, but with no more restraint than is necessary for safe custody and well-ordered community life.
2. No prisoner shall be employed, in the service of the institution, in any disciplinary capacity. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purpose of treatment.

3. The following shall always be determined by law or by the regulation of the competent administrative authority:
   a. Conduct constituting a disciplinary offence;
   b. The types and duration of punishment which may be inflicted;
   c. The authority competent to impose such punishment.

4. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

5. Where necessary and practicable the prisoner shall be allowed to make his defense through an interpreter.

6. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

7. Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

8. Instruments of restraint, such as handcuffs, chains, irons and straitjackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
   a. As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
   b. On medical grounds by direction of the medical officer;
   c. By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

9. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer than is strictly necessary.

B. Institutional Personnel

1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.

2. Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.
3. After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

4. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

5. Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape on an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

6. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Part II of the Standard Minimum Rules for the Treatment of Prisoners contains rules applicable to special categories:

A. Prisoners Under Sentence:
1. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

2. The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

3. Prison labor must not be of an afflictive nature.

4. The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

B. Prisoners Under Arrest or Awaiting Trial:
1. Unconvicted prisoners are presumed innocent and shall be treated as such.

2. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which includes:
   a. Being kept separate from convicted prisoners;
   b. Shall be offered the opportunity to work, but will not be required to work. If the prisoner decides to work, he shall be paid for it.
   c. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

2. Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted in 1975.
A. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

B. No State may permit or tolerate torture or other cruel, inhumane or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

C. The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

D. Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

E. If an investigation establishes that an act of torture as defined in "A" above appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

3. Principles of Medical Ethics adopted in 1982 states that it is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and it presents no hazard to his physical or mental health.

4. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted in 1984.

A. An order from a superior officer or public authority may not be invoked as a justification of torture.

B. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

INSURING INMATE RIGHTS
INSTRUCTOR’S NOTE:

Using actual incidence from within your prison system, or a compilation of several incidence, write a series of scenarios that will provoke discussions from the students on issues directly related to taking actions in difficult situations that might test their ability to adhere to international standards.

A prison is not a democracy. Many prisoners express themselves through aggressive action. Often, when situations occur that can cause harm to a correction officer or to inmates, it happens quickly and does not allow preparation time. Therefore, in order to handle inmates during difficult situations, pre-training and practice are important keys to being able to do the job safely and without violating inmate rights.

The following are a series of examples for discussion and to provide an opportunity to think (when not under pressure) of the appropriate response. All of the examples and case histories come from either actual incidents or are a compilation of actual incidents. Remember, the time to think about how you plan to handle dangerous situations is before the situation occurs. Thus, each officer should spend time alone and in conversation with others creating, in his mind, possible situations that can occur and then working out a proper solution. Also, the more an officer practices other basic skills taught in both basic and on-going training, the less likely he is to be faced with a situation he is not prepared to handle. When prison security and discipline is handled properly in a consistent and proper manner, few situations arise which places the officer in a position where the violating of an inmates rights might occur due to circumstances or panic. Thus, the best human rights training is comprised of knowing what rights prisoners have and being well trained in basic prison skills.
1. Name three United Nations Documents that impact on the rights of confined individuals.

2. A basic principle of working with convicted and sentenced offenders prohibits:
   A. Punishing prisoners for violating prison rules
   B. Punishing prisoners for supporting the political opposition
   C. Punishing prisoners for verbally abusing officers
   D. All of the above

3. List ten (10) rights all prisoners have.
   Bonus List an additional five (5) rights all prisoners have.

4. What is the basic philosophy in how you should treat pre-trial detainees?

5. Describe the process you should follow when you see a senior officer abusing a prisoner's human rights.

6. Define "torture."

7. List three times when it is permissible for an officer use force against a prisoner.

8. When can corporal punishment be used to discipline an inmate?

9. Under what circumstances can a prisoner be placed in a dark cell for discipline?

10. Discuss the major differences between Afghanistan Prison Law and the UN and international standards and norms impacting on Prisons in Afghanistan.
Answers to TEST

1. Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; The Standard Minimum Rules for the Treatment of Offenders. NOTE: The student may list other UN or human rights standards covered in the lesson. However, the student should always include The Standard Minimum Rules in his list as that is the most comprehensive of the international documents impacting on Prisons.

2. B

3. Any 10 (or 15 for bonus points of the following):
   1. Not to be discriminated against due to his/her race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
   2. The right to his/her religious beliefs and moral precepts.
   3. Be kept separate from other prisoners based on differences in sex, juvenile status, and convicted vs non-convicted status.
   4. Have sufficient light to read and work by.
   5. Have access to fresh air.
   6. Have constant access to clean and decent sanitary facilities to be able to comply with the needs of nature.
   7. Have access to shower or bathing facilities as frequently as necessary to maintain general hygiene, but no less than once a week.
   8. Wear his own or prison furnished clothing sufficient for maintenance of good health and that is neither humiliating or degrading.
   9. Be provided with food, served at normal hours, which is of nutritional value adequate for health and of wholesome quality and well prepared and served.
   10. Have drinking water available whenever it is needed.
   11. Be given at least 1 hour of exercise daily.
   12. Have his/her personal property returned upon release.
   13. Have friends or relatives informed of any movement to another institution, serious injury or illness or upon his/her death.
   14. Be informed, at once, of the death or serious illness of any near relative.
   15. To be able, at once, to inform relatives of his or her incarceration or transfer to another institution.
   16. To have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.
   17. To be allowed to make a request or complaint, using the proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

4. Unconvicted prisoners are presumed innocent and shall be treated as such.
5. First the offending staff member should be told to stop and informed that it is a violation of the person's basic human rights. Second, a report should be turned in to the offending officers superior.

6. "Torture" is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons.

7. 1. To protect another officer or prisoner or person.
    2. To prevent an escape.
    3. In self defense.

8. Never.


10. There is no basic differences or disagreements between the rights guaranteed by Afghanistan law and those recommended by UN or other international standards and norms impacting on Prisons.
Human Rights Instruments Related to LESSON PLAN 3

Universal Declaration of Human Rights, 1948
Article 3
Everyone has the right to life, liberty and security of person
Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

International Covenant on Civil and Political Rights
Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49
Article 7
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
Article 10
All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Basic Principles for the Treatment of Prisoners
Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990
5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

Convention for the Protection of Human Rights and Fundamental Freedoms
as amended by Protocol No. 11. Rome, 4.XI.1950

Article 1 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political
or other opinion, national or social origin, association with a national minority, property, birth or other status.

Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules

Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies

The basic principles
1. The deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity and are in conformity with these rules.

2. The rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, economic or other status. The religious beliefs and moral precepts of the group to which a prisoner belongs shall be respected.

3. The purposes of the treatment of persons in custody shall be such as to sustain their health and self-respect and, so far as the length of sentence permits, to develop their sense of responsibility and encourage those attitudes and skills that will assist them to return to society with the best chance of leading law-abiding and self-supporting lives after their release.

52. Prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties.

African Charter on Human and Peoples' Rights

Adapted by the eighteenth Assembly of Heads of State and Government, June 1981 – Nairobi, Kenya.

Article 2
Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status

Article 3
1. Every individual shall be equal before the law
   • Every individual shall be entitled to equal protection of the law

Article 5
Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6
Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Kampala Declaration on Prison conditions in Africa. September, 1996.
1. That the human rights of prisoners should be safeguarded at all times and that non-governmental agencies should have a special role in this respect,
2. That prisoners should retain all rights which are not expressly taken away by the fact of their detention,
3. That prisoners should have living conditions which are compatible with human dignity,
4. That conditions in which prisoners are held and the prison regulations should not aggravate the suffering already caused by the loss of liberty,
5. That the detrimental effects of imprisonment should be minimized so that prisoners do not lose their self-respect and sense of personal responsibility,
6. That prisoners should be given the opportunity to maintain and develop links with their families and the outside world,
7. That prisoners should be given access to education and skills training in order to make it easier for them to reintegrate into society after their release,
8. That special attention should be paid to vulnerable prisoners and that non-governmental organizations should be supported in their work with these prisoners.

American Convention on Human Rights
Adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969
Article 5. Right to Humane Treatment
1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.
3. Punishment shall not be extended to any person other than the criminal.
6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social re-adaptation of the prisoners.
LESSON PLAN 4 – Prison Policies and Procedures

Prison Policies and Procedures

Method of Instruction: Discussion, Lecture, Question and Answer

Performance Objectives: At the conclusion of this block of instruction the student will:

1. Be able to describe the differences in the handling of detainees and of sentenced prisoners.
2. Be able to list 10 of the prison procedures outlined in the law.
3. Be able to describe, in detail, the system of privileges used in Afghanistan Prisons.
4. Be able to describe, in detail, the visiting and letter writing rights and procedures for the prisoners.
5. Be able to describe, in detail, the basic food, clothing and other material prescribed by law for the prisoner.

References: Prison and Detention Center’s Regulation for Management of Affairs

Training Aides Required: Flip Chart, Blackboard, copy of the Prisons and Detention Center’s Regulations for Management of Affairs -- found in the appendix of the Prison Training Manual.

INSTRUCTOR’S NOTES:

The instructor should separate five students and place them with a senior prison officer to act as “reactors.” Then the instructor should have students alternate reading different paragraphs and have the remaining students follow along. Before selecting the students who will do the reading, be sure to inform them in advance and make sure they all have the ability to read the material.

The group selected as reactors will be asked to indicate, after consultation among themselves and with the senior prison official working with them, if any of the policies or procedures are contrary or in agreement with the sacred religion of Islam, the Afghan Constitution or existing international standards and norms. They should react after each section is covered.

INTRODUCTION

A prison operates strictly according to the law and on established and approved procedure. If, for any reason, procedures are not followed, that represents a violation of the law and the offending officer can be punished. More important, procedures that are not followed, place the life of prisoners, staff and the public in danger. When officers are told, by senior staff, not to follow procedures, they are being told to disobey the law. Realizing that unless the procedure violates or threatens the health, safety or human rights of prisoners, the orders must be followed, then it is the officers obligation to report the deviation of procedure to higher prison authorities.
The procedures and policy of the Afghanistan Prison system come from the Afghanistan Constitution, Laws on Prisons and Detention Centers and the Prisons and Detention Center’s Regulation for Management of Affairs:

PRISONERS LIFE AND PRISON ADMINISTRATION

DISCUSSION GUIDE:
Then the instructor should have students alternate reading different paragraphs and have the remaining students follow along. Before selecting the students who will do the reading, be sure to inform them in advance and make sure they all have the ability to read the material.

INSTRUCTOR’S NOTES:
Unless otherwise specified, the Articles mentioned come from the Prison and Detention Center’s Regulations for Management of Affairs. Not all the prison rules are covered in this lesson. Students will be expected to read and be familiar with all the rules, but those covered here are the ones that most directly impact on the daily work of the officers.

Article 20 of the Law of Prisons and Detention Centers and criminal procedure code:
(1) The suspected and accused (the sentence Persons awaiting trial (the accused) shall be held in detention centers of districts and provinces in which their cases are under legal process.
(2) Those sentenced to imprisonment shall be held in prisons located close to their homes unless this law specified otherwise.
(3) Prisons wardens and heads of detention centers can receive persons mentioned in paragraphs (1) and (2) of this article by keeping in mind the provisions of the law and noticing official documents.

INSTRUCTOR’S NOTES:
Point out to the students that untried prisoners are only being held for legal action. They are not guilty of any crime until the court finds them guilty. Thus, they are to be treated as innocent persons, subject to the necessary procedures of safety, security, hygiene and necessary institutional discipline.

Article 4:
Holding accused and convicted
Accused and convicted whose cases are under the research or investigation of the courts in the detention centers and the convicted whose final and last decision of courts has been made will be kept in the central and provincial prisons.

Article 5:
Procedures of holding
5. Female prisoners and detainees shall be held in separate prisons and detention centers from male prisoners and detainees.

6. Female prisoners will be kept by female police and male prisoners will be kept by male police. Entry of male police is not allowed to the female prison and detention centers. Entry for preventing incidents or by the permission of the prison or detention center director is exception.

7. Detention of the accused and suspects that have not turned 18 shall not be detained in a prison or detention centers.

8. Prisoners and detainees affected by contagious or acute psychological diseases or addicted with narcotics substances should be kept separately from all other prisoners and detainees.

Article 6:
Acceptance
The Prison and detention center administration shall at the time of reception of prisoners and detainees observe the following:

1. Ensure sound issued ruling regarding detain or court decision based on imprisonment.

2. Ensure the physical well being, mental health and safety of prisoners and detainees.

3. Accurate searching the prisoners and detainees.

4. Providing communication opportunities for the prisoners and detainees with their families.

2. Documents, money and equipments related to the prisoners or detainees after search should be listed and taking care of the specifications in the presence and should be registered to the records book. Extra equipments will be given to the relatives and in the absence of the relatives the equipments will be kept in the safe area until restoring back to the prisoners or detainees.

3. The money which has been taken from the prisoners or detainees during reception or after they were receiving money through the legal way. Can be kept in the bank if bank is not available the money will be kept in the finance directorate of the related prison or detention centers the prisoner or detainee will be given a receipt.

4. Prisoner or detainee can use the money written in the item (3) of this article for resolving their necessities according to the conditions set up by the prison or detention center administration.

Article 7:
Registration of Documents

The prison or detention center administration is responsible, at the time of the reception of prisoners or detainees for registration the following items, considering their documents in a special registration book and should be kept in the related files:

1. Source of decree issuance or decision and its date.

2. Arrest date.
3. Reception date
4. Duration of imprisonment or detain
5. End date of imprisonment or detain
6. Kind of related crime

Article 8:
**Acceptance Committee**

1. To determine the physical, mental health and psychological condition of Prisoners and detainees at the time of their reception in prisons/detention centers, a committee consisting the following staff will be made:

   1. On duty Medical Doctor
   2. Psychologist
   3. Legal expert
   4. A prison/detention center officer selected by the related commander.

II. A committee shown in item (1) of this article is responsible at time of prisoners and detainees reception to observe the rules written in article (6 and 7) of this regulation.

Article 9:
**File management**

I. The prison and detention center administration are responsible for creation of, individual files for prisoners and detainees and the files shall include the following information:

   1. Name and surname
   2. Father’s name
   3. Grand father’s name
   4. Date of birth
   5. Place of birth and Current place of residence
   6. Sex and marital status
   7. Educational grade
   8. Occupation
   9. Date and Location of crime
   10. Date and place of arrest
   11. Offence committed
   12. Length of time in custody or in Detention
   13. Duration of the sentence
   14. Criminal history
   15. Name of the defense attorney
   16. Security classification of prisoner/detainee from the point of control (medium and maximum)
   17. Interest in rehabilitation programs (ability, needs and participation of prisoner or detainee in educational or vocational training programs)
   18. Health information and medical needs
19. Relatives’ addresses, phone number or the phone number of the person in touch with prisoner or detainee
20. Photograph of prisoner or detainee
21. Number of children accompanying prisoner or detainee

II. According to the phrase (1) of this article the detainee/prisoner shall be given an exact copy (written or photo) of the charging or sentencing document by the prison or detention center administration.

III. The Prison or detention center administration shall assign a security classification of maximum, medium and minimum to each prisoner and detainee and give reasons, in writing, for assigning a particular security classification or for changing that classification. The Prison Commander shall send the assigned security classification to the Central Prison Department for approval and notify to the prisoner or detainee and to the competent prosecutor of the decision.

Article 10:
Classification Commission
I. To classify prisoners and detainees in view of their characteristics mentioned in paragraph (2) of this article, a commission with the following composition shall be formed in prisons and detention centers of the center and provinces:
   1. One of the Officers from the Prison/detention centers by the selection of their related commanders as a chairman
   2. A doctor as a member
   3. Responsible of training and education as a member
   4. A psychologist as a member
   5. A prosecutor who is assigned for observing penitentiaries

II. To keep prisoners and detainees the Commission shall classify prisoners and detainees considering the following characteristics:
   1. Age;
   2. Criminal history
   3. Offense committed
   4. Duration of the sentence
   5. Drug addiction
   6. Health condition
   7. Nationality
   8. Personality and social status
   9. Characters, behaviors and common feeling

III. The commission shall consider paragraph (2) of this article while classifying the prisoners and detainees from security point of view based on the prisoners and detainees’ behavior during their imprisonment or detention and the needed control and observation (maximum security, medium security and minimum security).
IV. If a prisoner or detainee is not satisfied with the assigned security classification that based on paragraph (2, 3) of this article, they may submit a written complaint to the CPD’s administration. The CPD’s administration shall study and consider their complaint and shall take the needed decision in one week and that time will not exceed more than one week.

**Article 12:**

**Searching**

(1). The authorities of prisons and detention centers shall search prisoners and detainees in the following circumstances:

1. Upon reception or entry into a prison/detention center
2. Before and after visit
3. After having completed work activities or educational and vocational training, or participated in sports or physical exercises
4. In other circumstances when a prisoner or a detainee exits from the prison or detention center facility.

(2). in other cases body search of prisoner/detainee should be conducted based on the reasons some thing is hidden of unauthorized items. All searches shall be conducted by an officer of the same sex and without the presence of anyone of the opposite sex.

(3). Prisons and detention centers staff shall prepare a written report to the Prison authorities whenever unauthorized items are found and everybody shall carry out their responsibilities according to the law.

**Article 13:**

**Prohibited Acts of the staff**

Prisons and detention centers staff are prohibited from doing the following:

9. Any kind of physical or psychologically torture of prisoners or detainees
10. Prisons and detention center staff are not allowed to revenge prisoners or detainees or give punishment to them.
11. To receive any unauthorized fee, gratuity, or anything of material value either directly or indirectly from prisoners/detainees or their relatives or authorized visitors;
13. Selling things on prisoners/detainees. This provision is not applicable over the person assigned for canteen to sell goods on the prisoners/detainees.
14. To take loans or lend money or other goods to/from prisoners/detainees;
15. To bring any object into the facility for a prisoner/detainee or to deliver any object to any other place or individual on behalf of a prisoner or detainee, unless authorized by the responsible authorities.
16. Divulging any kind secret information that they received during their job fulfillment about the prisoners or detainees.
INSTRUCTOR’S NOTES:
This is a good place to point out to the students that though all of this might seem like a lot of detail, it is very important for them to know. Even the very new officer will be regarded by most of the prisoners as an “expert” in the system. The officer is the closest and most logical person for a prisoner to ask why someone gets a privilege denied to him or her. The officer must know the details of classification in order to better do his or her job. On the other side, what the officer does not understand can hurt him or her. They, especially as new officers, will be tested by the inmates.

Article 14:
Food

1. Food shall be provided and served to prisoners and detainees three times a day by the prison and detention center administrations in accordance with the relevant bill.

2. The norm of food mentioned in paragraph 1 of this article shall be determined by taking into consideration the quantity and quality standard of the food by the Supreme Council of Prisons and shall be applicable after the approval of the Cabinet;

3. The quality and quantity of food served to the prisoners and detainees shall be checked by the concerned medical personnel;

4. The prison and detention center administrations shall to the extent possible pave the ground for prisoners and detainees to eat their food in dining halls.

5. During the month of Ramadhan, food for prisoners and detainees shall be prepared in better quantity and quality and be distributed at the Islamically fixed times;

6. Food for pregnant women, suckling mothers and babies and the sick shall be prepared in accordance with the advice of the concerned doctor.

Article 15:
Accommodation

1. Prisoners’ and detainees’ cells shall as much as possible meet the following requirements:

   1. Allocation of tow square meter space for each prisoners or detainees with out bed space;

   2. Windows shall be large enough to allow sufficient natural light and ventilation to enter into cells;

   3. Artificial lights shall be provided in all cells, halls and common areas to provide sufficient lighting;
4 Heating and cooling systems shall be installed in each prison and detention center’s cell by keeping in mind seasons of the year and in accordance with the specific norms;

5 Cells in each prison and detention center shall be equipped with beds, bed sheets, blankets, mattresses, pillows and necessary equipment and utensils;

6 All sanitary and hygienic requirements shall be met.

II Prisoners and detainees shall by taking turns contribute to maintain their respective cells and toilets clean on daily basis. For this purpose, prisons and detention centers Police shall provide necessary tools to the prisoners and detainees. Prisoners they are sick, invalids, pregnant women and sucking mothers are an exception from this order.

III Kitchen, library and internal courtyards of prisons or detention centers shall be cleaned by prisoners and detainees who do not require strict control and are assigned by the Prison Governor on rotational basis.

IV A kindergarten shall be established with the cooperation of the ministries of work and social affairs and Martyrs and invalids in each prison and detention centre for children aged 2-7, imprisoned and detained. Seven years old children can only stay with their parents during the night. The prison administration shall keep in kindergarten children of over 7 years of age whose mothers and fathers are in prison and have no other guardian.

V In accordance with the provision of paragraph 3 of Article 27 of the Law of Prisons and Detention Centers, prisoners’ and detainees’ cells shall be regularly checked by the concerned medical officer and if need shall be decontaminated for the purpose of observing hygiene.

VI Prison administration will be providing for cleanliness of prisoners and detainees regularly programs for getting bath, hair cut and Laundry.

**Article 16:**

**Performance of Religious Rites**

I The prison and detention center administrations shall take the following measures with the cooperation of the Ministry of Pilgrimage to ensure that religious classes are held, mandatory and obligatory rites are performed in a better way and preaching is done:

1 Hiring of religious scholars;
2 Performance of five times prayers in one or several different congregations;

II A prisoner or detainee belonging to a religion other than Islam shall have a book of his religion for studying.
Article 17:
Health Services

1. In each prison and detention center in the center and provinces, the Ministry of Justice, in cooperation with the Ministry of Public Health, shall establish regularly functioning health facilities for treatment of the sick prisoner/detainees.

2. Medical doctors of prisons and detention centers shall examine at least once a month all prisoners/detainees in addition to ill prisoners/detainees.

3. The Administration of Prison/detention is responsible for establishing health services in such a situation to give medical treatment to all prisoners/detainees in the facility.

4. The prisoner or detainee infected with a communicable disease shall be treated as deemed necessary by the concerned doctor.

5. In case a prisoner or detainee who has contracted a contagious disease cannot be provided with the necessary health care in the health facility of a prison or detention center, he may be transferred for treatment to another appropriate external medical facility in accordance with paragraph (2) of Article 27 of the law of Prisons and Detention Centers.

6. If the concerned medical doctor certifies that the patient has fully recovered, he can be returned to the prison or detention center.

7. If prisoner/detainee injures himself/herself the medical expenses would be charged on him/her. The medical expenses would be charged on him after reading via psychologist his mental checkup result by and prison/detention center director.

8. If a medical doctor diagnoses that the health condition of an ailing prisoner or detainee is critical and is being threatened by death, the prison or detention center administration shall inform his relatives of his condition.

INSTRUCTOR’S NOTES:
Point out that even though this and some other rules relate to the duties or responsibilities of the Director or the medical officer, that all officers must know the basics of the procedures to be able to insure that they help gather the correct information, can testify if called upon on relevant facts and answer questions of inmates in their charge.

Article 19:
Sports and Physical Exercises

The prison and detention center administration shall pave the ground in outdoor area for practicing sports and conduct physical education activities for prisoners and detainees according to their own interest and skills. And a timetable would be prepared for recreation...
and exercise, if this right is being limited because of security issues the prison/detention center administration has to inform the related prosecutor. Physical education affairs shall be regulated by separate TOR.

Article 20: Educational and Vocational Training

In order to employment, will strengthening and to develop the talent of prisoners and detainees in prisons and detention centers, vocational and literacy training courses can be established in collaboration with The Ministry of Liberal and Social Affairs, Martyrs and Disables, Ministry of Education and other government, nongovernmental and nonprofit organizations. The relevant affairs will be arranged according to the view of conditions in separate TOR.

Article 21: Educational and Training Programs

The prison and detention center directorate will arrange educational and training programs in separate TOR in order to perceive the social damage which caused by committed crimes, strengthen the responsibility sense, social disciplinary, humanitarian responsibilities, respect the individuals and the culture by prisoners and detainees.

Article 22: Establishment of Libraries

1. The prison and detention center administrations shall establish libraries and furnish them with a sufficient number of novels, magazines, periodicals, scientific, religious, professional and vocational books with the cooperation of the government agencies and NGOs by taking into consideration the number of prisoners and detainees.

2. Prisoners and detainees can study in the libraries at the specific hours and in accordance with the rule of the libraries and permission of their concerned authorities may borrow books.

3. Prisoners and detainees may subscribe in magazines, periodicals and newspapers.

Article 23: Encouragement

Prisoners and detainees whom have active role in educational and training affairs, at the time of recognizing their behavior shall be encouraged by prison and detention center administration and according to the provisions of present regulation, shall be provided by excess facilities.
Article 24:

Employment

1. The prison administration shall arrange with the consideration of possibilities for industrial, agricultural or professional activities by prisoners;

2. The prison administration shall employ the prisoners whom have profession in vocational training, educational, medical and other professions.

3. The wage or salary of prisoner/detainee who is employing by prison or detention center administration shall be equal to the 60% of wage or salary which is being paid for the equal professions in governmental organizations.

4. Further affairs relating to the employment of prisoners mentioned in paragraphs (1 and 2) of this article shall be regulated in a separate bill

5. The prison or detention center administration shall arrange for skilled handicraft worker in their cells, on condition that don't cause bothering other prisoner and detainees.

6. Prisoners and detainees shall not employ other prisoners or detainees and shall not profit from the labor of others.

Article 27:

Leaves

1. To ensure that prisoners maintain relations with their families and relatives, leaves mentioned in Article (37) of Prison and Detention Center Law may be granted to prisoners by taking into consideration the type of their offence, degree of punishment, behavior and their control and supervision by the local police during their leave period;

2. Leaves mentioned in paragraph (1) of this article can be granted when a reliable pledge is submitted and states the return of inmate after his/her leave is finished.

3. Prisoners sentenced from 1 to 5 years in prison, can benefit from leaves mention in paragraph (1) of this article once a year if they have served half of their sentence and their behavior has been assessed as positive.

4. The following categories of prisoners cannot benefit from leaves mentioned in paragraph (1) of this article:
   a. Prisoners convicted of crimes against internal and external security;
   b. Foreigner prisoners.
   c. Criminals who have committed repeated serious crimes

5. Leaves shall be granted after getting approval from head of CPD.
6. The prison administration has to send the list of eligible prisoners to CPD 2 months in advance.

7. It is not permissible to grant leave to prisoners when the security situation is not conducive or when it is not possible to control and supervise prisoners.

**Article 28:**

**Visits**

1. Prisoners and detainees shall have the right to be visited by family members and relatives at least (1 to 3) times per month in accordance with the provision of Article 31 of Prisons and Detention Centers Law.

2. Prisoners and detainees may have the right to be visited only by family members and relatives whose list is included in his personal file.

3. Visits with prisoners and detainees shall occur in designated areas or rooms under the supervision of the prison or detention center authorities. Visits in health centers will be also related to this provision.

4. Each visit shall last at least one hour. If the visitor has come from a remote place, the prison or detention center Commander can authorize the extension of the duration of the visit for one more hour. Remote place in this case means 30 km.

5. The prison and detention center administration shall register in the visitors’ Register book the name of each visitor, name of the prisoner or detainee, date of the visit, time of entry and exit of the visitor from the prison or detention center.

6. The prison or detention center administration shall facilitate without any restriction the private visit of a prisoner’s or detainee’s defense attorney.

7. A male prisoner cannot visit a female prisoner unless they are married or if she is a relative of his who he cannot marry according to the Islamic Shari’aa’a.

**Article 29:**

**Correspondence**

1. Prisoners and detainees shall have the right to send and to receive letters in accordance with the provision of Article 31 of Prisons and Detention Centers Law.

2. Prisoners and detainees who do not have sufficient funds to buy stationary, such as pens, paper, envelopes, and stamps, may request and receive necessary materials from the Prison Administration free of charge.

3. Prison and detention centers administration can open and check the contents of the envelopes of the prisoners and detainees to their relatives or from the relatives to the prisoners or detainees, in case there was doubt some thing unauthorized items are included, but not allowed to read the letters.
4. Prison and detention center administration can restrain the letters in case there was doubt, that the contents of the letter will cause committing crime or deranging legal performances and should be sent to the justice and judicial authorities and will notify to the prisoner or detainee about their letters restraints.

Reward:
Article 42 of the Law on Prisons and Detention Centers:
(1) Detainees and prisoners, who respect the prisons and detention centers order and discipline and behave well, shall be encouraged by being awarded by the concerned authorities of prisons and detention centers.

(2) Types of rewards and awarding conditions shall be determined in a separate bill.

Punishment:
Article 43 of the Law on Prisons and Detention Centers:
(1) Detainees and prisoners, who do not observe order and discipline, shall be punished by prisons and detention centers authorities as follows:
   1 – Warning in private.
   2 – Warning in public.
   3 – Depriving them of work and other common activities for a maximum period of 15 days.
   4 – Repealing their leave grant.

(2) Pregnant women and nursing mothers shall only be punished by keeping in mind the provisions mentioned in clauses 1 and 2 of paragraph (1) of this article.

(3) The duration of the punishment mentioned in clauses 3 and 4 of paragraph (1) of this article regarding men and women between 18 and 25, cannot exceed half of the maximum period.

Giving Reward and Punishment:
Article 44 of the Law on Prisons and Detention Centers:
(1) The heads of detention centers and prisons shall give rewards and punishments.

(2) Rewards and punishments mentioned in articles 42 and 43 of this law shall be recorded in the respective files of detainees and prisoners.

Article 30:
Transfer of prisoner and detainee:
1. In accordance with the provisions of Article 47 and 48 of the Law of Prisons and Detention Centers, prisoners and detainees shall be escorted by armed prisons and detention centers Police during the transfer. The number of prisons and detention
centers Police shall be decided by the prison Commander based on the dangerousness of the prisoner or detainee to be transferred;

2. Transfer of prisoner or detainee from one place to another for the reasons of security and prevention of escape, prisoner or detainee will be restrained according to the condition.

3. Prisons and detention centers Police shall search a prisoner or detainee prior to and at the end of each transfer for the purpose of unauthorized items and will be checked by the concerned medical officer.

4. During transfer from one prison or detention center to another prison or detention center, prisoners and detainees shall be allowed to take their money and personal belongings, with the maximum weight of (30kg).

5. During transfer of prisoner or detainee consideration of the following items are necessary:
   a. Copy of the order of transfer in accordance with the provisions of Articles 21 and 47 of the Law of Prisons and Detention Centers;
   b. Sufficient food and drinkable water for each prisoner and detainee;
   c. Prisoner’s or detainee’s personal file;
   d. Medical certificate authorizing the transfer;
   e. List of prisoners’ or detainees’ personal belongings transferred and of those to be transferred at a later stage.

6. The following individuals should not, under normal circumstances, be part of a collective transfer:
   a. Pregnant women or women with children;
   b. Prisoners or detainees under medical treatment;
   c. Dangerous prisoners and detainees requiring strict control and observation.

7. The prison and detention center administrations shall execute the decision of the competent court on the transfer of a prisoner or a detainee for the purpose of criminal proceedings.

8. Whenever district prison or detention center administration understand that keeping prisoner or detainee are not proper in their related facility, they should inform the issue to the provincial prison or detention center administration, provincial prison or detention center administration will made a decision regarding the issue of transfer of prisoner or detainee after the direction of the Minister of justice.

9. Whenever provincial prison or detention center administration understand that keeping prisoner or detainee are not proper in their related facility, they should inform the issue to the central prisons and detention centers administration, Central prisons and detention centers administration will made a decision regarding the issue of transfer of prisoner or detainee after the direction of the Minister of justice.

10. In accordance with the provision of paragraph (2) of Articles 20 and 21 of the Law of Prisons and Detention Centers, a prisoner or his relatives may directly submit a request for transfer of a prisoner/detainee to the Minister of Justice or the Commander of the prison where he is held. The Commander shall forward the request with necessary comments about the prisoner to the Ministry of Justice for making the required decision.
Article 31:
Release of a prisoner:

1. The prison Commander shall notify the relevant prosecutor 30 days before the expiry of the term of imprisonment of a prisoner and should be inform to the relevant prosecutor and the relevant prosecutor shall send a certificate of release of the prisoner to the Commander of the relevant prison prior to release. If there is no reply the issue should be informs to the Minister of justice with mentioning the reasons, in this case the Minister of justice will have his measurements according to the provisions of the law and the prisoner shall be released.

2. The release of a prisoner shall be executed on the date indicated on the certificate and before noon if possible.

3. Prison administration is responsible before release of prisoner to record Order or certificate of release in the relevant registry, and will inform to the police of his/her resident area and also if possible will notify to their relatives.

4. Prisoner during release will have the following rights:
   a. A certificate of attendance for having participated in any approved programs, to include educational or vocational training courses or economic activities;
   b. A certificate of good behavior and treatment
   c. Sufficient clothing and financial assistance to the indigent if possible
   d. Return of money and personal belongings kept by the prison administration
   e. In case of absence of a(Islamic) legal confident person, released female prisoner or detainee should be sent and introduced officially to the Ministry of women’s affaires for the reason of living in proper place.

Reward:
Article 42 of the Law on Prisons and Detention Centers:

(1) Detainees and prisoners, who respect the prisons and detention centers order and discipline and behave well, shall be encouraged by being awarded by the concerned authorities of prisons and detention centers.

(2) Types of rewards and awarding conditions shall be determined in a separate bill.
Punishment:
Article 43 of the Law on Prisons and Detention Centers:

(1) Detainees and prisoners, who do not observe order and discipline, shall be punished by prisons and detention centers authorities as follows:

1 – Warning in private.

2 – Warning in public.

3 – Depriving them of work and other common activities for a maximum period of 15 days.

4 – Repealing their leave grant.

(2) Pregnant women and nursing mothers shall only be punished by keeping in mind the provisions mentioned in clauses 1 and 2 of paragraph (1) of this article.

(3) The duration of the punishment mentioned in clauses 3 and 4 of paragraph (1) of this article regarding men and women between 18 and 25, cannot exceed half of the maximum period.

Giving Reward and Punishment:
Article 44 of the Law on Prisons and Detention Centers:

(1) The heads of detention centers and prisons shall give rewards and punishments.

(2) Rewards and punishments mentioned in articles 42 and 43 of this law shall be recorded in the respective files of detainees and prisoners.

Article 32:
Release of a detainee

The detention center administration will release the detainee in the following conditions:

1. In the circumstances mentioned in Article 20 of the Law of Prisons and Detention Centers and criminal procedure code.

2. In circumstances written information based on a quittance or dispensing with criminal case from the prosecutor office.

Article 20 of the Law of Prisons and Detention Centers and criminal procedure code:

(4) If the file of an accused individual is not completed in 9 months as has been provided in article 6 of the Interim Criminal Procedure Code, administration of the prison is bound to notify relevant court or attorney in written 15 days before expiration of the abovementioned period.

If there is no reply the accused person shall be released from prison.

CONCLUSION
As the extensive material in this lesson has indicated, the procedures concerning the care and treatment of prisoners is extensive and specific. Other
lessons will provide even more procedures, such as the use of force. Each of these procedures is necessary for the prison staff to know and to follow. The penalties for not following the proper procedures, even if told to do so by a superior officer, are severe. If the nation is to operate prisons which provide appropriate justice, those who work in them must set an example of fair and appropriate behavior.
TEST

1. Name the document that contains the Prison Regulations under which the Afghanistan prison system works.

2. List 5 of subjects covered by the prison regulations outlined in the law.

3. Describe the visiting and letter writing rights and procedures for the prisoners.

4. Describe the rewards and punishments for prisoners.
Answers to TEST

1. Prisons and Detention Center’s Regulation for Management of Affairs

2. Any 5 of the items covered in the regulations, such as: Letters and Visits; Food, Work, Medical treatment, Leaves.

3. Inmates are entitled to correspond with members of their immediate family (Spouse, children, parents, brothers and sisters). The inmate has an unrestricted right to correspond with organizations that can help him protect his rights and lawful interests. The inmates are entitled to a visit, at least once a month, from their immediate family. Visits are made in a designated area, under the supervision of guards.

Detainees and prisoners, who do not observe order and discipline, shall be punished by prisons and detention centers authorities as follows:

1 – Warning in private.

2 – Warning in public.

3 – Depriving them of work and other common activities for a maximum period of 15 days.

4 – Repealing their leave grant.

Pregnant women and nursing mothers shall only be punished by keeping in mind the provisions mentioned in clauses 1 and 2 of paragraph (1) of this article.

The duration of the punishment mentioned in clauses 3 and 4 of paragraph (1) of this article regarding men and women between 18 and 25, cannot exceed half of the maximum period.
Human Rights Instruments Related to LESSON PLAN 4

International Covenant on Civil and Political Rights
Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49

Article 7
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 10
1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Article 17
1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Standard Minimum Rules for the Treatment of Prisoners

Separation of categories
8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,
   (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
   (b) Untried prisoners shall be kept separate from convicted prisoners;
   (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
   (d) Young prisoners shall be kept separate from adults.

Accommodation
9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
   (2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.
10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

Clothing and bedding
17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

Food
20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport
21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

Contact with the outside world
37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Religion
42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Register
7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:
(a) Information concerning his identity;
(b) The reasons for his commitment and the authority therefor;
(c) The day and hour of his admission and release.
(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.
Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

**Code of Conduct for Law Enforcement Officials**

Adopted by General Assembly resolution 34/169 of 17 December 1979

**Article 1**

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

**Article 2**

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

**Article 4**

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

**Article 5**

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

**Article 8**

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.
Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
Adopted by General Assembly resolution 43/173 of 9 December 1988

Principle 2
Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 5
1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.
2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 16
Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

Principle 23
1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.
2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules
Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies

Reception and registration
7. 1. No person shall be received in an institution without a valid commitment order.
2. The essential details of the commitment and reception shall immediately be recorded.
8. In every place where persons are imprisoned a complete and secure record of the following information shall be kept concerning each prisoner received:
   a. information concerning the identity of the prisoner;
   b. the reasons for commitment and the authority therefor;
   c. the day and hour of admission and release.
Accommodation
14. 1. Prisoners shall normally be lodged during the night in individual cells except in cases where it is considered that there are advantages in Shari’ang accommodation with other prisoners.
2. Where accommodation is shared it shall be occupied by prisoners suitable to associate with others in those conditions. There shall be supervision by night, in keeping with the nature of the institution.
15. The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting, heating and ventilation.

Clothing and bedding
22. 1. Prisoners who are not allowed to wear their own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep them in good health. Such clothing shall in no manner be degrading or humiliating.
2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
3. Whenever prisoners obtain permission to go outside the institution they shall be allowed to wear their own clothing or other inconspicuous clothing.
24. Every prisoner shall be provided with a separate bed and separate and appropriate bedding which shall be kept in good order and changed often enough to ensure its cleanliness.

Food
25. 1. In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and so far as possible, religious or cultural requirements.
2. Drinking water shall be available to every prisoner.

Contact with the outside world
44. 1. Prisoners who are foreign nationals should be informed, without delay, of their right to request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of the state to which they belong. The prison administration should co-operate fully with such representatives in the interests of foreign nationals in prison who may have special needs.
2. Prisoners who are nationals of states without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the state which takes charge of their interests or national or international authority whose task it is to serve the interests of such persons.

Retention of prisoners’ property
48. 1. All money, valuables, and other effects belonging to prisoners which under the regulations of the institution they are not allowed to retain, shall on admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition. If it has been found necessary to destroy any article, this shall be recorded and the prisoner informed.

2. On the release of the prisoner all such articles and money shall be returned except insofar as there have been authorised withdrawals of money or the authorised sending of any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article. The prisoner shall sign a receipt for the articles and money returned.

Notification of death, illness, transfer, etc.

49. 1. Upon the death or serious illness of or serious injury to a prisoner, or removal to an institution for the treatment of mental illnesses or abnormalities, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

2. A prisoner shall be informed at once of the death or serious illness of any near relative. In these cases and whenever circumstances allow, the prisoner should be authorised to visit this sick relative or see the deceased either under escort or alone.

3. All prisoners shall have the right to inform at once their families of imprisonment or transfer to another institution.

64. Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this.

Untried prisoners

91. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners, who are presumed to be innocent until they are found guilty, shall be afforded the benefits that may derive from Rule 90 and treated without restrictions other than those necessary for the penal procedure and the security of the institution.

92. 1. Untried prisoners shall be allowed to inform their families of their detention immediately and given all reasonable facilities for communication with family and friends and persons with whom it is in their legitimate interest to enter into contact.

2. They shall also be allowed to receive visits from them under humane conditions subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

3. If an untried prisoner does not wish to inform any of these persons, the prison administration should not do so on its own initiative unless there are good overriding reasons as, for instance, the age, state of mind or any other incapacity of the prisoner.

94. Except where there are circumstances that make it undesirable, untried prisoners shall be given the opportunity of having separate rooms.
96. Untried prisoners shall, whenever possible, be offered the opportunity to work but shall not be required to work. Those who choose to work shall be paid as other prisoners. If educational or trade training is available untried prisoners shall be encouraged to avail themselves of these opportunities.

97. Untried prisoners shall be allowed to procure at their own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.


4. Applying the rule of law to prison administration

There should be a comprehensive law governing prisons and the implementation of punishment. Such law should be clear and unambiguous about the rights and duties of prisoners and prison officials. Officials should be trained to follow proper administrative procedures and to apply this law fairly. Administrative decisions that impact on the rights of prisoners should be subject to review by an independent and impartial judicial body.
LESSON PLAN 5 – Cross-Cultural Awareness

Method of Instruction: Lecture, Discussion, Question and Answer

Performance Objectives: At the conclusion of this block of instruction:

1. The student will be able to explain why understanding different cultures is important in a prison setting.
2. The student will be able to identify at least five (5) factors that can be misunderstood by people of different cultures and thus can lead to prejudice and conflict.
3. The student will be able to list three (3) groups of individuals who are often subject to forms of bias and discrimination.
4. The student will be able to discuss how to help remove or reduce misunderstandings caused by cultural diversity.

The purpose of this module is to provide participants with the knowledge and skills necessary to supervise and effectively communicate with all members of today's culturally diverse prison community, thereby improving the overall effectiveness of prison operations and avoiding culturally related supervision problems.

Training Aides Required: Flip Chart or Black Board

INTRODUCTION

The justice system of all nations, and especially the prisons, are the great "melting pot" or mosaic where people from different cultures are often put together. Besides people with different backgrounds, religions, beliefs, education and value systems being placed in close proximity to each other, they are also not given an opportunity to separate themselves from those they either do not understand or who they find offensive. This is true of both prisoners and staff. Since the operation of the prison depends upon people being able to get along together with a minimum of conflict, it becomes important for staff to be able to understand the types of differences that might cause conflict among the prisoners and that might cause the staff to treat prisoners who appear different from themselves in a manner that is unfair or discriminatory.

It is the purpose of this block of instruction to explore implications of cultural biases on the prisons and on the individual prison officers career.

Article Twenty-Two of the Afghan Constitution

Any kind of discrimination between and privilege among the citizens of Afghanistan is prohibited.
The citizens of Afghanistan have equal rights and duties before the law

Article 3 of the Law on Prisons and Detention Centers:

(1) The staff of detention centers and prisons, attorneys, judges and other people who deal with prisoners in a way is required to respect human rights while performing their duties and dealing with the detainees and prisoners, they should treat them equally
and impartially irrespective of their tribe, citizenship (the word nationality was omitted), religion, race, color, gender, language and social and political status, etc.

(2) The living conditions of the prisoners should be provided in such a way that it remove the impacts of taking sides (being biased) at minimum and should not cause the loss of their rights and do not restrict their freedoms in the prison.

INSTRUCTOR’S NOTES:
There will be no TEST at the end of this lesson because it is intended to help the students understand their own prejudice and that of others and learn how to deal with it. Special care must be taken to help all students fully participate in the instruction and to help them speak openly and freely.

DISCUSSION GUIDE:
Break the class up into groups of four. On each of the following topics, have them work together to explore attitudes and opinions. Then, before moving on to the next topic, have each group leader present the view of their group to the whole. Control the reports of the discussion leaders only to keep things moving and within appropriate time frames. As each leader reports the reactions of his or her group, write the summary on a black board or flip chart. Tell the group leaders that they need not repeat an item if it was mentioned earlier. Their purpose is to bring out as many different thoughts as possible in a short period of time. It is hoped that the students will be able to individually and collectively see that even though cultures give individuals different values and ways of reacting, there are more similarities than differences among peoples.

1. How are people different and how are they the same?

DISCUSSION GUIDE:
Give the groups about 30 minutes to put together a list and talk about them. Items that should be identified on the flip chart or blackboard and discussion points for them include:

A. Values and Norms - the needs of different cultures vary, thus making for different priorities which has an impact on behavior. If a people must operate on a survival level then the value given to gathering food, adequate covering, and shelter is high. Those who already have a high degree of security value material things like money, job titles and law and order more. Peoples values are their fundamental beliefs about behavior, customs, and institutions. Norms are commonly held standards that define acceptable and unacceptable behavior of individuals within a group. Norms are almost always culture-specific, and they very widely from one cultural environment to another.

B. Beliefs and Attitudes - these determine how people are likely to respond to various situations.

C. Relationships - are fixed, in different cultures, by age, sex, status, degree of kindred, wealth, power, and wisdom. In some cultures, the elderly are honored, in others
they are ignored. In some cultures the authoritarian figure in the family is the head male. This can be extended from the home to the community, explaining some societies’ preference for a dictator who leads the national family. In other cultures this would not be true.

D. Communication and Language - verbal, nonverbal, dialects, accents, slang, jargon and body language.

E. Sense of Self and Space - in one culture a humble bearing might be admired and a sign of great leadership. In another culture it might be viewed as weakness. Some cultures, such as Americans, have a sense of space that requires more physical distance between an individual and others. Latins and Vietnamese tend to get much closer. Some cultures are very structured and formal, others are flexible and informal.

F. Appearance and Dress - outward garments, jewelry or lack thereof. Some cultures paint their face for battle, while others use cosmetics to manifest beauty.

G. Work Habits and Practices - Some cultures call for work as a show of productive support for the nation, other cultures use work only as a means to achieve physical survival and reverie leisure time.

H. Food and Eating Habits - the kind of food and how it is prepared varies among peoples. Some religions forbid eating certain foods, while others mandate it. The way food is eaten varies from the use of hands to chop sticks to forks and even the use of forks can distinguish whether a person comes from an American or European culture by which hand he or she uses to hold it.

2. What contributes to cultural differences?

DISCUSSION GUIDE:

Ask this one of the class as a whole. Points that should be brought out are that the culture of the people is what they use to translate their physical circumstances into coping skills and knowledge. Even as some of those physical conditions might change, the skills passed down by parents and grandparents often live on. Culture gives people a sense of who they are, of belonging, of how they should behave, and of what they should be doing.

3. What are some of the benefits in recognizing cultural differences?

DISCUSSION GUIDE:

Give the groups 15 minutes to discuss this before having each group report. During the reporting process, after each group leader gives his or her report, let others add thoughts. Use this final discussion to bring out all the other points you want to make. Included in this section should be mentioned items that include:

A. Understanding different cultures makes communications among people easier and more productive.

B. Understanding different cultures helps Prisons professionals understand how to “read” the actions of various prisoners, thus helping to avoid potentially dangerous or difficult situations.

C. Understanding different cultures helps Prisons professionals to understand the cultural shock some of the inmates might be experiencing and thus will provide better information on how to work with and help those prisoners.
D. Understanding different cultures helps provide basic tools needed to improve human relations and to help insure non-discriminatory treatment.

CONCLUSION

Prison workers are professionals who need all the tools and understanding possible when working with other staff, prisoners and the public at large. Awareness of cultural differences helps individuals better understand how and why different people may react differently to the same set of circumstances. That understanding provides for better and more humane treatment and it make living in our increasingly shrinking world a much more interesting and pleasant experience.

This Lesson does not contain a TEST
Human Rights Instruments Related to LESSON PLAN 5


Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

International Covenant on Civil and Political Rights
Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force 23 March 1976, in accordance with Article 49

Article 2
1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Standard Minimum Rules for the Treatment of Prisoners

Basic principle
6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Contact with the outside world
37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.
38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.
39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Religion
41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.
(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.
42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

**Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**
Adopted by General Assembly resolution 43/173 of 9 December 1988

**Principle 19**
A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

**Principle 29**
2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.

**Basic Principles for the Treatment of Prisoners**
Adopted and proclaimed by General Assembly resolution 45/111
of 14 December 1990

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.

Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules
Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies

2. The rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, economic or other status. The religious beliefs and moral precepts of the group to which a prisoner belongs shall be respected.

25. 1. In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and so far as possible, religious or cultural requirements.

45. Prisoners shall be allowed to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, by radio or television transmissions, by lectures or by any similar means as authorised or controlled by the administration. Special arrangements should be made to meet the needs of foreign nationals with linguistic difficulties.

Religious and moral assistance
46. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and having in his possession any necessary books or literature.
47. 1. If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed and approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
2. A qualified representative appointed or approved under paragraph 1 shall be allowed to hold regular services and activities and to pay pastoral visits in private to prisoners of his religion at proper times.
3. Access to a qualified representative of any religion shall not be refused to any prisoner. If any prisoner should object to a visit of any religious representative, the prisoner shall be allowed to refuse it.

AMERICAN CONVENTION ON HUMAN RIGHTS.

Article 1. Obligation to Respect Rights
1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.
LESSON PLAN 6 – Inmate Discipline

Method of Instruction: Discussion, Question & Answer.

Performance Objectives: At the conclusion of this block of instruction the student will:

1. The student will be able to explain the basic rules which apply to inmate behavior.
2. The student will be able to explain who has the authority to authorize punishments or privation of privileges for a prisoner.

INSTRUCTOR’S NOTES:

The following introduction should be read pretty much as written. The instructor may wish to change some of the wording to better fit his or her style and to include some specific mention of the local or national identity. This is the time to insure that the students understand the importance of this material to themselves, to the organization, to the nation and to the citizens they are hired to protect and serve. This would be a good time for a high ranking government or justice official to be present to either deliver this introduction or to help give credibility to how seriously this material is viewed by the leadership.

INTRODUCTION

A prison is not a democracy! Having said that, it is important for all staff to know that it is also not a private kingdom ruled over by all-powerful staff. Not even the top prison administrator in our nation has total power over the lives of the inmates. We operate by a system of laws and procedures. Just as the police in the free world can only arrest, charge and convict a person for activities that have been declared illegal by the governmental process, so it is in the prison. We operate under a set of laws. We can only discipline a prisoner for a violation of those specific laws. Just as a free person has certain rights to a properly handled arrest and trial, so do we within the prison.

DISCUSSION GUIDE:

The following should be discussed by the class in terms of the protections put in for the prisoner, the fact that no officer, other than superior officers, can order punishments. Also, material from previous lessons that specify what constitutes an “offense” should be brought into the discussion. The instructor might wish to have the class break into small groups of no more than 6 each to discuss inmate discipline and then bring the class back together for a discussion of the entire class. Unless otherwise mentioned, the Articles referred to are from the Prisons and Detention Center’s Regulations and Affairs.

Article 39 of the Law of Prison and Detention Centers

(1) Detainees and prisoners are required to observe the internal order and discipline of prisons and detention centers in line with the respective bills.
(2) Detainees and prisoners, who intentionally damage moveable or immoveable property of the Government, shall compensate for the damage.

(3) The volume of the damage and the procedure of its compensation shall be determined by technical team and communicated to the responsible detainee. If the loss is not compensated voluntarily the court shall take necessary decision.

Article 11:
Restriction of Rights

(1). In accordance with the provisions of Article 4 and article 40 of the Law of Prison and Detention Centers, Rights of prisoners and detainees may be also restricted in the following circumstances:

4. Escape or attempted to escape.
5. strike
6. Disciplinary offenses against the security requirements of the prisons and detention centers mentioned in the related bills.
7. Misbehave other prisoners and detainees
8. In other circumstances on the decision of court or the prosecutor

(2). The prison or detention center administration can enact and put into practice the following restrictions up to 15 days after the approval of the head of the CPD, according to paragraph (1) of this article:

1. Preventing the detainees and prisoners to visit their family members or their relatives.
2. Keeping them in separate cells.

(3). The prison and detention center administration is responsible to inform the relevant prosecutor on time regarding enacting restrictions on prisoners or detainees.

(4). If in case it is needed to prolong the term or restrictions according to paragraph (2) of this article then the prison or detention administration shall send a detailed proposal to the minister of justice through CPD.

(5). If prisoners or detainees resist prison or detention center authorities or attempt to inflict injuries upon themselves handcuff could be used to restrain his/ her movements according to the related procedure.

(6). Prisoners and detainees are not authorized and are restricted to have injuring weapons or tools, fire arms, communicational equipments and beating or striking tools.

(7). Prisoners and detainees are not authorized to have or use gas, petroleum and other kinds of fuel inside prison or detention center but exception could be adopted by order of the prison or detention administration in emergencies cases if needed.

(8). Prisoners and detainees are not allowed for cooking inside the prison or detention center.
Article 4 of the Law of Prison and Detention Centers

(1) The rights anticipated for the detainees and prisoners, according to the provisions of this law cannot be restricted or taken away by the superintendency of these detention centers and prisons except when the order, discipline and security of the detention centers and prisons are in jeopardy. In this case, the Minister of Justice can partially restrict these rights temporarily.

(2) In exceptional circumstances and in order to prevent the possible risks, superintendent of detention centers and prisons can choose the precautionary measures mentioned in paragraph (1) of this article and they have to get the approval of the General Director of the prisons and that of the Minister of Justice within 24 hours.

(3) Superintendents of the detention centers and prisons are required to notify the concerned attorney and provincial governor about the application of paragraphs (1) and (2) of this article.

(4) By expiration of circumstances mentioned in paragraph (1) of this article, the rights and freedom mentioned in this law will be restored to detainee or prisoner as soon the situation is brought under control.

Article 40 of the Law of Prison and Detention Centers

Detainees and prisoners shall be held continuously separate from the rest of prisoners under the following circumstances:

1 – In case of having chronic health problems.

2 – In case of continued riots barring the prisons and detention centers staff from taking legal actions.

3 – In case the detainee is in the process of being interrogated.

4 – Other circumstances provided for in the respective bills.

DISCUSSION GUIDE: Though the following United Nations Minimum Standards for the Treatment of Prisoners are not part of the laws of Afghanistan, they do form an excellent basis to provide the prison officer with guidance in terms of inmate discipline. The United Nations Minimum Standards for the Treatment of Prisoners are consistent with the Constitution of Afghanistan and the sacred religion of Islam.

INSTRUCTOR’S NOTES: Have a student read a section of the Minimum Standards for the Treatment of Offenders, followed by a discussion of it by the class.

Standard Minimum Rules for the Treatment of Prisoners

Discipline and punishment
27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.
(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:
(a) Conduct constituting a disciplinary offence;
(b) The types and duration of punishment which may be inflicted;
(c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.
(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.
(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.
(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.
(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint
33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
(b) On medical grounds by direction of the medical officer;
(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.
1. What punishments may an officer give to the prisoner for violating prison law?
2. When can handcuffs be used to discipline a prisoner?
Answers to TEST

1. An individual officer may not administer any punishment unless specifically authorized by the Commanding Officer.
2. Never
Human Rights Instruments Related to LESSON PLAN 6

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
Adopted by General Assembly resolution 43/173 of 9 December 1988

Principle 21
1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 23
1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Principle 30
1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Basic Principles for the Treatment of Prisoners
Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1)
Article 1
1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 4
1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 10
1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11
Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
Article 1
The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2
1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

Article 4
1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.
2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.


Article 3 – Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment

European Convention for the prevention of torture and inhuman or degrading treatment or punishment. Strasbourg, 26.XI. 1987

Article 1
There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Committee”). The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.

Article 7
1. The Committee shall organise visits to places referred to in Article 2. Apart from periodic visits, the Committee may organise such other visits as appear to it to be required in the circumstances.

2. As a general rule, the visits shall be carried out by at least two members of the Committee. The Committee may, if it considers it necessary, be assisted by experts and interpreters.

Article 8

3. The Committee may interview in private persons deprived of their liberty.

4. The Committee may communicate freely with any person whom it believes can supply relevant information.

5. If necessary, the Committee may immediately communicate observations to the competent authorities of the Party concerned.

**Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules**

Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies

35. The following shall be provided for and determined by the law or by the regulation of the competent authority:
   a. conduct constituting a disciplinary offence;
   b. the types and duration of punishment which may be imposed;
   c. the authority competent to impose such punishment;
   d. access to and the authority of the appellate process.

36. 1. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same act.
   2. Reports of misconduct shall be presented promptly to the competent authority who shall decide on them without undue delay.
   3. No prisoner shall be punished unless informed of the alleged offence and given a proper opportunity of presenting a defence.
   4. Where necessary and practicable prisoners shall be allowed to make their defence through an interpreter.

37. Collective punishments, corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment shall be completely prohibited as punishments for disciplinary offences.

38. 1. Punishment by disciplinary confinement and any other punishment which might have an adverse effect on the physical or mental health of the prisoner shall only be imposed if the medical officer after examination certifies in writing that the prisoner is fit to sustain it.
   2. In no case may such punishment be contrary to, or depart from, the principles stated in Rule 37.
   3. The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if the termination or alteration of the punishment is considered necessary on grounds of physical or mental health.
Recommendation No R (98) 7 of the Committee of Ministers to Member States concerning the ethical and organisational aspects of health care in prison.

Adopted by the Committee of Ministers on 8 April 1998, at the 627th meeting of the Ministers' Deputies

66. In the case of a sanction of disciplinary confinement, any other disciplinary punishment or security measure which might have an adverse effect on the physical or mental health of the prisoner, health care staff should provide medical assistance or treatment on request by the prisoner or by prison staff.

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted by General Assembly resolution 37/194 of 18 December 1982

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:
( a ) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;
( b ) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.
LESSON PLAN 7 – Introduction to Searching Techniques

Method of Instruction: Lecture, Demonstration, Practice, Question and Answer

Performance Objectives: At the conclusion of this block of instruction the student will:

1. Be able to conduct a complete and thorough search of:
   a. Prisoners in normal and routine situations
   b. Strip searches of prisoners suspected of having contraband
   c. Facilities, including housing and work areas
2. Be able to explain “probable cause” as it relates to strip searches

Training Aides Required: Blackboard or Flip Chart

INTRODUCTION

Control of an institution necessitates the elimination of the production, storage, transportation and use of contraband. This can only be accomplished by thorough searches by trained, professional staff of the entire institution and its inmates, visitors and personnel who part time employees or vendors.

Article 41 of the Law on Prisons and Detention Centers:

(1) Prisons and detention centers authorities are authorized to frisk detainees and prisoners in such a manner not to damage their dignity and honor.

(2) A male staff shall carry out the body search of a man and a female staff shall carry that of a woman out.

Article 12 of the Prisons and Detention Center’s Regulations for Management of Affairs:

Searching

(1). The authorities of prisons and detention centers shall search prisoners and detainees in the following circumstances:

5. Upon reception or entry into a prison/detention center
6. Before and after visit
7. After having completed work activities or educational and vocational training, or participated in sports or physical exercises
8. In other circumstances when a prisoner or a detainee exits from the prison or detention center facility.

(2). in other cases body search of prisoner/detainee should be conducted based on the reasons some thing is hidden of unauthorized items. All searches shall be conducted by an officer of the same sex and without the presence of anyone of the opposite sex.

(3). Prisons and detention centers staff shall prepare a written report to the Prison authorities whenever unauthorized items are found and everybody shall carry out their responsibilities according to the law.
INSTRUCTOR’S NOTES:

As major points are made, such as the definition of what is considered contraband, they should be listed on the blackboard or flip chart. At the end of sections dealing with searches, after asking for questions, have the class pair off and practice. During the lesson point out that serious searches (body and cell) should be conducted by two officers and any contraband found should be documented and signed by both officers. Extreme sensitivity must be given to prevent undue embarrassment and to comply with any prohibitions about staff of one gender searching or touching inmates of another gender. Even if prisoners and staff are of the same gender, extreme sensitivity must be given to prevent undue embarrassment and to comply, as much as possible, with Islamic principles of modesty.

I. What is contraband?
   A. Items not issued through approved channels
   B. Items not approved by the appropriate staff
   C. Items not approved for purchase in the institution commissary or store
   D. Items not approved for mail delivery to the inmate
   E. Items not approved for a visitor to bring into the institution
   F. Items otherwise approved but altered from their original approved condition
   G. Unauthorized items passed from one inmate to another
   H. Any weapon, gun, firearm, unauthorized tool, drug, intoxicant, explosive, corrosive, flammable, or other item not issued by or under the direct supervision of a staff member using prescribed procedures
   I. Any other article specifically prohibited by statute, policy, or regulation
   J. Items reasonably believed to be usable to assist in or effect an escape
   K. Cash, currency, or items of value not permitted within the institution
   L. Personal items or valuables whose ownership cannot be determined
   M. Excessive amounts of any authorized item

II. Pat Search Procedures
   A pat search may be conducted in any location of the institution and involves a manual search by staff of a fully clothed inmate. This search can be conducted on either a routine or random basis.

   A. Inform the inmate that he or she is about to be searched
   B. Instruct the inmate to remove all items in his pockets and place them in his hat (If he is not wearing a hat, he must place these articles in an area away from where the search will be conducted.) Have pockets turned inside out.
      1. Be careful to ensure that the inmate does not throw away any item that may contain contraband
      2. No item should be returned to the inmate until it has been thoroughly searched and the search of the inmate is complete
   C. Have the inmate remove any coats, hats or other outer clothing items
   D. Inspect the inmates hair for possible contraband
   E. To begin the actual search, have the inmate face away from the searching officer and spread the arms horizontally to the side and the legs approximately shoulder
width. This stance reduces the inmate’s ability to assault the officer conducting the search. In cases necessitating improved controls, the inmate may be required to place hands against a wall or other surface and move feet back from the surface to further improve staff safety.

F. From the back, with the inmate’s arms and feet spread the officer should begin the search by running the prisoner’s shirt collar between his fingers carefully, feeling for small hidden wires, hacksaw blades, etc.

G. Then the officer should move his hands downward, running them over the shoulders, down the outside of the inmate’s arms to the shirt cuffs. Then the officer should move his hands up the insides of the arms to the armpits.

1. During this part of the search, items such as small knives and razor blades have been found taped to inmate’s arms.

H. After checking the armpits, the officer should run his hands down the shirt front, checking the pocket and stopping at the prisoner’s beltline.

I. The officer should then check the waistline by running his thumbs around the inside of the waistband, feeling for any small articles hidden there or hidden behind the belt.

J. From the waistline, the officer should run his hands down the inmate’s buttocks.

1. All the time he should be feeling for places which might contain illegal articles.

K. Then the officer should move both hands to one leg and run them carefully down the leg, checking all around it for concealed articles. At the end of the leg, the officer should make a point of checking the trouser cuffs for concealed articles. Repeat the process on the other leg.

L. Then the officer should run his hands over the inmate’s lower abdomen and crotch carefully, looking for concealed articles that may be taped to these areas.

M. As the last step, inspect shoes, soles, linings, insoles, and heels.

N. Follow the same procedures for female inmates, with particular attention to items that may be concealed in the brassiere.

III. Strip or Visual Search

A strip or visual search requires the inmate to remove all clothing and submit to a visual inspection of the body, including the outer portions of all orifices and cavities. This search requires a higher level of presumption (“Probable Cause”) of guilt and must be approved by a ranking officer.

PROBABLE CAUSE EXAMPLES:

1. A prison officer walks by a cell and sees an inmate, who quickly sits down. Does the officer have probably cause for a strip search? No.

2. An officer observes an inmate whose speech is slurred as if he were holding something in his mouth or who holds his arm pressed to his side or walks with an unusual manner suggesting he is hiding something in a body cavity. Does the officer have probably cause? Yes.

3. A prison officer is told by a reliable informant that an inmate has contraband secreted on his person. When the correction officer walks by that inmate’s cell, he sees the inmate, who quickly sits down. Does the officer have probably cause? Yes.
Because of the inmate’s increased sensitivity to these more personal types of body searches, the utmost in professionalism should be displayed during this and successively more intrusive searches.

Strip searches should be conducted by an employee of the same sex as the inmate and in a suitably private area. Strip searches should only be conducted by specially trained prison staff and be conducted under strict guidelines.

IV. Cavity Search

A cavity search includes the manual or instrument inspection of oral, anal, or vaginal cavities by a medical staff to detect the presence of contraband. Because of the sensitive and potentially embarrassing nature of this search technique, it must be done in privacy, with dignity and professionalism on the staff’s part. The procedures relating to a visual search should be implemented prior to the cavity search. However, because of the intrusive and potentially harmful effects of a cavity search, the following additional conditions need to be in place:

A. There should be a clear written policy explaining the legal grounds and specific procedures for conducting a cavity search
B. This search is ordinarily authorized in advance, in writing, by the chief executive officer
C. Staff may not conduct a cavity search if it is likely to cause injury to the inmate
D. Cavity searches should only be conducted by a member of the medical staff
E. These searches should be restricted to digital intrusion and the use of instruments such as anoscope, otoscope, vaginal speculum, nasal speculum, tongue blade, and simple forceps
F. Whenever possible the written consent of the inmate should be secured before attempting the cavity search
G. If an item is located, it may be removed if the removal is easily effected by means of one of the simple instruments noted in “E” above or digitally
H. Strict documentation is to be maintained of the probably cause, inmate consent (if given), authorizing official, witnesses, and findings of the inspection

V. Visitor Searches

Inmate’s visitors are subject to a careful search of their persons, packages, purses, and other items entering the secure portion of the facility. If a staff member suspects that a prospective visitor is under the influence of any substance, that employee has the authority to deny the visit.

VI. Vendors, Repairman, Volunteers, Contract Employees

For the most part, vendors and repair personnel are under direct staff escort at all times. All tools and repair equipment are inventoried and searched before being allowed into the institution. In the case of volunteers and contract employees, purses and like items may be allowable, but subject to search.

VII. Cell Searches

Because cell searching is a time-consuming operation, it is important to proceed systematically and methodically. The officer must examine everything that should be examined in order to avoid wasting time in reexamination. The following is a systematic procedure for searching for general contraband:
A. Remove the inmate from the cell, strip search and escort him or her to another area. When the search is complete, strip search the inmate again before he or she returns to the cell.

B. Before entering the cell, lock the cell door in the open position so you are not accidently locked in the cell.

C. Before searching the cell, look at the items you are about to search and see if anything is out of the ordinary. If so, examine that item carefully.

D. Start the search with the bed and utilize it as a work bench when you are finished searching it. Remove the mattress and other bedding and examine above and below the bunk and in any crevices between the bunk frame and the wall. Look under the bed and check for items suspended from springs or fastened to the bed frame. With the mattress removed, examine the upper side of bed frame and springs. Examine the bed frame supports to ensure that they have not been partially sawed through for easy removal.

E. Examine the mattress and pillows by rolling them lengthwise and widthwise. Check the sides and ends for cuts or tears in their covering. If you find any cuts or tears or any indication of resewed seams, examine the items carefully for concealed contraband. You may need to open seams for extensive probing.

F. Examine the remaining bedding, paying special attention to any seams or double thickness of cloth.

G. Search the lockers next, one shelf at a time, returning all items to their original positions. Examine all surfaces of the locker. Contraband may be taped to the underside of shelves or concealed in shelf ledges, supports, legs, or false sides or backs of the shelves. Also examine any paper used to line shelves. Check all clothing (including dirty laundry) piece by piece, paying special attention to seams, double thickness of material, and pockets. Open and check individually every item (letter, books, magazines, toilet articles, etc.). Examine coat hangers; plastic hangers are excellent places to conceal contraband. Check all footgear, including linings, soles, and heels; feel inside shoes all the way to the toe and remove the inner soles and any removable arch supports.

H. Shake talcum powder containers and squeeze toothpaste tubes. Remove a small portion of the contents of commonplace items to check for illegal substitutions. Check to see that cakes of soap have not been hollowed out.

I. Look in, under and behind the wash basin and in the drain, overflow and goose neck water seal if accessible. Contraband may be suspended in the pipes or hollows on wires or threads or stuck on with glue or tape.

J. Examine the toilet carefully, inside and out. Because the inmates are aware of officers reluctance to examine fixtures, they are favorite hiding places. Check under the base of the toilet, behind the toilet where it connects to the wall, and the toilet drain. Contraband may also be passed through the goose neck of the toilet into the sewer pipe and be suspended by wire or string, the other end of which is tied to a small block wedged in the water seal. Examine the toilet paper holder and all rolls of toilet paper to make certain that currency or other contraband is not rolled up within the roll.

K. If there is a radio, examine it carefully. Remove the back, check the battery well, and examine the electric cord. Carefully remove any pictures from frames and examine the frame and the backing material. Examine any brooms or mops for items concealed in broom straws or mop heads.
L. Carefully scrutinize the walls, ceiling, and floor for indications of sawing, digging, cutting, or defacing -- possible signs of an escape attempt. Inmates take great pains to disguise their illicit acts; you must make a greater effort to penetrate the discuses.

M. Look for indications that mortar has been removed and replaced with a substitute. If the concrete is poor quality, it is easy for the inmate to gouge out holes as hiding places for contraband. Remove all wall coverings; remember, even steel walls may be cut and the cuts concealed behind calendars and pictures.

N. Check heat or ventilation duct openings for indications of tampering and for concealed contraband. Look for strings, thread, or wire holding something suspended in the duct.

O. Look around interior and exterior window frames and the outside window ledge. If this ledge has a covering of any sort, be sure that nothing is concealed beneath it. Examine the window bars for evidence of tampering, being alert for any wires, strings, or thread fastened to the bars and suspended outside the window.

P. Carefully examine the cell door and the grille wall in which it is set, paying particular attention to the areas above eye level. Examine the bars and cell door locking device for signs of tampering. The door examination is not complete until it is done with the door in both the open and closed position.

Searches must be systematic. An officer should search the same way every time until it becomes automatic. Officers must remember that inmates are people who appreciate courtesy and consideration but resent inconsiderate treatment. Inmate’s personal property, including clothing, letters, photographs, and store purchases are usually important to them even though the items have little monetary value. Inmate’s cells are their homes, and inmates resent having their homes ransacked. Once an inmate’s belongings have been searched, they should be put back where they were found. Not only is it good security (let the inmate wonder about where exactly you searched), but it may foster some goodwill and a lessening of hostility among staff and inmates.

VIII. Searches of Non-Housing Areas

All areas should be inspected at least weekly. The following areas should serve as a guide:

A. Common areas of housing units and all shop and program spaces where inmates may hide items without risk of being identified with them if they are discovered.

B. Visiting areas, including trash, furniture, all search areas, and toilets should be thoroughly searched before and after visits.

C. The perimeter should be searched for items hidden next to or under fences.

D. Yards should be inspected carefully, using a metal detector to locate buried weapons and other contraband. Yards adjacent to roadways should be inspected for items thrown over the fences.

E. The vicinity of all visitor traffic points should be searched regularly to discover items hidden or thrown by visitors that are intended for inmates. Visitor holding areas and gates should be carefully scrutinized.

F. Air chambers in all housing units and other building should be searched on a regular basis, not only for breaches in security, but for signs that they are being used as places of concealment for contraband.
G. Tunnels should be searched for contraband since they provide a poorly supervised area where inmates have an opportunity to fabricate and conceal unauthorized items often used in a tunnel-related escape attempt.

H. Areas outside the secure perimeter should be searched for contraband to help stem the flow of contraband into the institution.

I. Inside and outside receiving areas should be searched regularly. They are areas likely to be used for concealing contraband coming into the institution or escape paraphernalia about to be used.

J. Shop, vocational training, and industrial areas have a wide range of possible contraband hiding places and should be searched regularly. These hiding places include trash cans, toilets, supplies, plumbing, vents, block and brick walls, work benches, machinery, lockers, spare clothing, bins, tool boxes, covered openings, elevator shafts, outbuildings, lockers, and staff-only areas.

K. Vehicles, inside all compartments (passenger, engine, freight), underneath, spare tires, seats, dashboard, floor carpeting – use the same systematic approach used in all searches and search one area at a time.

CONCLUSION

Only with practice and experience will a person gain the ability to be proficient in looking for and finding contraband. This is one function that, no matter how long a person works within a prison, there is always more to learn. Searches also demand a systematic approach as to the procedure, but a degree of surprise as to when some of the searches will be conducted. As in all things with a prison, this can be an area of potential conflict between staff and inmates. Though care should be taken to cause as little embarrassment and damage to inmates and their property, the searches must be thorough.

INSTRUCTOR’S NOTES:

The test of this material will be carried out by the instructor observing students practice the pat search on each other. A search of a cell or other room should be carried out by the class, or small units of the class to allow everyone to participate, with the instructor or senior staff providing a critique. During the search, the instructor should ask students to explain when they need probable cause to conduct a search, what constitutes probable cause and what procedure they have to follow to perform a search requiring probable cause.
Human Rights Instruments Related to LESSON PLAN 7

**International Covenant on Civil and Political Rights**
Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49

Article 17
1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
Adopted by General Assembly resolution 43/173 of 9 December 1988

*Principle 1*
All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

*Principle 3*
There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Basic Principles for the Treatment of Prisoners
Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

**Code of Conduct for Law Enforcement Officials**
Adopted by General Assembly resolution 34/169 of 17 December 1979

Article 2
In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

World Medical Association Statement on Body Searches of Prisoners
Adopted by the 45th World Medical Assembly Budapest, Hungary, October 1993

The prison systems in many countries mandate body cavity searches of prisoners. Such searches, which include rectal and pelvic examination, may be performed when an individual enters the prison population and thereafter whenever the individual is permitted to have
personal contact with someone outside the prison population, or when there is a reason to believe a breach of security or of prison regulations has occurred. For example, when a prisoner is taken to Court for a hearing, or to the hospital for treatment, or to work outside the prison, the prisoner, upon returning to the institution, may be subjected to a body cavity search which will include all body orifices. The purpose of the search is primarily security and/or to prevent contraband, such as weapons or drugs, from entering the prison.

These searches are performed for security reasons and not for medical reasons. Nevertheless, they should not be done by anyone other than a competent person with some medical training. This non-medical act may be performed by a physician to protect the prisoner from the harm that might result from a search by a non-medically trained examiner. The physician should explain this to the prisoner and should furthermore explain to the prisoner that the usual conditions of medical confidentiality do not apply during this imposed procedure and that the results of the search will be revealed to the authorities. If a physician is duly mandated by an authority and agrees to perform a body cavity search on a prisoner, the authority should be duly informed of the necessity for this procedure to be done in a humane manner.

The search should be conducted by a physician other than the physician who will provide medical care to the prisoner.

The physician's obligation to provide medical care to the prisoner should not be compromised by an obligation to participate in the prison's security system.

The World Medical Association urges all governments and public officials with responsibility for public safety to recognize that such invasive search procedures are a serious assault on a person's privacy and dignity, and also carry some risk of physical and psychological injury. Therefore, the World Medical Association exhorts that, to the extent feasible without compromising public security,

- alternate methods be used for routine screening of prisoners, and body cavity searches be resorted to only as a last resort;
- If a body cavity search must be conducted, the responsible public official ensure that the search is conducted by personnel with sufficient medical knowledge and skills to perform the search safely;
- the same responsible authority ensure that due regard for the individual's privacy and dignity be guaranteed.

Finally, the World Medical Association urges all governments and responsible public officials to provide for such searches by a physician whenever warranted by the individual's physical condition. A specific request by a prisoner for a physician shall be respected, so far as possible.

COUNCIL OF EUROPE. COMMITTEE OF MINISTERS. RECOMMENDATION No. R (98) 7 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING THE ETHICAL AND ORGANISATIONAL ASPECTS OF HEALTH CARE IN PRISON Adopted by the Committee of Ministers on 8 April 1998, at the 627th meeting of the Ministers' Deputies.
H. Body searches, medical reports, medical research.

72. Body searches are a matter for the administrative authorities and prison doctors should not become involved in such procedures. However, an intimate medical examination should be conducted by a doctor when there is an objective medical reason requiring his/her involvement.
LESSON PLAN 8 – Health Promotion

Method of Instruction: Lecture, demonstration, video presentations

Performance Objectives: At the conclusion of this block of instruction the student will
   Understand the basic concepts of good health and how to encourage it

Training Aides Required: black board or flip chart

INTRODUCTION
   Good nutrition, exercise and cleanliness are especially important in a prison. The close living conditions have an impact on the body and the mind. Though the nutrition and exercise are generally planned by the Administration, every officer must be sure that all areas they supervise are kept clean and that prisoners wash as often as possible. Soap and water is still one of the best ways to stop the spread of communicable diseases.

DISCUSSION NOTES: The instructor should ask different students to read each section out loud. Then each item should be discussed with the following questions to be answered:
   a. Does the law or regulation make sense?
   b. Is it in compliance with Islam?
   c. What can an individual prison officer do to help comply with the law or rule?

From the Law on Prisons and Detention Centers

Living Conditions:
Article 24:
(1) The administrations of detention centers and prisons are required to supply proper hygienic and heating equipment to the detention centers and prisons and observe environmental sanitation.

(2) The administrations of detention centers and prisons shall provide each one of the detainees and prisoners and the children of the female detainees with a bed and bedding.

(3) The Ministry of Justice in collaboration with the Ministry of Health shall take necessary measures regarding the size of (space for) the cells, amount of light provided to the cells and ventilation of detention centers and prisons.

Food:
Article 25:
(1) Keeping in mind their age, gender, health, work, and climate, the administrations of detention centers and prisons shall provide proper and healthy food and water to the detainees and prisoners.
(2) Keeping in mind the recommendation of the Ministry of Health and in accordance with the menu approved by the Council of Ministers, the amount and quality of food shall be determined.

Sports and Physical Exercise:
Article 26
(1) Prisoners have the right to walk outdoor and open air at least for 2 hours daily.

(2) Or practice physical exercises. (Athletic exercise) The warden of the prison can reduce this duration of time to not less than one hour in exceptional circumstances. In this case, the correction officers of the prison are required to inform the concerned attorney’s office of his action.

Health Services:
Article 27:
(1) In collaboration with the Ministry of Health, the administrations of detention centers and prisons are required to provide the detainees and prisoners with free health services.

(2) If the treatment of an ailing detainee or prisoner is not possible at the health clinic of a detention center or prison, the head of the detention center or the prison can transfer the patient to a hospital outside the detention center or prison on the basis of the recommendation of the doctor-in-charge. The head of the detention center or prison shall inform the concerned attorney’s office of his action in this respect.

With coordination and assistance of chief of police, the head of the detention center or the prison is responsible to take precautionary measures to ensure security of the prisoners.

(3) In order to observe the sanitary and hygienic rules and regulations, the doctor-in-charge is required to control the daily food provided for detainees and prisoners and inspect at least twice a week their cells and other services provided for them.

(4) The prisoners and detainees who have infectious diseases or those who are dubious of having health problems are kept in special area separated from others in quarantine

From the Prisons and Detention Center’s Regulations for Management of Affairs
Article 14:
Food

1. Food shall be provided and served to prisoners and detainees three times a day by the prison and detention center administrations in accordance with the relevant bill.

2. The norm of food mentioned in paragraph 1 of this article shall be determined by taking into consideration the quantity and quality standard of the food by the Supreme Council of Prisons and shall be applicable after the approval of the Cabinet;
3 The quality and quantity of food served to the prisoners and detainees shall be checked by the concerned medical personnel;

4 The prison and detention center administrations shall to the extent possible pave the ground for prisoners and detainees to eat their food in dining halls.

5 During the month of Ramadhan, food for prisoners and detainees shall be prepared in better quantity and quality and be distributed at the Islamically fixed times;

6 Food for pregnant women, suckling mothers and babies and the sick shall be prepared in accordance with the advice of the concerned doctor.

Article 15:
Accommodation

I Prisoners’ and detainees’ cells shall as much as possible meet the following requirements:

1 Allocation of two square meter space for each prisoners or detainees without bed space;

2 Windows shall be large enough to allow sufficient natural light and ventilation to enter into cells;

3 Artificial lights shall be provided in all cells, halls and common areas to provide sufficient lighting;

4 Heating and cooling systems shall be installed in each prison and detention center’s cell by keeping in mind seasons of the year and in accordance with the specific norms;

5 Cells in each prison and detention center shall be equipped with beds, bed sheets, blankets, mattresses, pillows and necessary equipment and utensils;

6 All sanitary and hygienic requirements shall be met.

II Prisoners and detainees shall by taking turns contribute to maintain their respective cells and toilets clean on daily basis. For this purpose, prisons and detention centers Police shall provide necessary tools to the prisoners and detainees. Prisoners they are sick, invalids, pregnant women and sucking mothers are an exception from this order.

III Kitchen, library and internal courtyards of prisons or detention centers shall be cleaned by prisoners and detainees who do not require strict control and are assigned by the Prison Governor on rotational basis.
IV A kindergarten shall be established with the cooperation of the ministries of work and social affairs and Martyrs and invalids in each prison and detention centre for children aged 2-7, imprisoned and detained. Seven years old children can only stay with their parents during the night. The prison administration shall keep in kindergarten children of over 7 years of age whose mothers and fathers are in prison and have no other guardian.

V In accordance with the provision of paragraph 3 of Article 27 of the Law of Prisons and Detention Centers, prisoners’ and detainees’ cells shall be regularly checked by the concerned medical officer and if need shall be decontaminated for the purpose of observing hygiene.

VI Prison administration will be providing for cleanliness of prisoners and detainees regularly programs for getting bath, hair cut and Laundry.

Article 17: Health Services

9. In each prison and detention center in the center and provinces, the Ministry of Justice, in cooperation with the Ministry of Public Health, shall establish regularly functioning health facilities for treatment of the sick prisoner/detainees

10. Medical doctors of prisons and detention centers shall examine at least once a month all prisoners/detainees in addition to ill prisoners/detainees.

11. The Administration of Prison/detention is responsible for establishing health services in such a situation to give medical treatment to all prisoners/detainees in the facility.

12. The prisoner or detainee infected with a communicable disease shall be treated as deemed necessary by the concerned doctor.

13. In case a prisoner or detainee who has contracted a contagious disease cannot be provided with the necessary health care in the health facility of a prison or detention center, he may be transferred for treatment to another appropriate external medical facility in accordance with paragraph (2) of Article 27 of the law of Prisons and Detention Centers.

14. If the concerned medical doctor certifies that the patient has fully recovered, he can be returned to the prison or detention center.

15. If prisoner/detainee injures himself/herself the medical expenses would be charged on him/her. The medical expenses would be charged on him after reading via psychologist his mental checkup result by and prison/detention center director.

16. If a medical doctor diagnoses that the health condition of an ailing prisoner or detainee is critical and is being threatened by death, the prison or detention center administration shall inform his relatives of his condition.
Article 19: 
Sports and Physical Exercises

The prison and detention center administration shall pave the ground in outdoor area for practicing sports and conduct physical education activities for prisoners and detainees according to their own interest and skills. And a timetable would be prepared for recreation and exercise, if this right is being limited because of security issues the prison/detention center administration has to inform the related prosecutor. Physical education affairs shall be regulated by separate TOR.
Human Rights Instruments Related to LESSON PLAN 8

**International Covenant on Economic, Social and Cultural Rights**
Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27

**Article 12**
1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

**Standard Minimum Rules for the Treatment of Prisoners**

**Accommodation**
10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
11. In all places where prisoners are required to live or work,
   (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
   (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.
14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

**Personal hygiene**
15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

**Clothing and bedding**
17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

Food
20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport
21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.
(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services
22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.
(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.
(3) The services of a qualified dental officer shall be available to every prisoner.
23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.
24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
26. (1) The medical officer shall regularly inspect and advise the director upon:
(a) The quantity, quality, preparation and service of food;
(b) The hygiene and cleanliness of the institution and the prisoners;
(c) The sanitation, heating, lighting and ventilation of the institution;
(d) The suitability and cleanliness of the prisoners' clothing and bedding;
(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.
(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

**Code of Conduct for Law Enforcement Officials**
Adopted by General Assembly resolution 34/169 of 17 December 1979

**Article 6**
Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

**Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**
Adopted by General Assembly resolution 43/173 of 9 December 1988

**Principle 24**
A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

**Basic Principles for the Treatment of Prisoners**
Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

**Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**
Adopted by General Assembly resolution 37/194 of 18 December 1982.
Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules
Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies.

17. The sanitary installations and arrangements for access shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions.
18. Adequate bathing and showering installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week. Wherever possible there should be free access at all reasonable times.
19. All parts of an institution shall be properly maintained and kept clean at all times.

Personal hygiene
20. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
21. For reasons of health and in order that prisoners may maintain a good appearance and preserve their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding
22. 1. Prisoners who are not allowed to wear their own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep them in good health. Such clothing shall in no manner be degrading or humilitating.
2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
24. Every prisoner shall be provided with a separate bed and separate and appropriate bedding which shall be kept in good order and changed often enough to ensure its cleanliness.

Food
25. 1. In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and so far as possible, religious or cultural requirements.
2. Drinking water shall be available to every prisoner.
Medical services

26. 1. At every institution there shall be available the services of at least one qualified general practitioner. The medical services should be organised in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

2. Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be suitable for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

3. The services of a qualified dental officer shall be available to every prisoner.

29. The medical officer shall see and examine every prisoner as soon as possible after admission and thereafter as necessary, with a particular view to the discovery of physical or mental illness and the taking of all measures necessary for medical treatment; the segregation of prisoners suspected of infectious or contagious conditions, the noting of physical or mental defects which might impede resettlement after release; and the determination of the fitness of every prisoner to work.

30. 1. The medical officer shall have the care of the physical and mental health of the prisoners and shall see, under the conditions and with a frequency consistent with hospital standards, all sick prisoners, all who report illness or injury and any prisoner to whom attention is specially directed.

2. The medical officer shall report to the director whenever it is considered that a prisoner's physical or mental health has been or will be adversely affected by continued imprisonment or by any condition of imprisonment.

31. 1. The medical officer or a competent authority shall regularly inspect and advise the director upon:
   a. the quantity, quality, preparation and serving of food and water;
   b. the hygiene and cleanliness of the institution and prisoners;
   c. the sanitation, heating, lighting and ventilation of the institution;
   d. the suitability and cleanliness of the prisoners' clothing and bedding.

32. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may impede a prisoner's resettlement after release. All necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner to that end.

Recommendation No. R (98) 7 of the Committee of Ministers to member states concerning the ethical and organisational aspects of health care in prison.

Adopted by the Committee of Ministers on 8 April 1998, at the 627th meeting of the Ministers' Deputies)
1. When entering prison and later on while in custody, prisoners should be able at any time to have access to a doctor or a fully qualified nurse, irrespective of their detention regime and without undue delay, if required by their state of health. All detainees should benefit from appropriate medical examinations on admission. Special emphasis should be put on the screening of mental disorders, of psychological adaptation to prison, of withdrawal symptoms resulting from use of drugs, medication or alcohol, and of contagious and chronic conditions.

3. A prison’s health care service should at least be able to provide out-patient consultations and emergency treatment. When the state of health of the inmates requires treatment which cannot be guaranteed in prison, everything possible should be done to ensure that treatment is given, in all security in health establishments outside the prison.

4. Prisoners should have access to a doctor, when necessary, at any time during the day and the night. Someone competent to provide first aid should always be present on the prison premises. In case of serious emergencies, the doctor, a member of the nursing staff and the prison management should be warned; active participation and commitment of the custodial staff is essential.

5. An access to psychiatric consultation and counselling should be secured. There should be a psychiatric team in larger penal institutions. If this is not available as in the smaller establishments, consultations should be assured by a psychiatrist, practising in hospital or in private.

6. The services of a qualified dental surgeon should be available to every prisoner.

7. The prison administration should make arrangements for ensuring contacts and co-operation with local public and private health institutions. Since it is not easy to provide appropriate treatment in prison for certain inmates addicted to drugs, alcohol or medication, external consultants belonging to the system providing specialist assistance to addicts in the general community should be called on for counselling and even care purposes.

8. Where appropriate, specific services should be provided to female prisoners. Pregnant inmates should be medically monitored and should be able to deliver in an external hospital service most appropriate to their condition.

9. In being escorted to hospital the patient should be accompanied by medical or nursing staff, as required.

13. Medical confidentiality should be guaranteed and respected with the same rigour as in the population as a whole.

14. Unless inmates suffer from any illness which renders them incapable of understanding the nature of their condition, they should always be entitled to give the doctor their informed consent before any physical examination of their person or their body products can be undertaken, except in cases provided for by law. The reasons for each examination should be clearly explained to, and understood by, the inmates. The indication for any medication should be explained to the inmates, together with any possible side effects likely to be experienced by them.

19. Doctors who work in prison should provide the individual inmate with the same standards of health care as are being delivered to patients in the community. The health needs of the inmate should always be the primary concern of the doctor.

20. Clinical decisions and any other assessments regarding the health of detained persons should be governed only by medical criteria. Health care personnel should operate with
complete independence within the bounds of their qualifications and competence.

**Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

Adopted by General Assembly resolution 43/173 of 9 December 1988

*Principle 22*

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

**World Medical Association Declaration of HELSINKI Ethical Principles for Medical Research Involving Human Subjects**

Adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964, and amended by the:

- 29th WMA General Assembly, Tokyo, Japan, October 1975
- 35th WMA General Assembly, Venice, Italy, October 1983
- 41st WMA General Assembly, Hong Kong, September 1989
- 48th WMA General Assembly, Somerset West, Republic of South Africa, October 1996
- and the 52nd WMA General Assembly, Edinburgh, Scotland, October 2000
- Note of Clarification on Paragraph 29 added by the WMA General Assembly, Washington 2002
- Note of Clarification on Paragraph 30 added by the WMA General Assembly, Tokyo 2004

Medical research is subject to ethical standards that promote respect for all human beings and protect their health and rights. Some research populations are vulnerable and need special protection. The particular needs of the economically and medically disadvantaged must be recognized. Special attention is also required for those who cannot give or refuse consent for themselves, for those who may be subject to giving consent under duress, for those who will not benefit personally from the research and for those for whom the research is combined with care.

19. Medical research is only justified if there is a reasonable likelihood that the populations in which the research is carried out stand to benefit from the results of the research.
20. The subjects must be volunteers and informed participants in the research project.
21. The right of research subjects to safeguard their integrity must always be respected. Every precaution should be taken to respect the privacy of the subject, the confidentiality of the patient's information and to minimize the impact of the study on the subject's physical and mental integrity and on the personality of the subject.
22. In any research on human beings, each potential subject must be adequately informed of the aims, methods, sources of funding, any possible conflicts of interest, institutional affiliations of the researcher, the anticipated benefits and potential risks of the study and the discomfort it may entail. The subject should be informed of the right to abstain from participation in the study or to withdraw consent to participate at any time without reprisal. After ensuring that the subject has understood the information, the physician should then obtain the subject's freely-given informed consent, preferably in writing. If the consent
cannot be obtained in writing, the non-written consent must be formally documented and witnessed.

23. When obtaining informed consent for the research project the physician should be particularly cautious if the subject is in a dependent relationship with the physician or may consent under duress. In that case the informed consent should be obtained by a well-informed physician who is not engaged in the investigation and who is completely independent of this relationship.

**Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules**

Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies.

27. Prisoners may not be submitted to any experiments which may result in physical or moral injury.

**Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

Adopted by General Assembly resolution 37/194 of 18 December 1982.

**Principle 1**

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

**Principle 2**

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.
LESSON PLAN 9 – Use of Force

Method of Instruction: Lecture, discussion, question and answer

Performance Objectives: At the conclusion of this block of instruction, the student will:
1. Be able to state when life threatening force can be used.
2. Know when it is permissible to use lethal force when it might place an innocent bystander in danger.
3. Describe, in order of preferred use, the five general techniques which can be used to control an inmate or suspect.

Training Aides Required: Blackboard or flip chart

INTRODUCTION
Whether in a prison or on the streets, arrests, control of crowds, maintaining order and acting as a mediator between people angry with each other places prison (law enforcement) personnel in the position where they might be called upon to use force, even deadly force, in the performance of their duties. There is no difference between the policy for prison officers or civilian police or military police as regards the accepted policies regarding the use of force. This lesson is the same as would be given to the police or other law enforcement personnel. For that reason, prison personnel in this lesson will be referred to as Law Enforcement personnel.

Article 46 of the Law on Prisons and Detention Centers:
(1) The use of physical force against detainees and prisoners is not allowed unless the detainee or prisoner is escaping, resisting or attacking others or causes disorder which cannot be prevented by any other means but use of force.
(2) In case of using force, the concerned staff is required immediately report the issue to the heads of the detention center and the prison. The heads of detention center and prison must investigate the matter in order to find out the facts, and provide the report to the Director General of Central Prison Department.
(3) The circumstances warranting the use of force shall be specified in a separate bill.

Article 13 of the Prison and Detention Center’s Regulations for Management of Affairs:
Prohibited Acts of the staff

Prisons and detention centers staff are prohibited from doing the following:

17. Any kind of physical or psychologically torture of prisoners or detainees
18. Prisons and detention center staff are not allowed to revenge prisoners or detainees or give punishment to them.
Law enforcement officers are given the lawful authority to use force to protect the public and to uphold the laws of the land. However, that authority is balanced by the requirements of not violating human rights. The policies are simple to state:

1. Law enforcement officers shall use only that degree of force which is reasonably necessary to effectively bring an incident under control or arrest a suspect.
2. Law enforcement officers shall meet force with like force and no more while protecting the lives of the officer or another.

3. Under no circumstances may deadly force be used unless the life of the officer or another person is in IMMEDIATE danger.

4. Deadly force may NOT be used to apprehend a fleeing misdemeanant. Deadly force may be used to stop a fleeing felon ONLY if all other means have been exhausted AND if the felon is believed to pose a significant threat to human life should he or she escape.

5. Deadly force is justified in the following cases:
   a. To protect the law enforcement officer or others from what is reasonably believed to be an eminent threat of death or serious bodily harm.
   b. To prevent the escape of a fleeing felon if all other means of effecting an arrest have been exhausted and the officer reasonably believes that the escape of the felon will pose a significant threat to human life should escape occur.
   c. To destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is gravely injured.

6. Except for maintenance and training, the FIREARM SHALL NOT BE DRAWN OR EXHIBITED unless there is reasonable cause to believe there is a necessity to use the weapon in conformance with this policy.

7. Even under circumstances where the use of a weapon is justified:
   a. a weapon shall never be fired from a moving vehicle.
   b. Weapons shall not be fired at a moving vehicle unless that vehicle poses an immediate threat to human life.
   c. Firearms shall not be discharged if it appears likely that an innocent person may be injured.

DISCUSSION GUIDE:
This is a good time to ask the class what happens in this case if they are fired upon and innocent people are in near the suspect. The discussion must end with the class
understanding that the rule of not injuring an innocent person takes precedence and the officer must not return fire if it would endanger innocent people.

d. Due to the danger to the public, most law enforcement departments have adopted a policy stating that NO WARNING SHOTS WILL BE FIRED.

DISCUSSION GUIDE:
Have the group discuss the local policy in regards to firing warning shots.

e. Individuals not trained and certified in the use of the firearm by the law enforcement department are prohibited from carrying or using the weapon.

DISCUSSION GUIDE:
Many people in and around the law enforcement profession have military training. Several are excellent marksman. Therefore, why must they have law enforcement training and certification?

Among the items important to be pointed out is that the law enforcement have duties and responsibilities very different from soldiers. Their training is also very different. For example, the military is taught to use maximum force to take their objective as quickly as possible. In military terms that usually saves lives. In a law enforcement situation, the opposite is true. Law enforcement are taught to use the least amount of force necessary to control the situation and to escalate the use of that force only as necessary.

B. In most law enforcement departments, the only non-deadly weapon authorized for use is the baton. Some departments also provide officers with tear or pepper gas. The use of these weapons also cannot be used without prior training and also come under the rules which apply to the use of deadly force.

At the beginning of this section we indicated that the policies are simple to state. However, the practice, without training and knowledge, is much more difficult. Every arrest requires the suspect to respond to a specific command by an officer. In many cases, the suspect will not respond to that verbal command and some form of physical force is necessary. The judgment of whether reasonable force was used or excessive force was used is given after the incident is over and it is often given by superior officers, courts or even juries.

The use of force must be able to be justified as “reasonable” when analyzed after it has taken place and away from the emotions of the actual situation. That means that the need to use force must outweigh the right of a person to remain free of searches and seizures by the government, the officer and the law enforcement department. “Reasonableness,” when used as a test of whether the use of force was justified or not, is measured by:

1. “balancing” of governmental interests and physical effects to the suspect
2. isolating and analyzing specific actions of the suspect and the reactions of the officers
3. recognizing the totality of circumstances as applies to the use of force
4. recognizing the severity of the crime at issue and previous data concerning the suspect
5. recognizing the level of immediate threat the suspect posed
6. recognizing the level of resistance
7. ordering probable consequences of the suspects actions
8. considering the use of force alternatives available to the officer along with their probable consequences

DISCUSSION GUIDE:
All those factors considered after the fact can present a totally different picture than the officer felt was the reality at the time. Being frightened, excited, having to react quickly and without benefit of all the facts make such an analysis very difficult if not impossible on the spot. That is why what follows is designed to help the officer place the situation into one of a few easily and quickly identifiable categories to determine the appropriate amount of force to use.

8. Suspect is Cooperative
   a. Appears willing to follow officers lead
      i. Presence of the officer -- as a symbol of legal authority and as a source of intimidation by the size, demeanor, apparent physical condition and training (also, the presence of several officers adds to the deterrent effect)
   b. Cooperative, but must be given directions for compliance
      i. Presence of the officer
      ii. Verbal command -- from a friendly “please” to “Stop or I’ll shoot!” Often times an officer trained in how to talk, even after having to apply physical force, can get the suspect to discontinue resistance by calling the person’s name or giving commands while using weapons or physical manipulations
         (1) Persuasion
         (2) Advice
         (3) Warning

9. Suspect resists
   a. Suspect is not controlled by verbal direction. Suspect resists by not moving
      i. Presence of the officer
      ii. Verbal command
         (1) Persuasion
         (2) Advice
         (3) Warning
      iii. Control Measures without weapons
         (1) Pressure/Pain Holds -- the use of non-impact pressure to pain receptors (such as wrist locks or pressure sensitive areas of the body -- these will be trained in other sessions). This pressure causes the suspect to move in the direction of relief allowed by the officer
         iv. Control Measures with weapons
            (1) Control Instruments -- Control instruments are those which are designed to apply non-impact pressure to pain sensors. The use of the control instrument, such as the Yawara or other short stick instrument when expertly applied, can increase the
chances of establishing control by amplifying non-impact pressure. These instruments are designed to maximize pain, but when used strictly as a control instrument, cause little tissue damage. Using control instruments simply to gain information is not considered ethical, but is a form of torture. Using them to avoid using another more destructive form of control, such as striking, is ethical. The pain should cease when the suspect ceases to resist.

(2) Electrical Shocking Devices -- These are not particularly reliable nor effective, but can cause pain and small burns.

b. Suspect actively resists in a defensive manner
   i. Presence of the officer
   ii. Verbal command
      (1) Persuasion
      (2) Advice
      (3) Warning
   iii. Control Measures without weapons
      (1) Pressure/Pain Holds
      (2) Stunning -- Inhibition of respiration, muscular capability, or the ability to concentrate are forms of stunning. Examples are: a palm heel strike to the head, a similar strike to the lower rib cage, or a strike to the solar plexus. The use of stunning can give the officer the opportunity to apply immobilization techniques, handcuffs, or other restraining devices. Impact pressure is purposefully limited in the use of stunning, so that force is spread over a wider surface area of the suspect’s body. This lessening of pressure of a given amount of force changes the quality of effect from sharp penetrating and breaking, to padded shocking.
   iv. Control Measures with Weapons
      (1) Control Instruments
      (2) Electrical Shocking Devices
      (3) Chemical Agents -- Chemical agents, such as tear gas and pepper gas, are usually not lethal. They require time to take effect. Therefore, they are generally useful on subjects who resist, but who are not actually assaulting in close range when the chemical agent is used.

10. Suspect is an assailant
   a. Suspect aggressively offensive but without weapons
      i. Presence of the officer
      ii. Verbal command
         (1) Persuasion
         (2) Advice
         (3) Warning
      iii. Control Measures without weapons
         (1) Pressure/Pain Holds
         (2) Stunning shocking
         (3) Direct Mechanical Techniques -- These deal directly with the skeletal or mechanical support structure of the suspect’s body and the use of mechanical impact pressure or leverage directly on it. Either impact pressure or opposing prohibitive pressures are used. Any of these pressures can fracture bone or cause damage to connective tissue, muscles, or organs. Mechanical techniques generally offer the best chance for
establishing physical control of a subject, but also the greatest chance of injury to him or her. Techniques in this category include:

a. Concentrated impact pressure such as penetrating karate strikes and kicks
b. Prohibitive Joint Locking and Breaking Techniques such as wrist and arm locks

C. Chokes and Neck Restraints such as vascular control or choke holds

iv. Control Measures with Weapons

(1) Control Instruments
(2) Electrical Shocking Devices
(3) Chemical Agents
(4) Impact Weapons -- Straight Baton, Side Handle Baton are examples of impact weapons that can be used with varying degrees of intensity

b. Suspect immediately threatens to harm others

i. Presence of the officer
ii. Verbal command
   (1) Persuasion
   (2) Advice
   (3) Warning

iii. Control Measures without weapons

(1) Pressure/Pain Holds
(2) Stunning shocking
(3) Direct Mechanical Techniques

iv. Control Measures with Weapons

(1) Control Instruments
(2) Electrical Shocking Devices
(3) Chemical Agents
(4) Impact Weapons
(5) K-9

c. Suspect immediately threaten death or serious physical injury

i. Presence of the officer
ii. Verbal command
   (1) Persuasion
   (2) Advice
   (3) Warning

iii. Control Measures without weapons

(1) Pressure/Pain Holds
(2) Stunning shocking
(3) Direct Mechanical Techniques

iv. Control Measures with Weapons

(1) Control Instruments
(2) Electrical Shocking Devices
(3) Chemical Agents
(4) Impact Weapons
(5) K-9
CONCLUSION
When considering the use of force, law enforcement officers must remember that the primary purpose of the law enforcement is the protection of life and property. All life and property, citizen and criminal alike. In accepting the job of law enforcement officer, this is the officers sworn duty. Simply stated, the job of the law enforcement is to protect and serve the public, all other duties are secondary. Using force, except in self defense or to defend a citizen from harm, violates the sworn duty of the officers.

WHATEVER THE CIRCUMSTANCES, AT NO TIME IS AN OFFICER JUSTIFIED IN PLACING OR ALLOWING a MEMBER OF THE PUBLIC TO BE PLACED IN DANGER.
TEST

1. Under law enforcement policy, life threatening force can be used when?

2. What is the recommended law enforcement policy regarding the firing of warning shots?

3. Can an officer ever use lethal force when it might place an innocent bystander in danger?

4. Describe the five general techniques which can be used to control an inmate or suspect and put them in order of preferred use (that is from least harmful to the inmate/suspect to the most harmful).
ANSWERS TO THE TEST

1. Life threatening force can be used when:
   a. As a last resort in any situation where such force is justified
   b. To prevent escape if the fleeing felon constitutes a significant danger
   c. To destroy an animal which is a threat or as a humanitarian act

2. Warning shots are NOT permitted

3. No

4. Control techniques in order of preferred use are:
   a. Presence of the officer
   b. Verbal command
   c. Control measures without weapons
   d. Control measures with weapons
   e. Lethal force
Human Rights Instruments Related to LESSON PLAN 9

**Universal Declaration of Human Rights, 1948.**

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**International Covenant on Civil and Political Rights**
Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49

Article 7
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

**Standard Minimum Rules for the Treatment of Prisoners**

**Institutional personnel**
54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

**Code of Conduct for Law Enforcement Officials**
Adopted by General Assembly resolution 34/169 of 17 December 1979

**Article 3**
Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

**Article 5**
No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official
invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

**Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

Adopted by General Assembly resolution 43/173 of 9 December 1988

**Principle 6**

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

**Principle 21**

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

**Principle 33**

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

**Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**


**General provisions**

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and
bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
   (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
   (b) Minimize damage and injury, and respect and preserve human life;
   (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
   (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

Special provisions

9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

Policing persons in custody or detention

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

Reporting and review procedures
24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

Recommendation No R (87) 3 of the Committee of Ministers to member states on the European Prison Rules
Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies.

63. 1. Staff of the institutions shall not use force against prisoners except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

2. Staff shall as appropriate be given special technical training to enable them to restrain aggressive prisoners.

3. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been fully trained in their use.
LESSON PLAN 10 - Transportation of Prisoners

Method of Instruction: Lecture, Discussion, Question and Answer

Performance Objectives:
1. List 4 things that must be completed for pre-trip preparation.
2. List the forms and documentation that must be completed before, during the trip.
3. List the major considerations during the transportation of the inmate.
4. List the steps to be taken upon return.

INTRODUCTION:
Before leaving the confines and security of the institution, the armed escort team must realize that preparation and planning are important to the overall success of the trip. You should know about the inmates(s) you are transporting; your life, the lives and well being of fellow staff or inmates may depend on these issues.

DISCUSSION GUIDE: Have different students read sections of the following laws and rules

From the Law on Prisons and Detention Centers

Transfer:
Article 47:
(1) Given security reasons, trial and health problems, detainees and prisoners shall be transferred from one detention center or prison to another by Prison Officers and Protectors.

(2) The Government shall pay the transportation costs.

(3) Male Prison officers and Protectors shall transfer male detainees and female Prison Officers and Protectors shall transfer prisoners and female detainees.

Transfer Under Supervision:
Article 48:
(1) According to the respective bill, detainees and prisoners mentioned in article 47 of this law shall be transferred by the Prison Officers and Protectors under special control.

(2) The procedure of transfer under special control shall be made in a separate bill.

From the Prisons and Detention Center’s Regulation for Management of Affairs
Article 30:
Transfer of prisoner and detainee:

11. In accordance with the provisions of Article 47 and 48 of the Law of Prisons and Detention Centers, prisoners and detainees shall be escorted by armed prisons and
detention centers Police during the transfer. The number of prisons and detention centers Police shall be decided by the prison Commander based on the dangerousness of the prisoner or detainee to be transferred;

12. Transfer of prisoner or detainee from one place to another for the reasons of security and prevention of escape, prisoner or detainee will be restrained according to the condition.

13. Prisons and detention centers Police shall search a prisoner or detainee prior to and at the end of each transfer for the purpose of unauthorized items and will be checked by the concerned medical officer.

14. During transfer from one prison or detention center to another prison or detention center, prisoners and detainees shall be allowed to take their money and personal belongings, with the maximum weight of (30kg).

15. During transfer of prisoner or detainee consideration of the following items are necessary:
   f. Copy of the order of transfer in accordance with the provisions of Articles 21 and 47 of the Law of Prisons and Detention Centers;
   g. Sufficient food and drinkable water for each prisoner and detainee;
   h. Prisoner’s or detainee’s personal file;
   i. Medical certificate authorizing the transfer;
   j. List of prisoners’ or detainees’ personal belongings transferred and of those to be transferred at a later stage

16. The following individuals should not, under normal circumstances, be part of a collective transfer:
   d. Pregnant women or women with children;
   e. Prisoners or detainees under medical treatment;
   f. Dangerous prisoners and detainees requiring strict control and observation.

17. The prison and detention center administrations shall execute the decision of the competent court on the transfer of a prisoner or a detainee for the purpose of criminal proceedings.

18. Whenever district prison or detention center administration understand that keeping prisoner or detainee are not proper in their related facility, they should inform the issue to the provincial prison or detention center administration, provincial prison or detention center administration will made a decision regarding the issue of transfer of prisoner or detainee after the direction of the Minister of justice.

19. Whenever provincial prison or detention center administration understand that keeping prisoner or detainee are not proper in their related facility, they should inform the issue to the central prisons and detention centers administration, Central prisons and detention centers administration will made a decision regarding the issue of transfer of prisoner or detainee after the direction of the Minister of justice.

The Prisons provides approved inmates with staff-escorted trips into the community for such purposes as receiving medical treatment not otherwise available, for visiting a critically ill member of the inmate’s immediate family, or for participating in programmer work related functions.
If you are planning on transferring an inmate with restraints outside the institution you should review:
- Facts about the pre-trip preparation
- Facts about the forms and documentation used in transporting prisoners
- Steps in transporting the inmate
- Steps to take on return

INSTRUCTOR’S NOTES:
At the end of each major item give the students an opportunity to comment or ask questions. If no questions are raised by the students, pick out various students and ask them to explain what was just covered.

PLAN THE TRIP
In planning your escort trip you should identify pre-transport procedures to ensure you have enough information about the inmate(s) prior to departure. Planning the trip is the first major step that you must perform. It is as follows:

A. ORDERS
   First, you will receive orders requiring you to transport an inmate outside the institution. These orders will consist of:
   - Trip authorization
   - Schedule or an unscheduled trip
   - Local or cross country trip

B. FINANCES AND LOGISTICS
   The business office will make financial arrangements, and prison service will plan the trip.
   First, you must verify the identification and custody status of each inmate to be transported. You can do this by:
   - Current custody status
   - Escape attempts
   - Violent or disruptive behavior

C. RESTRAINTS, ADDITIONAL STAFF, WEAPONS, AND VEHICLES
   First you must determine policy requirements for restraints, additional staff, weapons, and vehicles.
   
   Restraints Requirements
   - Handcuffs
   - C & S Handcuff Cover
   - Belly Chain
   - Leg Cuffs

DISCUSSION GUIDE:
In the following sections, several plans are to be prepared (i.e. communication, contingency). Have the class discuss why so much pre-trip planning and what good it does. During the discussion to make sure that the class identifies, among other things, that writing
of the plan helps them think everything through and that it provides a written document others can use to know their thinking and planned activities if they need help during the trip.

D. PLAN AND PREPARATION
You should prepare a communication plan and coordinate it with the Control Center prior to your departure.

Meal Preparation
- The meal requirement will be provided by Food Service
- Meals should be prepared transported, and secured by staff members only

Contingency Plan
You should prepare a contingency plan for delay or maintenance problems prior to vehicle departure.

E. VEHICLE PREPARATION
Prior to beginning a trip with inmates you must not only take the usual precaution that you would take before heading out on a personal trip, but you must also take precautions unique to the prison environment. Let's look in preparing the vehicle(s).
- Sign out the vehicle
- Check vehicle for general operating condition and servicing.
- Conduct shakedown of vehicle using search techniques.
- Check the vehicle communication equipment installation and operation.
- Check installed security equipment (secures, grills, restraints, sirens, etc.).

F. TRANSPORTATION DOCUMENTATION
Before an inmate can be transported outside of the institution, the following inmates and staff records must be completed:

Staff Records
- As the escorting officer you must sign the Escort Instruction form. This form explains your duties and responsibilities as an escort officer.

G. PREPARE INMATE FOR THE TRIP
After all of the above preparation have been discussed, now we are ready to prepare the inmate for the trip.

- Verify the identity of the inmate by checking the Inmate Picture or Identity Card.
- Obtain and inspect clothing to be worn by inmate during trip.
- Visual search the inmate by using a metal detector or a pat search to discover contraband.
"Issue clean clothing to inmate and use ensure inmate does not acquire contraband after dressing.
"Apply restraints to the inmate using the procedures we previously discussed.
"The Lieutenant, or officer-in-charge of trip, is responsible for checking the restraints being used, the tightness of restraints, the condition of the restraint locks, and the identity of inmate being transported.

EN ROUTE
a. Now let’s discuss the steps necessary while transporting an inmate.
First you will check out with the Control Center in person. Do not check out over the radio.
YOU WILL:
1. Identify yourself
2. Identify the inmate
3. State the purpose of the trip

Now you must conduct a preboarding briefing.
Brief inmate on his/her expected conduct during the trip.
Do not disclose trip details to inmate(s)
During the trip you must maintain supervision and security procedures you can do this by:
1. Maintaining constant visual supervision of inmate
2. Maintaining at least the minimum restraints required for the inmate at all times.

B. If you should happen to change vehicles you should use proper security precaution such as:
1. Establish a secure perimeter around vehicle.
4. If possible, vary route but keep institution aware of your route.
5. Never allow the inmate to visit with anyone.
6. Make sure that armed staff member never comes in direct contact with the inmate at all during the trip.
7. If you have an escape, immediately notify the nearest law enforcement agency and your institution.

C. MAINTAIN ACCOUNTABILITY
As we have said before, you must ensure that the inmate is accounted for at all times. Again, you may do this by:
1. Transferring accountability of inmate to receiving supervisor.
2. Keeping the inmate under direct supervision until the trip is completed.

D. Think ahead -- your survival depends on it! While the number of major incidents is low, it can happen. Be prepared.

IV. CHECK IN ON RETURN
Upon completion of trip and return to your institution you must follow specific procedures.

YOU MUST
1. Check in with the Control Center.
2. Identify the inmate by using the inmate Identity Card.
3. Check the inmate in with the Control Center.

CONCLUSION
During the lesson you have learned why we escort inmates from one place to another to prevent problems associated with violent or disruptive inmates.
TEST

1. List 4 things that must be completed for trip preparation.

2. List the forms and documentation that must be completed before, during and after the trip.

3. List the major considerations during the transportation of the inmate.

4. List the steps to be taken upon return.
Answers to TEST

1. Before the trip you must prepare: (any 4 of the following)
   a. a communication plan
   b. a contingency plan
   c. Inmate preparations
   d. Vehicle preparation
   e. Restraints and weapons

2. The documents identified during the training.

3. The major considerations during the transportations are:
   a. Maintaining supervision of the inmate
   b. Maintaining accountability of the inmate

4. Upon return
   a. Check in with the Control Center
   b. Identify the inmate by using his/her identity card
   c. Check the inmate in with the Control Center
Human Rights Instruments Related to LESSON PLAN 10

**Standard Minimum Rules for the Treatment of Prisoners**

**Instruments of restraint**
33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
   (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
   (b) On medical grounds by direction of the medical officer;
   (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.
34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

**Notification of death, illness, transfer, etc.**
44. (3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

**Removal of prisoners**
45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
   (2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
   (3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

**Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**
Adopted by General Assembly resolution 43/173 of 9 December 1988

**Principle 16**
Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.
Recommendation No R (87) 3 of the Committee of Ministers to Member States on the European Prison Rules
Adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies

**Notification of death, illness, transfer, etc.**
49. 1. Upon the death or serious illness of or serious injury to a prisoner, or removal to an institution for the treatment of mental illnesses or abnormalities, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
3. All prisoners shall have the right to inform at once their families of imprisonment or transfer to another institution.

**Removal of prisoners**
50. 1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship or indignity shall be prohibited.
3. The transport of prisoners shall be carried out at the expense of the administration and in accordance with duly authorised regulations.

Recommendation No R (98) 7 of the Committee of Ministers to Member States concerning the ethical and organisational aspects of health care in prison.
Adopted by the Committee of Ministers on 8 April 1998, at the 627th meeting of the Ministers’ Deputies.

18. All transfers to other prisons should be accompanied by full medical records. The records should be transferred under conditions ensuring their confidentiality. Prisoners should be informed that their medical record will be transferred. They should be entitled to object to the transfer, in accordance with national legislation.
LESSON PLAN 11 – Ethics for Prison Personnel

CODE OF CONDUCT FOR PRISONS OFFICERS

INTRODUCTION: A Prisons Officer must be able to respond in a professional manner to as many known situations as can reasonably be expected to occur. This may be the most important lesson we will cover. All of the legal and technical aspects of prison work mean little if they are not carried out under the guidance of the Afghan Constitution and within the spirit of the sacred religion of Islam.

DISCUSSION GUIDE: Have different students read various sections of the “Content” column. The use the questions in the “Evaluation” column for discussion

By the end of the session, the participants will be able to:

• Explain ethics and professionalism
• Explain the basic social ethics concepts
• List the typical misconceptions about ethics
• Explain: Why the need to be ethical?
• Enumerate and explain the major points contained in the Code of Ethics
• Apply the Ethical Decision-Making Tools
• Differentiate ethical and legal behavior.
• Apply ethical and legal behavior in prison work.
### Definition of Ethics and Professionalism

Ethics is making choices between right and wrong ... doing what is right. Generally, the conscience is the guide.

- Avoid ethical problems by:
  - Using good reasoning
  - Acting in good faith
  - Doing job fairly & honestly
  - Respecting rights of others
  - Following rules & regulations

**Ethics and Action:**

Ethics is about putting principles into action. Consistency between what we say we value and what our actions say we value is a matter of integrity.

It is also about self – restraint:

- Not doing what you have the power to do. An act isn’t proper simply because it is permissible or you can get away with it.
- Not doing what you have the right to do. There is a big difference between what you have the right to do and what is right to.
- Not doing what you want to do. In the well-worn turn of phrase, an ethical person often chooses to do more than the law requires and less than the law allows.

Professionalism is an act of participating in an occupation that requires significant education, training or experience, and involves specialized skills and requires the highest degree of commitment and dedication.

- Professionalism carries PRIVILEGES of:
  - Camaraderie
  - Job security
  - Opportunity for advancement
  - Respect of the public
  - Knowing YOU make a

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difference

- Professionalism carries RESPONSIBILITIES:
  
  Continual training
  Fairness
  Honesty
  Highest standard of ethical conduct

Basic Social Ethics Concepts

- Ethics are among other things, a set of rules and standards which govern individual conduct.
- Every aspect of human behavior is influenced by personal values, but values are not easily defined or achieved.
- As public servants, we are expected to abide by standards of conduct established. The public has entrusted us with a large responsibility, it demands that we abide by the highest ethical standards and is quick to criticize when we fail to live up to those standards.

Misconceptions About Ethics

- Ethics is not something that good people need to worry too much about.
- Idealism is incompatible with realism.
- People concerned about ethics dismiss every pleasure and are just holier-than-thou.
- Principle subject mater of ethics is moral problems as opposed to the formation of habits of good character.
- If other officers are not concerned, then it is acceptable.

People have lots of reasons for being ethical:

- There is inner benefit.
- There is personal advantage.
- There is approval.
- There is religion.
- There is habit.

What are the social ethics concepts?

Major Points Contained in the Code of Ethics

- Fundamental Duty
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<td>Safeguard lives and properties</td>
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<td>Constitutional rights</td>
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<td>An example to all</td>
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<td>Courageous calm</td>
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<td>Self – restraint</td>
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<td>Honest in thought and deed</td>
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<td>Confidential</td>
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<td>Personal feelings</td>
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<td>Fear or Favor, Malice of Ill Will, and with Dignity</td>
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<td>Unnecessary force</td>
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<td>Gratuities</td>
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**Ethical Decision – Making Tools**

1. Six Pillars of Character
   - Trustworthiness
   - Respect
   - Responsibility
   - Fairness
   - Caring
   - Citizenship

**Groundwork for Making Ethical Decisions**

- Taking choices seriously
- Recognizing important decisions
- Good decisions are both ethical and effective
- Discernment and discipline
- Stakeholders

**Seven – Step to Better Decisions**

- Stop and think
- Clarify goals
- Determine facts
- Develop options
- Consider consequences
- Choose
- Monitor and modify

**Rationalization in Making Decisions**

- If it’s necessary, it’s ethical
- The false necessity trap
- If it’s legal and permissible, it’s proper
- It’s just part of the job
- It’s all for a good cause

What are the misconceptions about ethics?

What the reasons for a Prisons Officer to be ethical?
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| ✓ I was just doing it for you  
✓ I’m just fighting fire with fire  
✓ It doesn’t hurt anyone  
✓ Everyone’s doing it  
✓ It’s OK if I don’t gain personally  
✓ I’ve got it coming  
✓ I can still be objective |

What are the major points contained in the Code of Ethics?

Ethical & Legal Behaviour

✓ Is what’s legal always right?  
✓ Is the law THE source for judging ethical or moral behaviour?  
✓ “Ethical” and “legal” are not the same.  
✓ You can follow the law to the letter... and still violate professional ethics.

What are the ethical – making tools? What is the procedure in making ethical and better decisions?

What is ethical and legal behaviour. Give examples in Prisons work?