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## Conseil des droits de l'homme

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**Promotion et protection des tous les droits de l'homme, civils, politiques, économiques, sociaux et culturels, y compris le droit au développement**

## **Rapport du Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants**

### **Additif**

### **Mission en Papouasie-Nouvelle-Guinée\***

Le présent rapport contient les conclusions et recommandations du Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants, M. Manfred Nowak, concernant sa mission en Papouasie-Nouvelle-Guinée, du 14 au 25 mai 2010.

Sur la base de discussions avec des responsables, des juges, des avocats et des représentants de la société civile et d'entretiens avec des victimes d'actes de violence et des personnes privées de liberté, souvent étayés par des preuves médico-légales, le Rapporteur spécial a conclu à l'existence de cas isolés de torture au sens classique du terme, à savoir d'actes consistant à infliger délibérément une douleur ou des souffrances aiguës comme moyen d'arracher des aveux ou des renseignements. Il a également relevé de nombreux cas dans lesquels des personnes avaient été plus ou moins sévèrement battues par la police lors d'arrestations et en guise de punition, que l'on pouvait assimiler à des cas de torture. L'impunité dont jouissaient des auteurs d'actes de torture et de mauvais traitements était favorisée par l'absence de mécanismes de plaintes efficaces, d'enquêtes indépendantes, de surveillance et d'autres garanties similaires.

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\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit, qui est joint à l'annexe au résumé, est distribué dans la langue originale seulement. L'appendice est distribué tel qu'il a été reçu.

Le Rapporteur spécial a constaté qu'il régnait dans les lieux de détention un climat général de violence et de négligence. Dans les postes de police, des détenus étaient enfermés pendant de longues périodes allant jusqu'à un an dans des cellules surpeuplées et crasseuses, sans ventilation correcte ni lumière naturelle. Dans les établissements pénitentiaires, les conditions étaient meilleures nonobstant un surpeuplement général. Il y avait également un manque généralisé de soins médicaux, même pour ceux qui avaient été violemment battus par les autorités, et les mauvaises conditions sanitaires favorisaient la propagation de maladies contagieuses.

En ce qui concerne les mineurs, la politique et le Protocole pour les mineurs à l'usage de la police, un excellent outil pour prendre en charge les jeunes en conflit avec la loi n'était quasiment pas appliqué et les mineurs étaient détenus avec des adultes dans tous les postes de police dans lesquels s'est rendu le Rapporteur spécial.

En Papouasie-Nouvelle-Guinée, les femmes sont en bas de l'échelle sociale, ce qui les expose très fortement à la maltraitance dans les sphères familiale et publique. La violence sexiste est répandue dans tout le pays, notamment au foyer, et il n'existe aucun mécanisme public pour lutter contre ce phénomène. En détention, les femmes courent un risque très élevé d'être victimes d'abus sexuels de la part de policiers ou d'autres détenus.

En raison d'un manque de ressources humaines et financières, d'une forte corruption et d'une absence de professionnalisme, la police de Papouasie-Nouvelle-Guinée n'est pas en mesure d'assurer la sécurité et de faire un travail de prévention et d'enquête sur les crimes dans l'ensemble du pays, notamment dans les zones rurales. Par conséquent, ce sont des compagnies de sécurité privées qui effectuent la plus grande partie du travail quotidien de police.

Compte tenu de ce qui précède, le Rapporteur spécial recommande au Gouvernement de faire publier par ses plus hautes instances une déclaration affirmant sans ambiguïté qu'il ne tolérera ni la torture ni les mauvais traitements analogues de la part de fonctionnaires. Il prie également instamment le Gouvernement de ratifier la Convention contre la torture et le Protocole facultatif s'y rapportant. Il recommande en outre de modifier le droit interne afin d'y inclure un crime de torture assorti de peines appropriées, d'assurer l'ouverture d'office d'enquêtes rapides approfondies concernant toutes les allégations et tous les soupçons de mauvais traitements ou d'usage excessif de la force, de réduire à quarante-huit heures la durée de la garde à vue, de mettre en place des mécanismes de dépôt de plaintes facilement accessibles et efficaces et d'effectuer une réforme structurelle globale de la Police royale de Papouasie-Nouvelle-Guinée. Il recommande également la mise en place d'une présence dans le pays du Haut-Commissariat des Nations Unies aux droits de l'homme.

## Annexe

### **Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, on his mission to Papua New Guinea (14-25 May 2010)**

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## I. Introduction

1. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, undertook a visit to Papua New Guinea, from 14 to 25 May 2010, at the invitation of the Government.
2. The purpose of the visit was to assess the situation of torture and ill-treatment in the country, including conditions of detention, and to initiate a process of cooperation with the Government aimed at eradicating torture and ill-treatment.
3. The Special Rapporteur expresses his deep appreciation to the Government for its invitation to visit the country, which in itself is a sign of the Government's willingness to open up to independent and objective scrutiny as a means to assess practices of torture and ill-treatment and strengthening assistance by the United Nations in the field of criminal justice. He also appreciates the full cooperation shown by the authorities during the course of the visit, and would like to thank the Royal Papua New Guinea Constabulary and the correctional services for issuing authorization letters providing him with access to all detention facilities. During the visit, he was able to carry out unannounced visits to places of detention and to conduct confidential interviews with detainees.
4. The Special Rapporteur held meetings with State officials, including the Minister for Justice and Attorney General, Ano Pala; the Minister for Internal Security, Sani Rambai; the Secretary of the Department of Foreign Affairs and Trade, Michael M. Maue; the former Minister for the Interior and Justice, Bire Kimisopa; the Chief Administrator of the Autonomous Region of Bougainville, Patrick Koles; the Acting Commissioner of Correctional Services, Henry Wavik; the Deputy and Acting Commissioner of the Royal Papua New Guinea Constabulary, Tom Kolunga; and the Chief Ombudsman, Chronox Manek.
5. Besides the Government, the Special Rapporteur met with a broad range of civil society organizations, lawyers, members of different tribal communities and former victims. In addition, the Special Rapporteur held meetings with representatives of international organizations, including the United Nations country team, the United Nations Development Programme, the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs, the World Health Organization, the International Committee of the Red Cross and the diplomatic community.
6. During his visit, the Special Rapporteur visited prisons, police stations and other detention facilities (see appendix).
7. The Special Rapporteur wishes to acknowledge with appreciation for the excellent support provided by the United Nations Resident Coordinator, David McLachlan-Karr, and the entire United Nations team for their excellent assistance prior to and during the visit; the Office of the United Nations High Commissioner for Human Rights (OHCHR); Dr. Duarte Nuno Vieira, forensic doctor; and Tiphany Crittin and Roland Schmidt of the Ludwig Boltzmann Institute of Human Rights.
8. While still in the country, the Special Rapporteur shared his preliminary findings with the Government, which responded with constructive comments. On 27 October 2010, a preliminary version of the present report was sent to the Government for its comments.

## II. Legal framework

### A. International level

9. Papua New Guinea is party to several of the core United Nations human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women .

10. Papua New Guinea is not yet party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the Optional Protocol thereto. It is also not party to the Convention on the Protection of All Persons from Enforced Disappearance or the Convention on the Rights of Persons with Disabilities. In addition, Papua New Guinea has not ratified or acceded to any of the optional protocols to the above-mentioned core treaties, or made declarations recognizing the competence of the respective committees to receive and consider individual complaints. It has not acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.<sup>1</sup>

11. Papua New Guinea is party to the Geneva Conventions of 1949. It is not, however, party to the Additional Protocols to the Conventions of 1977 or to the Rome Statute of the International Criminal Court.

### B. National level

#### 1. Constitutional and legislative provisions criminalizing torture

12. The Constitution of Papua New Guinea provides for the protection of “fundamental rights” and “qualified rights”. The first set of rights comprises the right to life (sect. 35), protection of the law (sect. 37) and the prohibition of “torture, or treatment or punishment that is cruel or otherwise inhuman, or inconsistent with respect for the inherent dignity of the human person” (sect. 36 (1)). The second set of rights includes those that may be restricted for, inter alia, the purpose of giving effect to the public interest and to “the extent reasonably justifiable in a democratic society”. These rights include the liberty of the person (sect. 42) and freedom from forced labour (sect. 43).

13. The prominent position of the prohibition of torture in the Constitution is not reflected in ordinary law, which contains no explicit definition of the crime of torture. Indeed, the term “torture” appears only once in the Criminal Code Act as an aggravating circumstance in the case of sexual assault (sect. 349 (A)). Instead, the code outlaws several offences, including some, but not all, of the elements of the crime of torture as understood in the Convention against Torture, such as various forms of assault (division 5), including attempts or threats to apply force (sect. 243), excessive use of force (sect. 281), acts intended to cause grievous bodily harm and assaults causing bodily harm (sect. 315). The Criminal Code Act also outlaws threats to do any injury or cause any detriment to another person with the intent to compelling that person to do an act that he or she is lawfully entitled to abstain from doing (sect. 359).

<sup>1</sup> Papua New Guinea is considered de facto abolitionist, despite its abstention from the adoption of General Assembly resolution 63/168 on a moratorium on the use of the death penalty . The death penalty for wilful murder was reintroduced in 1991, after having been abolished in 1970. The last known execution took place in 1954.

## 2. Safeguards against torture and ill-treatment during arrest and detention

14. Any person arrested by the police must be taken without delay to a police station,<sup>2</sup> where the officer in charge has to register the person in a permanent register of arrests (unless detention is not deemed necessary), inform the detainee of the reasons for the arrest, details of the charges and the rights to immediately communicate with a member of their family or personal friends in private, and to give instructions to a lawyer of their choice, including the public solicitor if entitled to legal aid.<sup>3</sup> Refusal or failure to keep records relating to a person in confinement is a misdemeanour, punishable by up to three years of imprisonment.<sup>4</sup>

15. According to the Constitution, any person arrested or detained on the basis of reasonable suspicion of having committed or being about to commit an offence is should be brought before a court or a judicial officer without delay, and should not be held further except by order of a court or a judicial officer (sect. 42 (3)). Any wilful delay in taking an arrested person to the judicial authorities constitutes a misdemeanour.<sup>5</sup>

16. With regard to the protection of the physical and psychological integrity of persons held in prisons, the Correctional Service Act of 1995 regulates the treatment and conditions of detention, including the use of firearms in detention (sect. 111), the use of physical restraints against detainees (sects. 55, 57 and 112), and the duty of law enforcement officials to ensure the full protection of the health of persons in their custody, including aspects of accommodation (sect. 122), hygiene (sects. 122 and 125)<sup>6</sup>, food and water (sect. 123),<sup>7</sup> exercise (sect. 126)<sup>8</sup> and medical services (sects. 88, 89, 141 and 142).<sup>9</sup>

17. Regarding medical examinations as a safeguard against ill-treatment, the Correctional Service Act stipulates that a medical officer should examine a detainee “as soon as possible”, “wherever practicable” after a detainee has been admitted, or before the detainee is charged or removed from a corrective institution (sect. 88). According to the Correctional Service Regulation, examinations by the medical officer should be carried out with a view to detect illnesses that would require segregation from the overall prison, hamper rehabilitation or influence the detainee’s capacity to work (sect. 112). As such, medical examinations are not foreseen to be carried out in order to detect traces of abuse or ill-treatment, undermining any safeguarding effect. Similarly, the Arrest Act only provides for medical examinations of suspects held in police custody if requested by a commissioned officer or the officer in charge, and if there are reasonable grounds to believe that a medical examination would provide evidence relating to the offence of which the detainee is a suspect (sect. 22). Examinations require the written consent of the detainee or a court order, and may only be carried out through the use of force which is “reasonable in the circumstances” (sect. 22 (6)). As with medical examinations in correctional facilities, there is no provision in the legislation that foresees medical examinations as a safeguard against ill-treatment.

18. The Correctional Service Act stipulates that female and male detainees should be held so far as possible in separate correctional institutions. In cases where such separation is not possible, female and male detainees are to be held in entirely separate parts of the

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<sup>2</sup> Arrest Act, sect. 17(a).

<sup>3</sup> Arrest Act, sect. 18, and Constitution, sect. 42(2).

<sup>4</sup> Criminal Code Act, sect. 357.

<sup>5</sup> Criminal Code Act, sect. 133.

<sup>6</sup> See also Correctional Service Regulation 1995, sect. 96.

<sup>7</sup> See also *ibid.*, sects. 70 - 73, 75-78, 104 and 105.

<sup>8</sup> See also *ibid.*, sects. 79 and 105.

<sup>9</sup> See also *ibid.*, sects. 105, 112 and 113.

facility. Young detainees are also be kept separate from adults (sect. 107(2)(a) and (c)).<sup>10</sup> Children for whom no alternative arrangement suitable to the needs of the child can be made may stay with their mothers in prison until the age of three.<sup>11</sup>

19. The Evidence Act excludes any confession as evidence in criminal proceedings if the confession was induced by threat or a promise by persons in authority (sect. 28).

### **3. Complaints and investigations of acts of torture and ill-treatment**

20. Commanding officers in correctional institutions are responsible for making themselves available at reasonable times to receive and record requests and complaints from detainees, and to take the action they deem necessary.<sup>12</sup> Detainees may also raise complaints with visiting magistrates, who must register any complaint in the Visiting Magistrate's Register, available at each institution.<sup>13</sup> Despite the existence of visiting magistrates, however, there is no provision in the law that provides for an independent, external and efficient complaint mechanism.

21. Members or officers of the Ombudsman Commission are also entitled to visit detainees in correctional institutions at any time. If practical, a commanding officer of the correctional institution should be informed of the intended visit.<sup>14</sup> However, the Correctional Service Act does not state whether meetings with detainees are private and confidential, nor does it have provisions regulating visits to police lock-ups and pretrial detention facilities.

### **4. Compensation**

22. Police officers carrying out investigations in violation of the Arrest Act may be liable in damages to the person aggrieved by that breach (civil remedy) (sect. 26). However, officers found guilty under this proceeding are fully indemnified by the State if they acted bona fide, not maliciously or with wilful disregard of their professional duties and responsibilities, and not in a grossly negligent manner (sect. 29).

### **5. Juvenile justice**

23. The Juvenile Courts Act of 1991 establishes a separate justice system for juvenile offenders, namely, those from 7 and 18 years of age (sect. 2). Under the Act, juvenile courts have jurisdiction to hear all indictable offences other than homicide, rape or an offence punishable by death or life imprisonment (sect. 15).

24. To fully implement the Act, which came into force in 2003, the Royal Papua New Guinea Constabulary and UNICEF drafted the Police Juvenile Justice Policy and Diversity Protocol in February 2006. Its aim was to realign police practices and procedures with the Juvenile Courts Act and to ensure that the interests of the juvenile are the primary consideration. As a result, arrest and detention in cells are to be used only in extreme or special circumstances. In addition, strict confidentiality of their identity and records must be maintained.

25. The Police Juvenile Justice Policy and Diversity Protocol furthermore prohibits the use of torture and other cruel, inhuman or degrading treatment or punishment (rule 1) and establishes that juveniles deprived of their liberty should be treated with humanity and

<sup>10</sup> See also Juvenile Courts Act, sect. 48(2).

<sup>11</sup> Lukautim Pikinini (Child) Act, sect. 99.

<sup>12</sup> Correctional Service Regulation, sect. 122.

<sup>13</sup> Ibid., sect. 126.

<sup>14</sup> Correctional Service Act 1995, sect. 74.

respect for their inherent dignity (rule 3). Rules 4 and 7 provide for certain safeguards for juveniles in detention, including the right to prompt access to legal and other appropriate assistance, the right to challenge the legality of detention before a court, the right to be informed of charges, the right to have matters determined without delay by a competent, independent and impartial authority or judicial body, and the presumption of innocence, among others.

26. If arrested, physical force is not to be used except when the danger or risk of harm or escape is unacceptably high. Finally, remand is only to be used as a measure of last resort, for the shortest possible period of time, and only for the most serious of crimes. Although according to the Police Juvenile Justice Policy and Diversity Protocol juveniles placed on remand are to be held in either the Badili or the Hohola remand centres, the Badili centre has since been closed down. A juvenile may only be held at the Boroko police station if the danger or risk of harm is unacceptably high or if the Superintendent of the Remand Centre refuses to accept the juvenile.

27. The Act also establishes the function of juvenile court officers, who must be notified of any arrest, the reasons for it and the place of detention, and must be allowed access to the juvenile. The officer may be present during any interrogation, advise juveniles of their legal rights and attend any hearing (sect. 13).

28. As a further safeguard, magistrates are given a checklist to ensure that the arrest and detention of all juveniles complies with the Act and the Protocol.

29. Under the Protocol, emphasis is placed on restorative justice and diversion. The aim is to divert juvenile offenders of trivial, minor and less serious offences from the formal justice sector. Alternatives to detention, such as mediation and community work, are encouraged instead.

30. With regard to corporal punishment, it is lawful for a parent, schoolmaster or master to use such force “as is reasonable under the circumstances by way of correction”.<sup>15</sup> This is in contravention to international human rights law and jurisprudence, which has concluded that any form of corporal punishment is contrary to the prohibition of cruel, inhuman or degrading punishment.

## **6. Women**

31. There is no existing legislation that criminalizes domestic violence in Papua New Guinea. As such, cases of domestic violence fall under the provisions of common and aggravated assault found in the Criminal Code. For its part, the Royal Papua New Guinea Constabulary has the Standing Order on Domestic Violence, issued in 1987, instructing police to treat cases of domestic violence with the same seriousness as any other assault. As a preventive measure, women may petition district courts to issue a protection order or require another person to enter a “good behaviour bond”.

32. In 2002, the Criminal Code Act was amended through the Sexual Offences and Crimes against Children Act to make spousal rape and sexual harassment criminal acts. However, in the village court system, chiefs may negotiate compensation or traditional apologies as a form of resolution for offences committed against women, including rape and domestic violence.

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<sup>15</sup> Criminal Code Act, sect. 278.



## 7. Village courts

33. In accordance with the Village Court Act, 1986, village courts are established to resolve disputes consistent with customary law, which takes precedence over all other legislation with the exception of the Constitution. Village courts aim to “ensure peace and harmony” through mediation and obtain an “amicable settlement of disputes”.<sup>16</sup> Village courts are present throughout most of the country, unlike the institutions of the formal justice system. In this regard, the Committee on the Elimination of Discrimination against Women, in its concluding observations following consideration of the State’s initial, second and third reports, urged Papua New Guinea to ensure that the village courts, in their decisions, apply the principle of equality and non-discrimination.<sup>17</sup>

## III. Assessment of the situation

### A. Violence and police response

34. Papua New Guinea has one of the most heterogeneous populations in the world, with very different cultures and beliefs and more than 800 languages spoken in the country. This diversity compounds the fundamental challenges faced by law enforcement officials when addressing the high level of violence in the country. Furthermore, the spread of firearms has exacerbated violent crime and tribal fighting. During the visit, the Special Rapporteur himself witnessed the rapid escalation of minor occurrences into violent incidents.

35. With regard to the Royal Papua New Guinea Constabulary, the Special Rapporteur was concerned that the police are not always in a position to enforce the rule of law, owing to insufficient human and financial resources, widespread corruption and low standards of professionalism, difficulties in access to remote rural areas and a lack of political will. As a result, private security companies are called upon to carry out some of the main duties of the police; there are currently more private security officers (4,800) than police officers (1,200 in active duty) in the country. This trend is worrying, because it reflects police weakness and a failure of the State to provide security and freedom from fear.

36. Another concern is the fact that the Royal Papua New Guinea Constabulary lacks the capacity to prevent and investigate crimes relating to domestic violence, tribal fighting and accusations of sorcery. On the latter, the Committee on the Elimination of Discrimination against Women has expressed serious concern about reports of torture and killings of women and girls accused of sorcery, and urged the State to take immediate and effective measures to investigate these acts.<sup>18</sup>

37. At the Buka police station, the Special Rapporteur witnessed first-hand a high degree of violence by the authorities. During his visit to the police station, an intelligence officer verbally assaulted the Special Rapporteur and his team, and attempted to physically attack the forensic doctor. The Special Rapporteur expressed serious concern over this incident, and both the Regional Commander and the Police Station Commander apologized for the officer’s misconduct. The Acting Police Commissioner also reassured the Special Rapporteur that appropriate action would be taken against the intelligence officer.

<sup>16</sup> CEDAW/C/PNG/3.

<sup>17</sup> CEDAW/C/PNG/CO/3, para. 18.

<sup>18</sup> *Ibid.*, paras. 27-28.

38. In 2004, in response to increasing violence and use of firearms in the country, the Minister for Internal Security established a committee to review the Royal Papua New Guinea Constabulary. In its report, the committee found that there were serious discipline and morale problems within the Constabulary, leading to a loss of confidence and trust, and that additional resources were only part of the solution. The committee made a number of recommendations, including that (a) independent accountability and review processes be established and an office of inspector-general of the Constabulary be created; (b) a review of all matters under investigation be conducted by the Ombudsman Commission, which should then report to the Minister on recommended action; (c) outstanding increments and leave entitlements be paid immediately to all officers, as well as their basic entitlements, as a clear signal that the Government recognized the difficulties and seriousness of their jobs; (d) all police stations be equipped with basic resources; and (e) all mobile squads and rapid-response units be returned to core police functions. Unfortunately, these recommendations have not yet been implemented.

## **B. Acts of torture and ill-treatment**

39. On the basis of discussions with public officials, lawyers and representatives of civil society, interviews with victims of violence and with persons deprived of their liberty, often supported by forensic medical evidence, the Special Rapporteur found isolated cases of torture in the classical sense of deliberately inflicting severe pain or suffering as a means of extracting a confession or information. He did, however, find a considerable number of cases where persons were subjected to different degrees of beatings as a form of punishment, which may also amount to torture.

40. The Special Rapporteur found evidence of systematic beatings of detainees upon arrest or within the first hours of detention, including during interrogation. The beatings were frequently inflicted by the police as a form of punishment, reflecting a complete disrespect for the presumption of innocence and the dignity of persons suspected of crimes. Beatings were practiced with various tools, including automobile fan belts, bush knives, gun butts, iron rods and wooden sticks. Detainees were also punched and kicked, mainly as a form of punishment or intimidation by the police and as a way to establish authority. Although the Special Rapporteur did not come across more brutal and sophisticated methods of torture, police beatings often reached the same degree as torture, a fact that was largely corroborated by medical evidence. During the visit to the Kundiawa police station, for example, the beatings were confirmed by one of the Criminal Investigation Department officers.

41. The Special Rapporteur was also concerned about the practice of police to deliberately disable persons suspected of serious crimes. This was confirmed by the testimonies of former victims of police abuse at the Rehabilitation Centre for Persons with Disabilities.

42. In correctional institutions, the Special Rapporteur was alarmed to see a standard practice of inflicting torture upon recapture on those who had attempted to or succeeded in escaping. These detainees are subjected to brutal beatings with bush knives and gun butts, shot in the leg and feet at close range, and their tendons are cut with bush knives and axes, with the deliberate intent to disable them. After they are tortured, the victims are usually kept in punishment cells for months, without medical attention, and in some cases eventually die. This practice seems to be confirmed by the need to issue a formal minute dated 21 May 2010, whereby the Chief Superintendent of the Baisu correctional institution specifically instructed all officers to “refrain from assaulting an escapee remand detainee”.

43. The Special Rapporteur also received many complaints of beatings of juveniles. Particular concern was expressed by the Special Rapporteur concerning the high number of

juveniles at the Baisu correctional institution who had been subjected to beatings and other forms of ill-treatment, and whose allegations were supported by medical evidence.

44. Collective punishment is also common in correctional institutions, whereby complete sections are sanctioned for the actions of a few detainees. At the Bomana correctional institution, the guards carried out raids after attempted escapes or strikes. They would force all detainees to strip, beat them and take their belongings. After one escape, all detainees were down for two months in the maximum security (general) section.

45. The Special Rapporteur also found evidence of the excessive use of force by the police outside of detention, which amounts to cruel, inhuman or degrading treatment. This is practiced in dealing with crime and also, for example, in evicting residents from settlements. During a visit to the Five-Mile Ridge settlement in Port Moresby, the Special Rapporteur was informed of an eviction that took place in June 2009, whereby the people living there were threatened and/or beaten by the police, their valuables were taken away, their shops were looted and their houses were either bulldozed or burned down.

### **Impunity**

46. Impunity for torture and ill-treatment in Papua New Guinea is fuelled by the lack of effective complaint mechanisms, independent investigations, monitoring and other similar safeguards.

47. In a very frank discussion at one of the police stations visited, the Special Rapporteur was informed by a Criminal Investigation Department officer of some of the difficulties faced in terms of investigations. In this regard, he stated that detainees were often released on bail even if they faced other charges, making it almost impossible to investigate. As a result, when the suspects were once again found, they were shot and killed, which was “much easier” than going through the judicial process. The Special Rapporteur is extremely concerned at this admission of what would amount to a practice of extrajudicial execution.

48. The high level of impunity for police violence may be illustrated by the following example. The Special Rapporteur came across one investigating officer who had been entrusted to investigate the death in custody of Dokta Balu at the Kundiawa police station. On 10 August 2009, Mr. Balu, standing outside the station, was ordered by Senior Constable Jeffry Pyasoto not to move. When Mr. Balu ran away, he was caught by Constable Pyasoto, beaten on his face and body and taken to the police station, where Mr. Balu was beaten and kicked in the face, head and body until he lost consciousness. He was dragged to a cell, where he died that night. The post mortem confirmed that Mr. Balu had died as a result of excessive force. The occurrence book indicated that Mr. Balu had been arrested for drunkenness and assault, although no additional information was provided. A second entry confirmed his death inside the police cell. On 12 November 2009, Constable Pyasoto was questioned, arrested and charged with wilful murder. He was, however, released on bail immediately after the Rural Commander Inspector suggested that the interview should be suspended until the Provincial Police Commander returned to the province. Since the Provincial Police Commander never gave further instructions, Constable Pyasoto was re-arrested only on 17 March 2010. On 22 March 2010, he was once again granted bail.

49. The Special Rapporteur was informed that, although the investigation had been obstructed, one clear investigative conclusion was that Constable Pyasoto should be indicted for wilful murder. The Special Rapporteur was also made aware that there were three additional cases of deaths in custody where the investigations had been terminated, though they should be reviewed and potentially resumed. The Special Rapporteur

encourages all relevant authorities to investigate all cases of deaths in custody, as well as those concerning torture and ill-treatment.

## **C. Conditions of detention**

50. The Special Rapporteur found that conditions of detention in police lock-ups and correctional institutions varied greatly, although there was a general atmosphere of violence and neglect in many places of detention. Since there are no effective oversight mechanisms and bribery is prevalent in the criminal justice system, many detainees were held in detention or remand for prolonged periods, mainly those who lacked financial means. Additionally, those deprived of their liberty had no knowledge of or trust in any complaint mechanism that may be available.

### **1. Police stations**

51. In Papua New Guinea, detainees were held in remand at police lock-ups often for several months, and sometimes for more than a year. This is in clear contravention of international human rights standards concerning detention. Police lock-ups are built for short periods of detention of a maximum of 48 hours, during which time the detainee's case should be brought before a judge, who should either release or transfer the detainee to a remand centre under a different authority. The Special Rapporteur was concerned that many of the detainees had been held in police lock-ups for a prolonged period in appalling conditions, amounting to inhuman or degrading treatment and punishment.

52. In this regard, in none of the police stations visited by the Special Rapporteur did the conditions comply with international minimum standards for the humane treatment of detainees. Detainees were locked up in overcrowded and filthy cells, without proper ventilation or natural light. In all police lock-ups (with the exception of some detainees at the Bihute police station), detainees were forced to sleep on a concrete floor, sometimes on only a piece of cardboard. The cells were often infested with mice, cockroaches and other insects. At the Arawa police station, which was small, dirty and run-down, officers stated there was usually no electricity available, but because the electoral ballots were being kept there, the electoral commission had provided them with light bulbs. Access to food was greatly limited; the food provided by families, in the few instances where they were allowed to visit, was usually not allowed.

53. Access to water for drinking, washing or toilet use was also severely limited. In addition, the toilets had to be flushed from outside, creating an unnecessary dependence of the detainees on police officers. The Special Rapporteur was particularly concerned that, in the Highlands region, the authorities alleged that detainees did not have continuous access to water owing to a shortage in the region. Given the natural availability of water in the region, this explanation suggested that access to water was deliberately restricted. A further concern in the police lock-ups in the Highlands region was the lack of blankets and warm clothes for detainees despite the low night-time temperatures.

54. With regard to sanitation, the Special Rapporteur found that the poor detention conditions were conducive to the spread of cholera and other diseases. In the Mount Hagen police station, for example, detainees were forced to urinate and defecate in plastic bags, which were then picked up by female detainees and collected in the courtyard. Furthermore, the courtyard was littered with used condoms, and the Special Rapporteur found two large boxes of unused condoms available in the Police Station Commander's office.

55. With regard to health, there was generally no access to medical attention, leading to avoidable amputations and even deaths in custody. In the Goroka police station, a man with a serious foot injury had been held for his own protection for over a month. He had been

taken out of his cell because of the odour from his injury; because of the lack of even the most basic medical care, his foot would probably have to be amputated.

56. The overall impression of the Special Rapporteur regarding police lock-ups was one of negligence. Although the Boroka police station had clean cells and detainees received sufficient water and food, conditions in the Goroka and the Mount Hagen police stations were particularly appalling, reflecting total disregard for human dignity. For this, the Special Rapporteur recommends that the Mount Hagen police stations be closed immediately.

57. In some of the police lock-ups visited, including the Kundiawa and the Mount Hagen police stations, the Special Rapporteur was shocked to see that the authorities did not have the keys to all of the cells, posing a very serious safety concern. In the Boroka police station, on the other hand, the Special Rapporteur was able to enter the lock-up and speak to some of the detainees, including women, without any keys. This clearly confirmed the allegation that women were often not separated from men in police custody and in danger of sexual and other abuses.

## **2. Correctional institutions**

58. The Special Rapporteur was pleased at the strict separation of men from women in correctional institutions. Juveniles were, in principle, kept separate as well. Those held in remand and convicted prisoners were held in separate sections, but could mingle during the day. At the Bomana correctional institution, persons convicted to death were kept together with other detainees.

59. The conditions in correctional institutions were generally poor. Most institutions were overcrowded, particularly high-risk and remand sections, as were punishment and detention cells. At the Bomana and the Baisu correctional institutions, most detainees kept in detention cells were escapees who had been severely beaten, shot or had their tendons cut upon recapture. They were deliberately denied access to medical attention and kept in a cell for up to three months. At the Baisu correctional institution, on 13 April 2010, 84 detainees escaped. Two of the detainees were later recaptured and had died as a result of the severe beatings to which they were subjected. One died immediately after being shot, while the second died a few days later in the detention cell, after he was denied access to medical attention. The two deaths were confirmed by the authorities.

60. The lack of medical attention also affected many other detainees, and the poor sanitary conditions facilitated the spread of contagious diseases. In most correctional institutions, very few sections had running water or mosquito nets. There were also not enough beds or mattresses, and food was insufficient and of very low nutritional value.

61. In principle, correctional institutions in Papua New Guinea provided prisoners with opportunities for work. At the Baisu correctional institution, however, detainees had no opportunities for work, education or other forms of recreation, and were locked in their cells for up to 18 hours a day. In the Bomana, Barawagi and Mukrumanda correctional institutions (the last of which only held four detainees), detainees were allowed to be outside their cells for longer hours than in Baisu, although not many possibilities for work or recreation were available. The best practice example was the Bihute correctional institution, where the opportunities available for detainees allowed for a real possibility of rehabilitation.

62. In the Autonomous Region of Bougainville, the police lock-ups in Buka, Arawa and Buin were used to hold convicted prisoners, because the only prison had been destroyed during the armed conflict. On 18 August 2009, Justice David Cannings issued a court order requiring the State of Papua New Guinea, through the Secretary of Finance and Treasury, to make funds available urgently to establish a correctional institution in Bougainville. The

funding was supposed to have been made available by 18 September 2009; however, despite the fact that both the national Constitution and the Constitution of Bougainville establish certain rights for detainees, including to be treated with humanity and respect for the inherent dignity of the human person, no progress has been made in constructing a facility. This was confirmed by the Chief Administrator of Bougainville.

#### **D. Persons with disabilities and diseases**

63. The detention facilities visited by the Special Rapporteur offered little or no medical care. Persons held in police custody had no access to medical attention, regardless of whether they were there for their own protection or in detention. At the Bomana correctional institution, the Special Rapporteur found several detainees receiving treatment in the hospital; however, they were locked up without the presence of a doctor, nurse or guard. In addition, several detainees stated that the treatment and medication available was insufficient and eight detainees had died in 2009 from different illnesses. At the Baisu correctional institution, the medical facilities had been closed down because no health worker was available, and detainees had no access to the local hospital.

64. With regard to psychiatric attention, Laloki Psychiatric Hospital, which is very old and run-down, is the only facility in the country for persons with mental disabilities. A new development plan had been adopted but no funds were available for the new project. The Special Rapporteur was unable to speak to the detainees in the closed wing for security reasons (as claimed by the medical personnel). The hospital does not have adequate staff, and the Special Rapporteur was informed during his visit that there was no permanent resident psychiatrist, and that only two psychiatrists visited the hospital one day per week.

65. Psychiatric support in detention facilities did not comply with international minimum standards. Psychiatric evaluations were not performed on a routine basis or in an independent and professional manner; as a result, many detainees with both physical and mental disabilities in correctional institutions and police lock-ups have no access to adequate medical treatment and rehabilitation. At the Mount Hagen and the Buka police stations, the Special Rapporteur found detainees with mental disabilities locked in police cells. In Buka, one detainee had been held for 18 months, without ever having had access to a psychiatrist or a lawyer. At the Baisu correctional institution, at least five mentally ill detainees were held together with the general population.

66. The Special Rapporteur also found that Papua New Guinea lacks a proper forensic system capable of assuring timely and adequate examinations of victims of torture and ill-treatment. Prompt and complete forensic autopsies in compliance with international standards were also lacking.

#### **E. Juveniles**

67. The Police Juvenile Justice Policy and Diversity Protocol is an excellent tool to deal with juveniles in conflict with the law; unfortunately, it is for the most part not applied. Although it declares that police cells should only be used in extreme circumstances, the Special Rapporteur interviewed juveniles in all police stations visited, and did not come across any where juveniles were separated from adults. Additionally, the juvenile reception centre in Boroko was not in use owing to alleged attempted escapes. The Special Rapporteur was concerned that, even though UNICEF had provided a substantive amount of funding to build the reception centre, it had not been informed of its closure. During his visit to the Goroka police station, no juveniles were being held at the juvenile reception centre.

68. The conditions in correctional institutions were better for juveniles than for adults. In all the facilities visited that had a juvenile section, beds and blankets were provided. In the case of adult detainees, however, the quantity and quality of the food was inadequate. In addition, the Special Rapporteur found some boys being held with adults, even when there was a separate section for juveniles. Particularly worrying was that, at the Bomana correctional institution, many of the juveniles had been remanded, in clear contravention of the Protocol. The Special Rapporteur commends the work carried out by the Brothers of the Sacred Heart, who run the Hohola remand centre for juveniles. The juveniles were held in a well-equipped facility in a friendly and stimulating environment, and provided with opportunities for education and work. The Government gives economic assistance to the Brothers of the Sacred Heart to run Hohola, but it is insufficient. Inadequate funding was indeed part of the reason why the other centre for remanded juveniles, the Badili Remand Centre, had to be closed by the institution that ran it.

## **F. Women**

### **1. Violence against women**

69. Women in Papua New Guinea have very low social status, partly due to the fact that most communities are patriarchal, placing them at a very high risk of abuse in the domestic and public spheres. Gender-based violence is prevalent throughout the country, and domestic violence is widespread. These acts are, for the most part, underreported owing to shame or fear of further violence or rejection by the communities. Little support is afforded by the State, as there is no effective mechanism to address violence against women. In this regard, many victims of domestic violence are not even recognized as victims by society, and violence against women appears to be socially legitimized and accompanied by a culture of silence and impunity.<sup>19</sup> Of concern was the fact that many female detainees interviewed by the Special Rapporteur had been incarcerated for crimes linked to domestic violence and polygamy.

### **2. Women in detention**

70. The Special Rapporteur was concerned to find that women were extremely vulnerable upon arrest and in police custody. Although women were kept in separate cells, they were not always protected against police officers or other detainees. At the Boroko police station, for example, the Special Rapporteur was able to enter the cell without the presence of any police officer, because there was no lock. A similar situation was found at the Mount Hagen police station, where the Special Rapporteur also found a large quantity of unused condoms in the Commander's office. In general, the Special Rapporteur received many allegations of sexual abuse and of threats of sexual abuse in exchange for release from custody. Some officers appeared to arrest women for minor offences with the intention of abusing them sexually. Additional allegations were received of male detainees entering cells where women were held and engaging in acts of sexual violence. As punishment, some women were threatened or placed in cells with male detainees for a night, where they were subjected to collective rape. Women were also forced to perform domestic work for officers in both police stations and correctional institutions, including doing their laundry and making string bags (*bilums*) for the officers to sell. In the Mount Hagen police station, the women also had to collect the male detainees' plastic bags and bottles filled with urine and excrement and wash their clothes.

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<sup>19</sup> CEDAW/C/PNG/CO/3, para. 29.

71. In the correctional institutions visited by the Special Rapporteur, the women's sections of the facilities were better maintained. With the exception of the Baisu correctional institution, female detainees were only guarded by female officers. In the Bomana correctional institution, the section for women with children was overcrowded, and detainees were forced to sleep on the floor. In addition, the food given to the mothers was inappropriate for breastfeeding mothers and for children, although they were allowed to eat some vegetables that they grew themselves. Access to medical attention was limited and there was concern among the detainees about cases of tuberculosis. The Special Rapporteur also received many complaints from female detainees that they were not allowed to wear brassieres, which caused many of them severe pain.

72. In the Bihute correctional institution, women were provided with several educational and recreational opportunities. Counselling was also available for detainees, and officers were actively involved in rehabilitation processes. Medical attention was available and, in general, the facility offered a suitable environment for children living with their mothers in detention. The women's section in Bihute should serve as an example to other prisons throughout the country.

## **V. Conclusions and recommendations**

### **A. Conclusions**

73. **The Special Rapporteur expresses his deep appreciation to the Government of Papua New Guinea for the cooperation of the authorities during his mission, which he interprets as a sign of the Government's willingness to open up to independent and objective scrutiny. He also appreciates the challenges faced by the Government in addressing the widespread violence in the country, a particularly challenging task owing to the very different cultures and beliefs and more than 800 languages spoken in the country.**

74. **The Special Rapporteur expresses his concern that the Royal Papua New Guinea Constabulary is not always in a position to enforce the rule of law, owing to insufficient human and financial resources, widespread corruption and lack of professionalism, the difficulties in reaching remote rural areas and the lack of political will.**

75. **On the basis of discussions with public officials, judges, lawyers and representatives of civil society, interviews with victims of violence and with persons deprived of their liberty, often supported by forensic medical evidence, the Special Rapporteur found isolated cases of torture in the classical sense of deliberately inflicting severe pain or suffering as a means of extracting a confession or information. He also found a considerable number of cases where persons were subjected to different degrees of beatings by the police during the arrest and as a form of punishment, which may also amount to torture. He found evidence of systematic beatings of detainees upon arrest or within the first hours of detention, including during interrogation. Impunity for these cases is fuelled by the absence of effective complaint mechanisms, independent investigations, monitoring and other similar safeguards.**

76. **The Special Rapporteur found a general atmosphere of violence in places of detention, as well as neglect in all police lock-ups and some correctional institutions. The conditions of detention in police stations did not comply with international minimum standards for the humane treatment of detainees. Detainees were locked up in overcrowded and filthy cells, without proper ventilation or natural light for periods**



of up to a year. They were forced to sleep on the floor, the cells were often infested with mice, cockroaches and other insects, and access to food and water for drinking, washing or for toilet use was severely limited. Detention for such long periods in these conditions amounts to inhuman and degrading treatment.

77. The conditions in correctional institutions were generally better, but the facilities were still overcrowded, particularly remand and maximum security sections, as were punishment cells. There was a strict separation between men and women, and in principle juveniles were also kept in separate sections. However, there was an overall lack of medical attention, even for those who had been severely beaten by the authorities, and the poor sanitary conditions facilitated the spread of contagious diseases. There were few correctional institutions with running water, mosquito nets, beds and mattresses. Food was also insufficient and of very low nutritional value. In principle, there were work and educational opportunities for detainees.

78. Despite the existence of the Police Juvenile Policy and Diversity Protocol, an excellent tool for dealing with juveniles in conflict with the law, it is for the most part not applied. In this regard, the Special Rapporteur did not come across any police station where juveniles were held separately from adults, although in correctional institutions juveniles were kept separate, in better conditions than male adults. The Special Rapporteur was particularly pleased with the privately run Hohola remand centre for juveniles, a well-equipped facility where juveniles were provided with a friendly and stimulating environment, including opportunities for education and work.

79. Women in Papua New Guinea have a very low social status, placing them at a very high risk of abuse both in the domestic and in the public sphere. Gender-based violence is prevalent throughout the country; domestic violence is widespread and there is no effective State mechanism to address it. In detention, women are extremely vulnerable to sexual abuse from police officers or other detainees. Women's sections in correctional institutions were better maintained and, in general, female prisoners had opportunities to work, study or obtain counselling. However, women were also forced to perform domestic work for officers both in police stations and correctional institutions.

## **B. Recommendations**

80. In a spirit of cooperation and partnership, the Special Rapporteur addresses the following recommendations to the Government of Papua New Guinea, aimed at preventing torture and ill-treatment and improving conditions of detention. He was assured that every effort would be taken to implement his recommendations, and stands ready to offer his full cooperation and assistance in this regard.

### **1. Impunity**

81. The Special Rapporteur recommends that the Government:

(a) Have the highest authorities, in particular those responsible for law enforcement activities, declare unambiguously that they will not tolerate torture or similar ill-treatment by public officials and that those in command at the time abuses are perpetrated will be held personally responsible for them;

(b) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, providing for regular preventive visits to all places of detention by an independent domestic monitoring body. A declaration should be made with respect to article 22 of the

Convention, recognizing the competence of the Committee against Torture to receive and consider communications from individuals who claim to be victims of a violation of the provisions of the Convention;

(c) Ratify the First Optional Protocol to the International Covenant on Civil and Political Rights, providing for the right to lodge individual complaints to the Human Rights Committee;

(d) Amend domestic legislation to include the crime of torture with adequate penalties. The definition of this crime should be in full accordance with article 1 of the Convention against Torture;

(e) Ensure prompt and thorough ex officio investigations for all allegations and suspicions of ill-treatment or excessive use of force by an authority that is independent from the investigation and prosecution. Any officer known to be abusive should be removed from custodial duties. Heads of police stations and detention facilities should be made aware of their supervisory responsibility. In particular, the allegations documented in the appendix to the present report should be thoroughly investigated and the perpetrators of torture and ill-treatment brought to justice. The forensic examinations conducted during the mission should be used as evidence in criminal trials against the perpetrators;

(f) Ensure a comprehensive and structural reform of the Royal Papua New Guinea Constabulary in accordance with the September 2004 recommendations of the Administrative Review Committee to the Minister for Internal Security.

## 2. Safeguards and prevention

82. The Special Rapporteur recommends that the Government:

(a) Reduce, as a matter of urgent priority, the period of police custody to a time limit in line with international standards (maximum 48 hours). After this period, detainees should be released or transferred to a separate remand facility under a different authority;

(b) Establish accessible and effective complaint mechanisms in all places of detention. Complaints by detainees should be followed up by independent and thorough investigations, and complainants must be protected from reprisals.

## 3. Condition of detention

83. The Special Rapporteur recommends that the Government:

(a) Ensure that persons deprived of their liberty are confined in facilities where conditions comply with international minimum sanitary and hygiene standards and that detainees are provided with basic necessities, such as adequate floor space, bedding, food, water and health care. Prisoners should be provided with opportunities for work, education, recreation and rehabilitation;

(b) Separate detainees on remand from convicted prisoners;

(c) Remove all juveniles from police lock-ups;

(d) Immediately close the Mount Hagen police station;

(e) Build, as a matter of urgency, a proper correctional institution in the Autonomous Region of Bougainville.

**4. Women**

84. The Special Rapporteur recommends that the Government establish a comprehensive legal framework addressing all forms of violence against women and ensure its implementation, in line with the concluding observations of the Committee on the Elimination of Discrimination against Women.

**5. Death penalty**

85. The Special Rapporteur recommends that the Government abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

86. The Special Rapporteur recommends that OHCHR, with the agreement of the Government of Papua New Guinea, establish a country presence with a mandate for monitoring the human rights situation in the country, including the right of unimpeded access to all places of detention, and for providing technical assistance particularly in the field of judicial, police and prison reform.

87. The Special Rapporteur also recommends that relevant United Nations bodies, donor Governments and development agencies consider the protection of human rights in the criminal justice system, and in particular the prevention of torture, as their highest priority. Specific programmes and projects should be carried out only after the political will to implement far-reaching structural reforms aimed at the prevention of torture is clearly demonstrated.

## Appendix

### Places of detention visited and interviews conducted

#### Introduction

The Special Rapporteur conducted unannounced visits to detention facilities and was able to hold private interviews with detainees in all facilities he visited.<sup>20</sup> If detainees did not wish that their interviews are recorded, the information provided is only reflected in the general findings of the report. Some detainees only agreed to an anonymous publication of their interviews. The individual interviews do not contain established facts but allegations by detainees deemed to be credible and consistent by the Special Rapporteur. It is indicated if these allegations were corroborated by forensic examinations, witness testimonies or other evidence.

#### **Bomana Correctional Facility, Port Moresby Visited on 15 May 2010**

##### **General information**

The Special Rapporteur was received by CIP Agnes Kinjil, who had not been informed of the Special Rapporteur's presence in the country. Bomana prison comprised a general section which included remandees as well as convicted prisoners, a separate section for juveniles and another section for female detainees. Detainees deemed to be high risk were held in a "separate confinement" section known as MSI (Maximum Security Institution). There were less than 30 female detainees, and less than 30 juvenile detainees.

##### **General section**

There were 404 detainees in the general section. They were confined to their dormitories from 4:30 p.m. to 7 a.m., when roll-call took place and breakfast was distributed. At approximately 4:30 p.m., the dormitories were locked again. During the day, detainees could move freely between the dormitories. Remandees and convicts were not separated. There are only three guards for the entire general section, and it seemed that there was some understanding by the detainees of the difficult situation regarding manpower. Visits took place on Saturdays (remandees) and Sundays (convicted) and lasted approximately 30

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<sup>20</sup> Baisu Correctional Institution, Mount Hagen, Western Highlands Province; Barawagi Correctional Institution, Kundiawa, Simbu Province; Bihute Correctional Institution, Goroka, Eastern Highlands Province; Bomana Correctional Institution, National Capital District (visited twice); Mukrumanda Correctional Institution, Enga Province; Hohola Remand Centre for Juveniles, National Capital District; Arawa Police Station, Bougainville Autonomous Region (visited twice); Boroko Police Station, National Capital District (visited twice); Buka Police Station, Bougainville Autonomous Region; Goroka Police Station, Eastern Highlands Province (visited three times); Kundiawa Police Station, Simbu Province (visited twice); Mount Hagen Police Station, Western Highlands Province; Wabag Police Station, Enga Province; Wakunai Community Justice Centre, Bougainville Autonomous Region; Laloki Psychiatric Hospital, National Capital District; Arawa Women's Training Centre, Bougainville Autonomous Region; Rehabilitation Centre for Persons with Disabilities, National Capital District; SHB Socay Training Institute, Hohola, National Capital District; Kup Women for Peace Mediation Centre, Kup, Simbu Province; and Five-Mile Ridge Settlement, National Capital District.

minutes. Meals were provided three times a day, biscuits and tea in the morning and rice and canned fish or meat for lunch and dinner. The insufficient quantity and the poor quality of the food, as well as the fact that they always received the same meal was one of the major complaints from detainees. Numerous detainees reported collective punishment for attempted escapes or violations of the internal rules by a few detainees. The dormitories were quite clean, and most detainees had mosquito nets, although they did not have mattresses. The main concerns were the spread of diseases such as cholera, and the lack of medical care. Some detainees had been allegedly beaten heavily by the Police in Port Moresby, often by the CID, in the bush after being arrested and before they were taken to the police station.

### **Individual cases**

#### *Group interview in cell 2*

Detainees complained of compound raids as a form of collective punishment if there was an escape or a strike. The detainees were stripped naked and beaten with any tools available to the guards, including bush knives, forks and sticks. The last time had occurred two weeks before the visit of the Special Rapporteur. Homebrewed alcohol had been found and all the detainees were punished, their belongings were taken and more than 20 guards and off-duty officers came and beat them.

On 1 May 2010 there had been a police raid, during which detainees were stripped, beaten and their belongings taken. After the raid, detainees were not allowed to raise complaints. In September 2009 the detainees had made a petition to the Commissioner of Correctional Services to visit them as there had been three deaths from illness, and the detainees wanted the Commissioner to investigate and improve the conditions. However they were punished with a raid. Tear gas was fired into the cells, the detainees were stripped, had to walk out of cells and were mocked and beaten by male and female guards. Their belongings were taken and burnt. On 14 August 2009 there had been another raid. In 2009, eight detainees died of disease and in 2010, one had died from internal bleeding and one from tuberculosis.

No medical examination was performed on arrival at the prison. Some detainees had bullet wounds and had not received any treatment. On 10 May 2010, one of the detainees, **P.G.**, had died from tuberculosis after seven years in detention. He had been healthy when he arrived and had lived in the same cell with others. He had only been given the first dose of medication but not the second one.

**David Gonz**, aged 36. He has been a remandee for one year but had already spent four years in detention on separate charges. At the time of his arrest, police came to his house and burnt it down. He surrendered for his own safety since he thought he would have been shot otherwise. At Boroko Police Station he was assaulted during the interrogation for more than four hours. He stayed there for a few weeks and was subsequently taken to Court and to Bomana. He complains that there are collective punishments, for instance when there is an escape. The remaining ones are then systematically stripped naked outside, asked to lie down on the floor, and beaten. On 27 September 2009, 61 inmates escaped from all compounds, allegedly because some detainees had died of tuberculosis in the cells due to an outbreak that was not taken care of by the management, and that created panic. At this occasion, they were stripped naked and beaten by security officers, then locked up for two months. He also mentioned that two weeks earlier an inmate had died of tuberculosis because he was not transported to hospital in time to be treated. He also noticed that the cells are overcrowded and that some inmates have to sleep on the floor. There is also inter-prisoner violence, and he states that the place is not safe due to fights. Due to the lack of manpower, vehicles and resources, medical issues are not properly addressed. He recommends the facility to hire a full-time doctor.

**Jeffrey Wosi**, aged 33, was arrested on 3 March 2009 by the mobile squad. They blindfolded him and took him to the Saraga settlement with four cars. He was badly hit with iron pipes by the officers, who wanted him to confess to a crime. He had very large scars on his knee and on his back. On the knee he was cut with a knife and then thrown on the floor. He was then taken to Boroko police station, and later driven to the hospital. There, the police told the nurses that he was a 'raskol' and that there was no need to treat him. He was then taken back to Boroko police station for a month and then to Bomana. He had not seen a doctor since he left the hospital. Despite the fact that he reported this to his lawyer, no action was taken.

**Roger Bai**, aged 31, was arrested by the Special Crime Squad at his place on 28 February at 2 a.m. because he was suspected of a crime. He was kicked and threatened with guns, before being blindfolded and handcuffed. They put him into a car, punched him, and took him to Dogura, in the remote outskirts of Port Moresby, a place where the police are allegedly known to take people in order to beat them. There, he was beaten on the shoulders with a metallic stick and fell off the car. He was then asked to run away. He refused, scared that the police would shoot him while fleeing. He was then beaten all over his body for hours while lying on the ground. He was threatened to be killed and shot in the leg. His right leg was beaten so severely that it broke. When the officers asked him to go back inside the car he could not move and had to be lifted. The officers then took him to Boroko Police Station, and he was formally charged by the police the same day. However, he was put in the lock-up without any medical check-up and denied the right to go to the hospital because there was no car available to take him. He spent a month in the cell without any treatment, and underwent surgery after X-rays showed that his leg was broken. His leg was still in the plaster cast at the time of the interview, and his eyesight in his left eye was bad because he had been beaten on the face as well. His story was corroborated by medical evidence. Although he complained to his lawyer, he still had not been taken to Court after almost three months.

**Tua Yangat Biori Silopon**, aged 27, was arrested on 13 May 2009 at the Saraga area and taken to Six Mile Police Station. Then he was taken by CID officers to Boroko Police Station, with a mask on his face. In the CID office, he was interrogated and beaten with a metallic hammer and an ax, and threatened to be burnt with boiling water. The officers were Aaron Silas, Edi Nieara, and Mansion Tutuni. A lady came in the office and he was told that it was an identity parade. She did not recognize him and left. Officer Silas told him he would release him for 1000 Kinas, but he had no money and declined the offer. He was then locked for three months without any development, and then asked for 1000 Kinas again. Some time later he was taken to Eight Mile area of Port Moresby. During the ride he was beaten so badly that he cried and wanted to die. Once there, he was asked to run away in the bush but refused, knowing that he would be shot in the back. He went back to Boroko Police Station where he was interrogated for four days. At Bomana Correctional Institution, he was subjected to the collective punishment inflicted on all detainees after the escape of some detainees in January 2010. The Office of the Public Solicitor is helping him, and his next Court hearing was scheduled to happen some days later.

**J. V.** had been at Bomana since 2001. Upon arrest, he was taken to Boroko Police Station, where he was beaten with a rifle butt on the back of the head. He was threatened with death if he did not confess. During the one-hour interrogation, he was also beaten by three CID officers. He complained that although he had surrendered and had admitted he was guilty, he had still been beaten. He was held at Boroko Police Station for four days and was only able to inform his family after two days. At Bomana, he was forced to take his clothes off at the main gate ("naked beach") and was mocked by the officers during the body search. He indicated that during the raids, all detainees would be forced to go outside in a straight line, without clothes, where they were beaten. He added that he would like to run away because of the ill-treatment he was subjected to as a result of four different escape attempts. Each

time he was recaptured, he was beaten all over his body and locked up in a detention cell without any medical treatment. During his last recapture in 2007, he had been taken to the maximum security section where he was beaten on the back and arms. Three months later, he was sent back to the general section after he complained to the welfare manager about the ill-treatment. He was afraid of reprisals for speaking to the Special Rapporteur.

**Rinagi Veira**, aged 32, was arrested in May 2008 at gunpoint at his home and was transferred to Boroko Police Station, where he was held three days without charge, before being released on bail. He was convicted in March 2009, and received his sentence in November 2009. Since then he has been detained at Bomona. Mr. Veira reported about a recent incident in which some detainees had been caught secretly brewing an alcoholic drink. As a reaction, all detainees had to gather in their respective dormitories, while officers from other sections were alarmed and ordered to section B. Subsequently, all detainees were instructed to undress, leave the dormitory one by one, and pass by the waiting officers who started to hit each detainee, including with timber sticks and the flat side of large bush knives. Once all detainees had left the dormitory and were beaten, the officers went into the facilities and searched their personal belongings. In several cases, detainees' items had been seized and were used for by the officers for private purposes.

**Jessy Souh**, aged 32, was travelling with eleven other persons in July 2008 on the Magi Highway when their cars were stopped by the police. Without being informed of what they were accused of, Mr. Souh and his colleagues were arrested and their hands were tied behind their backs with wires. Subsequently, they were ordered to lie on the ground and police officers walked over their bodies and kicked their backs. The group was then moved into a police bus, and the detainees were piled on top of each other in the space between the seats. During the three-and-a-half hours transfer to Boroko Police Station, Mr. Souh and his colleagues had to remain in this position, which was painful and caused numbness in some of the detainee's arms and legs. On 24 July 2008, Mr. Souh was transferred to the maximum security facility in Bomana where he was held until 17 August 2009, when he was eventually transferred to the general compound.

**Junior Paul Allen**, aged 26, from Central Province escaped with several other detainees from Bomana Correctional Institution in September 2009 and was re-apprehended a month later. He was confined to the Maximum Security Institution (MSI) for six months, from where he was transferred only five days prior to the visit of the Special Rapporteur. After his re-arrest, Mr. Allen was transferred to Bomana Correctional Institution, where upon arrival at Gate 24 he was stripped naked and beaten by four officers with timber sticks. He was further threatened, and told that any future attempt to escape would be his death. During his time at the MSI, Mr. Allen developed numbness in his feet which made him need crutches to walk. He was not seen by any doctor, and crutches were provided by friends. With regard to the general conditions of detention, Mr. Allen emphasized the lack of proper medical attention, which was not only due to a lack of resources, but also a prevalent negligence from the authorities' side and their lack of motivation to enquire into the medical situation of the detainees.

**Goisi Rex**, aged 19, from West Sepik. Upon arrival of the Special Rapporteur, Mr. Rex was carried on a stretcher from the medical unit to the general compound, where he was later put on the ground next to the dormitory. He had been held in the punishment cell for the last two months. He reported that his legs had become increasingly numb, making him unable to stand or walk on his own. Mr. Rex explained that his medical state was due to the poor insufficient quality and quantity of food as well as the lack of sunlight and physical exercise in the punishment cell. Detainees who are confined to the punishment cell are not allowed to leave the section throughout their period of punishment.

*Detention cells*

A **male detainee**, aged between 19 and 20, has been recaptured in February 2010 after he escaped. The police came into his home, woke him up and shot him in the leg in front of the police car. He spent four days in the detention cell without any medical attention, until he was given hot water by the cook to clean the wound. His crutches had been provided by the other detainees. He added that he was turned away each time he requested medical assistance. A medical examination was performed by the forensic doctor who observed traumatic lesions totally compatible with the allegations and that clearly needed for medical treatment.

**N.D.A.**, aged 29, has been shot by the police on 26 May 2009 after he surrendered, following a car chase. He was asked to lie down on the floor and the police shot him three times with a machine gun. He was then put inside the police car, where an officer smashed a brick on his leg. Afterward, the police drove around for a few hours and later parked the car behind a police station when he became unconscious. He was taken to the hospital where he woke up, and he remained there for eight months until he escaped. He surrendered to Geragu Police Station on 4 March 2010, before asking the police commissioner to guarantee his safety in detention. Upon arrival at Bomana Correctional Institution, he was strip-searched at the main gate and beaten with long wooden sticks. He missed two court appointments because there was no vehicle to transport him. He complained about being beaten with an iron rod for taking a long shower on the day of the visit. He was not allowed to meet any visitors because he was suspected of helping a detainee escape. The forensic medical examination showed some small traumatic lesions compatible with the allegations, although not specific, being acceptable, from the scientific point of view, that the majority of them could have already disappeared due to the period of time passed since the alleged beating.

*Bomana Prison Hospital*

Six male detainees from the general compound were held here, due mainly to tuberculosis, back pain and urinary tract problems. The medical staff was under the authority of the jail commander and not a medical authority. The detainees with serious cases were taken to the hospital. The detainees held there were: **Michael Mikaro** (tuberculosis, 5 months in hospital, no x-ray), **Mr. Natanio** (back pain, 1 year in hospital), **Adow Jerry** (tuberculosis, 6 months in hospital, 1 x-ray), **Thomas Naky** (tuberculosis, 4 months in hospital) and **Mr. Javey** (urine tract problem, 3 weeks in hospital). They explained that there was no medical doctor, no guard at night, no windows, no fans despite the terrible heat and no mosquito

*Bomana Maximum Security Institution*

The Special Rapporteur visited the MSI in the evening of 15 May for a brief inspection. The Special Rapporteur was received by Damien Ibebei, acting Officer in Charge. Kevin Avae was the Supervisor of the MSI, but he was not present during the first visit.

The wing accommodates 24 male adult detainees who all participated in a prison break. They were allowed out of their cells only for 30 to 60 minutes a day. Apart from housing detainees who were classified as "high risk" the facility was also used as a punishment institution for detainees who had violated the prison rules, for a maximum of 3 months. Several detainees have serious shot wounds. The block was divided into four sections (A, B, C, D), according to the level of danger of the detainees. The MSI was clean, looked fairly modern, with stronger security.

Due to administrative problems, the Special Rapporteur did not conduct individual interviews during his first visit on 15 May.



## **Boroko Police Station, Port Moresby Visited on 16 May 2010**

### **General information**

This was the biggest police lock-up of Papua New Guinea. There were 58 inmates including seven women and four juveniles at the time of the visit. Upon the arrival of the Special Rapporteur, there was no guard, and the door of the lock-up was open. Inside, the door of the women's cell was also open, and anybody could enter and leave without any control. At a certain point the officer in charge for the night-shift arrived (not in uniform) and allowed the Special Rapporteur to enter the men cells. The male block was locked, but detainees were all in the corridor. There are roughly five or six cells on each side of the corridor and the cells are fairly large and clean, although the detainees had to sleep on the concrete floor and only some had cartons to sleep on. Each cell had a toilet in a corner but no privacy. The toilet is broken in one cell. On the right side of the corridor, there was a shower but the sewage system did not function properly and the water was stuck. The wounded detainees were held in unhygienic conditions and without access to proper medical treatment and they all had to drink water from the toilet. One detainee had cholera and was sent somewhere else. Detainees received very little food, with two biscuit and tea in the morning, nothing for lunch, and tinned fish and white rice for dinner, although sometimes they did not receive anything. Visitors could talk to the detainees through the gate.

More than four juveniles were held with the general population: a 13-years-old (held for 1 month), a 16-years-old (held for 2 months), a 14-years-old (held for 4 months), a 17-years-old and a 15 years-old (had arrived the day before). The lock-up reserved for the juveniles, and which had been built in cooperation with UNICEF some months prior was out of use for alleged security reasons.

The register was poorly kept, and a CID officer who arrived during the visit agreed that some detainees were never registered unless their relatives insisted. He stated that courts had recently started rejecting forced confessions, forcing officers to investigate properly. He had come that morning to talk to the three detainees he had arrested but could not find them because they had been released on bail without his consent. He explained that bribery in the courts was a common practice, and that detainees could be released by paying the officers. The "snake bail", also common, happened when a detainee's bail was granted but at the time of the release, another detainee walked out. These practices set the morale of the arresting officers very low and create enormous frustration. The CID officer further explained that since some detainees were bailed or just released, despite the fact they faced other charges, out of frustration CID officers would rather kill them when they found them in the streets.

He acknowledged that there should have been 6 to 7 officers present at the time of the visit, instead of the two who arrived much later. These officers wore civilian clothes and since some detainees were also out in the main entrance of the lock-up, it was impossible to distinguish them. During the debriefing with Mathew Pyakali, officer in charge, and Sergeant Gilbert Abore, they noted a lack of resources as the main explanation for the poor conditions the detainees were held in.

### **Individual cases**

#### *Female division*

**A female detainee**, aged approximately 30, was arrested on 15 December 2009 by Joseph Paul, First Constable, in East Boroko. She was threatened with arms, insulted, and forced

into a vehicle, but she did not know he was a police officer since he was wearing civilian clothes. He had no arrest warrant. She was punched in the mouth and told “you know what happened”. She worked for a company selling arms and laptops and was driven to the office. She was threatened with rape unless she would give information on “them”. She was so scared that she gave them her ex-boyfriend’s name. She was driven to his house and the police officers jumped out of their cars and rushed into his place. They pointed guns at him, and bashed him with gun butts and boots without asking any questions. They dragged him into her car, still punching him and hurting her too. They took them both to an interrogation room and stripped him naked. They mocked him by asking her about the size of his penis. She repeated she was innocent and wanted to leave. An officer took her in another room and asked her for sexual favour in exchange of her release. She refused, and as he was trying to undress her another officer came in and he had to stop. After her warrant was ready she was taken in Bomana, where she complained that the female guards were very restrictive and mean. Since she had to go to Court again, she was taken to the female cell of Boroko Police Station, where she had not been beaten and could see her family often. She thought the custody officers were nice, but there were no female guards. She thought they respect her “like a sister or a mother”, and during the day women can walk outside their cell and talk to the male detainees. During the night the door was closed for safety reasons. She did not like the food, but the officers and her family brought her different items. She only regretted that she did not get her medication for epilepsy and repeated that rapes happened a lot in exchange of release on the day of the arrest.

**A female detainee**, aged 29, had been held between Bomana Prison and Boroko Police Station since 2009. She had left her husband due to domestic violence, and after she filed a complaint with the police, she was locked inside the house for two weeks. She tried to leave her husband once again, but was arrested. She had been arrested at home by ten officers from the Hohola Police Station, who beat her with sticks and with a hammer on the back of the head, and dragged her out of her home. Five officers continued to beat and punch her on the way to the police station. The police then burned her parents’ home. At Hohola Police Station, some neighbours who were present threw things at her. Other police officers, including her husband’s colleagues, threatened to open the cell to rape her. She was then transferred to Bomana. She was taken back to Boroko Police Station for a court hearing, and she was forced to spend one night in the men’s cell where she was gang-raped. She was also taken to the interrogation room, where her husband’s colleagues threatened to kill her with a bush knife.

#### *Male block*

**Henry Sibona**, aged 21, arrested in the streets a week earlier, together with four other men, by the mobile squad. Two people died after being shot, and he had been shot in the left arm. This was corroborated by the forensic medical expert examination.. He had clear cutting traumatic wounds produced with a cutting instrument (probably a knife) in the leg and back and very clear bullet wound in his arm that was still bleeding. The kind of traumatic injuries observed were clearly intentional and to ill-treatment. The shot wound needed medical treatment that had not been provided. He had not seen a lawyer and nor had he been taken to the hospital. When the Special Rapporteur checked the registers, he noticed that he was not registered.

**K. B.**, aged 16, had been sleeping in cell 2 with nine other adult men for the last nine days. He had been arrested by the CID on suspicion of murder. He was beaten with iron rods on the back and in the face. After his warrant was ready he was sent to Bomana Correctional Institution, where he was beaten upon arrival at Gate 24, where he said all detainees are stripped naked and beaten. He was later also beaten in his cell by different officers, because some detainees were fighting. He was taken back to Boroko Police Station to attend a new hearing in Court, and he had no lawyer.

**Baltazar Emong**, aged 20, was arrested on 28 February 2010. Police officers came to his place at 23 hours after calling him to warn him they were arresting him. He was not beaten at the time of arrest but in the CID interrogation room he was threatened to be beaten. He was charged by the police only five days later, and taken to Bomana Correctional Institution. He was back for his second hearing in Court, and he had no lawyer.

**A male detainee**, aged 35, was arrested for alcohol consumption. He had received no visits and had no lawyer. Other detainees explained that he had a mental problem, which was corroborated by medical evidence. In fact, although there was no time for a complete and correct psychiatric evaluation, the mental alterations were absolutely evident, according to the medical forensic expert, and the detainee needed a psychiatric observation and treatment. He was, however, held together with the other inmates.

**E. K.** aged 16. He had been detained at Boroko Police Station since 30 April 2010. He had been beaten with iron sticks on the legs and arms, and punched in the face upon arrest. He was also kicked and beaten once inside the cell. The police threatened to kill him if he did not confess to a suspected murder. He indicated that the adult detainees in the cell took care of him.

**P. D.**, aged 15, had been held at Boroko Police Station for two days. He had been beaten on the face and the back of the neck with a gun butt. He had been taken to Six-Mile Police Station for a day, but he was not questioned there nor submitted to any ill-treatment.

**M. A.**, aged 14, was arrested four months before in June Valley, near Port Moresby for smoking and selling marijuana. Many policemen apprehended him and hit him with their guns on his head and body. He still had a scar on his head. He was taken to Hohola Police Station and shortly thereafter to Boroka Police Station, where he had been detained for the last four months without being taken before a court. A female human rights lawyer had visited him once. His mother was dead, and his father was old and never visited him although he was aware of his son's arrest. He had never been beaten in the Police Station.

**V. R.**, aged 16, was arrested on 31 March 2010 at the Doa Rubber Plantation, on suspicion of a drug offence. Six uniformed police officers beat him with fists and guns in his face. Although there were no more visible marks, he still had headaches. He had been taken directly to Boroka Police Station. Ten days later, on 9 April, he was taken before a court and charged with possession of marijuana. He had been sent to Bomana Prison where he was held together with 12 other prisoners in the Juvenile Section. He was offered release on bail but he did not have money to pay. At Bomana Prison he was beaten by a guard as a punishment for possession of marijuana, but at the Boroka Police Station he had not been beaten. Two days before the visit, he had been taken back to Boroka perhaps because he had to go to court tomorrow. He indicated that he had been abused by adults while in the cell, but did not wish to provide further details.

**Ateno Koropo**, aged 25, was arrested in 2008, beaten and thrown into a police car. He was taken to Waigani Police Station from where he escaped. After his re-arrest he served six months at Bomana Prison and was released. He was re-arrested in April 2010 and spent one week at 6 Miles Police Station. Then he was taken to Boroka Police Station, appeared in court and was charged for the same crime. His next court hearing was scheduled for 4 June. During his detention in three different police stations, he had never been beaten. He could be visited at any time. His family could bring food, but direct communication was difficult since they could only communicate by shouting.

**Wilson Waranigi**, aged 33, was arrested on 21 March 2010 at the Morota settlement in Port Moresby. The arrest was conducted by the SSD unit with four police vehicles and 30 fully-armed police officers under the command of a CID officer. Some police officers were drunk. Although he surrendered, he was severely beaten with baseball bats on his legs and back. He could no longer walk and still has pain. The forensic expert was of the opinion

that his vertebrae might be broken at the lumbar level. He was taken to Boroko Police Station and was sent to Bomana Prison on 31 March. The week before the visit, he was taken back to Boroko Police Station to prepare his court appearance. During his interrogation by the CID, he was threatened with torture outside the police station, in order to confess, but no physical force was used against him. Although he felt severe pain, he had not received any medical attention. Besides his medical needs, he asked the Special Rapporteur to help him obtain his university and school certificates, which had been confiscated by the police during the raid at his home in Waigani.

**A male detainee**, aged 24. Two weeks before the visit he had been taken from the road by 9 or 10 soldiers in green uniform around Nine Mile. He was not causing any trouble but they bashed him and put him in a bus. They beat him with their hands, sticks and barbed wire. He was then taken to a reception room at the Goldy Barracks outside of Port Moresby. They threatened to kill him, and for the next two hours, the same soldiers tortured him with hammer on his kneecaps. He was then taken to Boroko Police Station. He was beaten by the police during the transfer with their hands and gun butts. He asked for medical care but it was not provided. He was still bleeding on his hands and face and had cuts under both eyes. He did not know why he was detained.

**A male detainee**, aged 28. Five days before the visit he was in North Waigani, drunk, and had a fight with some boys, who punched him and dragged him along the highway. One of the boys reported the incident to the Waigani police and obtained a doctor's report. While he was sleeping at home in Morata, around 3 a.m., a vehicle arrived with the boys who had filed the complaint and they beat his wife and sister, punched him and took him to the Waigani police station where he was kept for two days. He did not receive any medical attention from the police. He was taken to Boroko Police Station and charged with assault. He had been to court two days before. The judge saw his injuries and set bail at 150 kina. He was waiting for the bail to be paid so that he could be released.

**P. G.**, aged 19. On 20 April 2010 he was taken from his house by police officers in blue uniform. He was beaten in the face and taken to Berina Police Station where he was locked up for days and once again beaten. The police used a stick to beat him on the head and punched him on the face. He was later transferred to Boroko Police Station.

**James Airi**, aged 23, from Port Moresby. At the time of the visit, Mr. Airi was lying on the floor, hardly capable to move his body, and only able to speak with great difficulty. His body displayed numerous injuries and abrasions on his feet, chest, and head. His face was swollen. Mr. Airi's family had brought food for him; however, he was not able to eat it due to pain. Mr. Airi had been arrested two nights before for possession of marijuana. Initially, Mr. Airi had tried to run away, but was caught by the police and surrendered. Despite putting up no resistance, five to six officers kicked and punched him with an iron rod and wooden sticks at the market. Subsequently, Mr. Airi was taken by foot to a police post where he was held for about one hour and charged with drugs possession. Afterwards, he was transferred to Boroko Police Station where no further beatings were inflicted on him. The forensic doctor concluded that the injuries corroborate Mr. Airi's account of the abuse by the police. As confirmed during the debriefing with the authorities of Boroko Police Station, the officers were aware of Mr. Airi's condition, but had not provided any medical care. It was only after the meeting with the Special Rapporteur that the ambulance from Port Moresby's General Hospital took Mr. Airi for treatment.

**L. A.**, aged 20, from Southern Highlands, was arrested on 19 April 2010 at Gordon's market in Port Moresby. After his attempt to run away failed, the police beat him. He was held for two days at a police post close to the market before being taken to Boroko Police Station. He was handcuffed during the transfer. Since the arrest he suffers from knee pain. On 14 May, he complained to one officer about the insufficient quantity and poor quality of

the food, for which he was beaten with a rubber truncheon on his head which caused a bleeding wound.

**Andrew Kopa**, aged 32, from Central Province. In mid-February 2010, Mr. Kopa sneaked into the premises of a mine, with the hope to find some gold. His intrusion was discovered by the police who shot him in the knee while fleeing. However, Mr. Kopa managed to escape. A few days later, he was arrested by the police on the basis of a tip-off from an informant. Since his arrest approximately three months before, he had not seen any lawyer, been to court, nor received any medical treatment for the bullet which was still inside his foot. Mr. Kopa reported that an attempted escape of two detainees on 21 April resulted in physical abuse of all detainees held at the station. A large group of police officers from another police station had gone from cell to cell and beat the detainees with whips, timber sticks, fan belts and baseball bats, and kicked them with their boots. He informed the Special Rapporteur of beatings at the front section of the station. Furthermore, detainees were exposed to regular verbal abuse by the guards. Family members who want to visit detainees are harassed by the officers and regularly sent away.

**J. K., aged 17**, was arrested in relation to a murder case on 1 April, at Barioba Badagau secondary school in Port Moresby, where he was a 10th grade student. The arresting officers handcuffed him behind his back and put him in a police van, where they started to whip him with a copper wire and a fan belt, beat him with a gun butt on his head, and kicked him with their boots. He was further threatened to be killed and was insulted for his Goilala origin. The abuse lasted throughout the transfer from the school to Boroko Police Station. His upper body displayed clear traces from the whippings, above his eyebrow he had an about five cm long cut. All the traumatic evidences were absolutely compatible with the allegations and could not have an accidental origin according to medical forensic expert, being clearly due to beatings. J.K. complained about pain in his right jaw, making it impossible for him to chew any meal on that side. J.K. had not yet been before a court. He repeatedly informed the authorities in Boroko that he was a juvenile. Since his arrest, his family had not been able to visit him due to the lack of financial means to travel to Port Moresby.

## **Rehabilitation Centre for People with Disabilities, Port Moresby Visited on 16 May 2010**

### **Individual cases**

The Special Rapporteur was received by the Director, Braun Kapi, who sits himself in a wheelchair and is one of the most outspoken human rights defenders in Papua New Guinea.

**Marava Genaboyo**, aged around 58, was hit by a truck on 3 June 1988. A police officer who saw the scene called an ambulance. She was brought to Port Moresby General Hospital. Doctors made X-rays but instead of having her leg rest, they put it on traction, and this way pulled her ligaments out. When they realised that they stopped it, but harm had been done. She had to be operated, and a doctor from Brisbane who was visiting promised to send for her operations the necessary pieces. When the doctors received the material some time later, they mistakenly used it on someone else. They then refused to order new pieces and she stayed in hospital until 1989. She was in and out until 2005, but was not re-operated and although she complained to the doctor who had made the medical mistake that he had spoiled her leg, he did not react. The office of the Public Solicitor fought for her and obtained reparation for an amount of 73'000 kinas from the Motor Vehicle Insurance Trust (MVIT). This sum was given in once and she quickly ran out of it. Now she is in a wheelchair, unable to move, and rests most of the day in her bed. She has no State support and the doctor who harmed her is still practicing.

**Matthew Sarufa**, aged 36. On 25 December 2000, the police had surrounded his house, and when he surrendered, he was told to lie face up on the ground. The police then emptied a full magazine from a semi-automatic rifle on his left leg. He was also shot on the right leg. He was a “most wanted man” for various crimes. After he was shot, he was taken to the hospital, where his leg was amputated. His family was prevented from visiting him in the hospital during the three months he remained there. Due to his disability, he was never charged. In 2005, he filed a complaint against the state and the two officers he could identify. The trial was set for 19 April 2010, but it was postponed by the judge.

**David Yaro**, aged 28, robbed on 3 October 2002 a bank in Boroko. Outside the bank he was surrounded by police; he surrendered and was shot by the police. He threw his gun down and they told him to lie on the ground, he knew he was going to be shot so he remained standing and put his arms in the air and the police shot him from 2 meters away. After 30 minutes he was taken to hospital. He received poor medical care, the doctor removed muscle from his thigh to fix the lower leg but it made his condition worse, the leg became numb and it had to be amputated from the knee down. In 2008 he went to register a complaint against the police for excessive use of force as he had surrendered and they shot him. On Friday he went to court and has until 16 July to prepare his case file. In 1997 he was involved in a robbery on a restaurant. (Apparently the police commissioner’s son was also involved in the robbery). There was a car chase by the police. Four were killed. He was shot in the back and had an exit wound in the stomach. He saw the police surrounding the getaway car and threw the money to the on looking crowd as they came in he was able to make an escape. The driver of the car also escaped, however two years later he was caught in Popenetta doing another robbery; allegedly that time the police amputated his arms and legs and threw him overboard.

### **Bomana Correctional Facility, Port Moresby Visited on 16 May 2010 (2nd visit)**

The Special Rapporteur was received by Superintendent Kiddy Keko. He complained about the lack of officers (3 for 400 detainees). He stated that the detainees were not rebellious but that they sometimes suffered ill treatment, due to the harsh conditions for both the detainees and the officers. When a detainee complains about an officer, he does it to the police. However, he acknowledged that it is not very effective.

#### **General information**

##### *Maximum Security Wing*

24 male detainees, all escapees, are held here under high surveillance. The building is new and seems much more secure than the other buildings in the complex. The Supervisor, Damian Ayebaibai, received the Special Rapporteur and was very cooperative. The Maximum Security Wing is divided into 4 sections: D is a punishment block where nobody is presently kept. C is the section for detainees who escaped and were caught again; presently there are two detainees there. B is for escapees who behave well and A is the section where prisoners who will soon be transferred to the ordinary (open) regime are held. Each detainee was kept in a single cell, but they can see and speak to each other. The four sections are separated by locked doors. Section A is the closest to the door and has some daylight.

During a collective interview, one of the detainees, **William Kapris**, gave the Special Rapporteur a written statement with complaints about the prison conditions on behalf of all detainees. A number of detainees have serious injuries. During the collective interview, there are complaints about the insufficient quantity and poor quality of the food.

### Individual cases

**William Kapris Nanua**, aged 31, is the most famous and best guarded prisoner in Papua New Guinea. He first escaped from prison on 6 November 2005. On 14 February 2007, he robbed, together with three people, the Metal Refinery Operation (MRO). In October 2007, he was arrested in Port Moresby by many police officers and taken to Boroko Police Station, where he stayed for one night. Then he was sent to Bomana. In February 2008, he escaped from the Three-Mile Hospital. He was allegedly used by various politicians, who received money from the bank robbery. On 17 July 2008 he was once again arrested on a highway and surrendered to the police. Nevertheless, they forced him to lie down on the highway, and *Sergeant Terry Apolos* shot him from a close distance with a 9mm gun in both his legs. He spent five days in a cell in Boroko Police Station, was taken before the court on 24 July and then sent to Bomana Prison, where he was kept without any medical treatment. On 12 January 2010, a woman came into the Maximum Security Section pretending to be a human rights lawyer and freed him, together with 12 others. They escaped with a vehicle that was waiting outside and he spent three weeks in the bush before he was re-arrested.

He described the conditions at the prison as follows: they spend almost 24 hours per day in their single cells without daylight. At around 9 a.m. they are allowed to go outside for five minutes to fetch water, go to the toilet, take a shower and fetch their breakfast, which they eat in their cell. He was originally kept alone and completely isolated from the others in the D section, but now he is together with Oliver Benny Gabi in the C section. For breakfast they get tea and biscuits, rice and pasta for lunch at 11 a.m. and rice and tinned fish for dinner at 2 p.m. When the sun is shining, the roof heats up and the cells get very hot. There are many mosquitoes, flies and cockroaches. During the night they do not have enough water. When it rained, the roof leaked. They cannot receive any visits from families, doctors or lawyers. The guards do not talk to them and they have no right to speak to him.

**John Sikowel**, aged 36, was arrested on 11 February 2010 in a residential area of Port Moresby by some 20 to 30 police officers from the mobile squad and special task forces in uniform. He surrendered to Officer *Philip Bakob*, whom he knew, but he still shot him with an automatic rifle. Mr. Sikowel was taken to the Six-Mile Hospital where he spent one month. He was then taken to Boroko Police Station, where he stayed for four days before he was sent to Bomana, from where he later escaped. He was later re-arrested, taken to Boroko Police Station and sent to Bomana Correctional Institution on 24 March 2010. At Gate 24, he was brutalized, beaten and forced to walk although he is disabled. He had to crawl into his cell. Since he is an escapee, he must stay at the Maximum Security Section for one year. He received some medication, but no proper medical treatment. He is locked in his cell most of the time and detainees have no books or magazines, cannot write letters or receive any visits, including from pastors.

**James Bari Bomai**, aged between 60 and 70, escaped on 12 January 2010 and was re-arrested on 11 February 2010 at Six-Mile district. He was forced to lie down with his face on the ground. He was shot from behind by Correctional Officer *Martin Kundu*. They brought him back to Bomana Correctional Institution, where he was detained without any medical treatment. His toe was strongly infected and the forensic expert recommended that he should be quickly taken to a hospital. He wishes to complain to the Ombudsman Commission and to get a lawyer in order to sue the Government for damages.

**Robert Amato**, aged 29, was detained on 3 February 2004 during the day, in his village, by five officers of the mobile squad. He immediately surrendered and was taken to Six-Mile Police Station. There, he was beaten until he admitted the crime of which the officers accused him. After one night in the police station he was taken to Bomana Correctional Institution where he has been held since. He had seen detainees die of diseases. He was often beaten, usually with belts, mostly after fights broke out among detainees.

He explained that the bad food, coupled with the lack of hygiene led 54 detainees, including him, to escape in 2009. However, he was recaptured five months later and brought to the maximum security wing. He was beaten upon arrival by five officers with barb wires, wooden sticks, and rubber hoses, some of them filled with iron. This was two months before the visit and he had not been beaten since, although he said he was often mocked by the custody officers. He also complained that he was not allowed to work, except for the few times he could cut the grass.

**Peter John Placeman**, aged 32, was arrested in 1993 at home, by the CID. They took him to Boroko Police Station, where he was beaten for more than an hour by several officers in order to confess a crime. Two days later, he was taken to court and then to Bomana Correctional Facility. He was sentenced to 18 years, and complained that unlike other detainees, he did not have the right to parole. He escaped in 2007 and was recaptured one month later by the “dog unit”. He was then beaten with knives. When he was taken back to Bomana, he was taken to the general compound and beaten with copper plates on the head, and with aluminium sticks on the feet. They then placed him in the maximum security wing. He was also part of the major escape in February 2010, where 18 detainees left the compound. He said he suffered a lot, and felt like he was an animal. He was often beaten with rubber hoses and wooden sticks, when detainees misbehaved. He also complained that as a punishment, they cannot have visits, and that they were locked up most of the day, with their plates filled with bugs because they could not even wash them.

**Henry Henz Patrick**, aged 28. On 12 January 2010, he drove the car that picked up the 12 escapees, led by William Kapris. They hid in the bush and spent the night together. He left them the following day, went down the river, caught a bus and went to his village. He did not dare to report the issue to the police since he knew he would be tortured. He hid for two weeks, before his brother-in-law denounced him. The “dog unit” of the police came in the early morning and surrounded the house. He surrendered quickly, and was put into a car. At a junction, they stopped and asked him to tell everything, “because your life is in our hands”. They then tried to shoot at his foot but he avoided the bullets. They took him to Butana, an allegedly famous place where police abuse criminals and shoot them. He was blindfolded and taken back to the “Dog Unit Compound” and was placed in the only cell where there were no dogs. The next day he was taken to Bomana Correctional Institution and was interrogated from 9am to 4pm by the CID. An officer told him they would shoot him anyway. He was taken back to Boroko Police Station before his hearing at the Court, where he had no lawyer, and then back to Bomana’s general compound. A day later he was moved to the Maximum security compound. He had no lawyer, and felt like he was being treated like a criminal and not like a remandee.

**Oliver Benny Gapi**, aged 33, was beaten by the mobile squad when he was arrested on 18 July 2008. He had just robbed a bank and was on the highway with 14 other people in three cars. The police chased them and beat them on the highway. They punched them, handcuffed them and took them to Boroko Police Station, where they had to lie down in the car park. The officers then beat them with any object they could grab. They spent four days in an overcrowded cell before being formally charged on 22 July. He went to court but has not been sentenced, thus has been a remandee for two years. On 12 January 2010 he escaped with Kapris and the 10 other detainees. They went to a forest, where there was no food and no water. He fell asleep, alone, and was discovered by someone who called the police. He was taken to the hospital where he remained for some days, before being taken back to Boroko Police Station. On 26 January he went to Court, where he was sentenced to six months for the escape, and subsequently placed in the maximum security compound.

**Floyd Kohai**, aged 34, had been arrested on 11 February 2010 for harbouring an escapee. He was taken to Dogura, where he was given an empty gun and told to run, so that it could appear like the police was chasing him. The police fired shots at his legs but he was not



injured. During the interrogation, he was beaten on the legs, hands and shoulders with a gun butt. Afterward, he was taken to Six-Mile Police Station, where he was threatened in an effort to obtain information, and was not allowed to receive visitors until he was charged. The next day, he was taken to Boroko Police Station, where he remained until 8 March, when he was transferred to Bomana. He indicated that the detainees held in the section were “forgotten people”. He was not allowed any visitors or correspondence. He added that detainees were forced to crawl from the gate when they first arrived, and they were usually beaten by the officers. However, he noted there was hardly any inter-prisoner violence because the punishment was increased confinement.

**O.Y.**, aged 35, had been arrested on 21 January 2010, after the police surrounded his home and forced him to get into the police vehicle. He was charged at Boroko Police Station with aiding escapees and was transferred to Bomana. He had been threatened with violence upon arrest, but was not beaten. He indicated that he suffered from scabies.

**F.S.**, aged 17, had been detained there since January 2010. He had been previously detained but escaped in 2005. Upon recapture, he was beaten with a gun butt on the face and shot in the hand, leg and thigh with a rifle, by Corporal Martin Kundu, while he lay face up on the ground. He was then taken to Bomana, where he was stripped, beaten with an iron rod and a rubber hose, and forced to crawl from the main gate to the cell. He had always been kept with adults because he was serving a 20-year sentence.

**Duma Korua**, aged 33. During a joint operation by the police and the correctional services on 23 February 2010, he was detained, told to lie face down inside his home and was shot on the right shin by Corporal Martin Kundu, because he was an escapee. He was then taken to Six-Mile Police Station and later to the hospital, where he spent two hours and was only given antibiotics. Upon arrival at Bomana, he was kicked and beaten with a wooden stick for approximately ten minutes at the main gate. His family had sent him food and money, but the correctional officers never gave it to him. He had sent a complaint to the Commander’s Office but was still awaiting a reply.

**Michael I.C.**, aged 22, had been arrested on 23 January 2010. He was placed inside a Correctional Services bus and was beaten on the head with a rifle. He was an escapee. At the main gate, he was told to remove his clothes and was beaten with a fan belt all over his body, resulting in a broken arm.

**Kingsley Kimoi**, aged 48. On 12 January 2010, he was picked up from his home in Waigani by police and taken to Boroko Police Station. Four police officers (MOSIC) in blue uniform beat him on his knees and chest with a police baton and punched him in the face. They punched him on the jaw trying to force him to say something he did not know. Before he was charged, they gave assurances that if he provided the information the police needed they would release him. He repeated that he did not have any information. He was kept in Boroko for eight days and taken out for a one hour interrogation each day to the CID Robbery Squad office; each time he was asked questions and punched in the face. He was charged after seven days. On 20 January 2010 he was taken to Waigani Court. On 21 January 2010 he was sent to Bomana main compound and kept there for 17 days. On 7 February 2010 a commander ordered that he be taken to maximum security. The maximum time in maximum security should be 3 months. He went to court on 24 February 2010, and Fred Tamon was the presiding magistrate. He asked for a lawyer to defend him and Mr. Kimoi explained that he did not have a lawyer as he has been locked up in maximum security. The court ordered the Correctional Services to provide him with a lawyer; but they have not. The court was adjourned until 11 June 2010. Detainees provided complaints but with no results. Detainees cannot express themselves as they fear reprisals including an extension of their term of imprisonment.

**Peter Kumul**, aged 43, was arrested on 11 June 2000 by four police officers at home and taken to Kundiawa police station, accused of killing a man in Port Moresby. He was punched and hit with the butt of the gun on the head, his side and knees. He was held for 26 days in Kundiawa police cell. His family did not know where he was. There was only water and another detainee shared some of his food with him. They were 11 men in one cell. CID officers from Port Moresby came and took him to Port Moresby, where he was detained in Boroko Police Station for 28 days. During interrogation by CID officers he was threatened with a gun. He went to Court in August 2000, where a remand warrant was issued and he was transferred to Bomana. He stayed with the general population for three months. On 12 October 2000 the presiding judge found him guilty and sentenced him to life. His appeal is still pending. In 2005 his son died and he was not allowed to attend the funeral. Later in 2005, another of his sons died and he was not allowed to attend this funeral either. On 19 June 2008 he went to the general hospital for his regular medical exam and whilst there he learned that his wife had died and the family had left the body at the hospital so he could see her when he came for his appointment. He decided to escape so he could attend his wife's funeral. 19 months later on 11 February 2010 he was captured. He was at Eight-Mile settlement and 4 officers caught him, put a pistol to his head and fired, but there was no bullet. The second time they fired into his right ankle but there was no bullet. However, he fell, was kicked and told to walk to the car or else he would be shot. They pushed him and he fell down once again. They shot in the air; he was slapped and used rubber to tie his hands behind his back. He was taken to Boroko Police Station and interrogated by MOISC police. They threatened to shoot him in different parts of the body. The same day he was taken to Bomana and was locked in the main compound. On 18 February 2010 he was taken to the maximum security facility and he was told he would stay there for 3 months which would have finished on 11 June 2010.

**A male detainee**, aged 22, was arrested on 8 January 2006 by approximately 5 CID officers. He was put in the car, where the officers put a mask on his face, beat him up and broke the ribs on his right side using a wheel spanner. He was taken to Baruni dump, where he was beaten. The officers took his mask off and shot him behind the right knee. He was then taken to Boroko. He was not given any medical treatment. While in detention at Bomana, his father died, but permission to go to his fathers' funeral was denied. Out of frustration and due to the frequent raids and collective punishments that did not follow any processes, he decided to escape. In Sept 2009 there were two deaths in the cells due to the lack of medical care. Detainees wrote a petition to the OC/CS Commissioner calling for an investigation into the deaths but it was torn up by the guards and the officers. After that there was a raid. The police came and threw teargas into the cells and belted the detainees inside the cells. His right shoulder bone was broken and he was taken to hospital for an x-ray. He had escaped on 20 September 2009 and was recaptured on 8 February 2010. He was beaten in the cell with bush knives by four police officers. He spent one night in the police cell and was then taken to Bomana. At the main gate he was stripped and beaten; the ribs on his right side were broken with a 4 by 4 piece of timber. He spent one week in the main compound's punishment block. He was charged with escape and sent to maximum security for three months and one day. Medical treatment had not been provided.

**Kito Aso**, aged 28, was arrested on 18 July 2008 while travelling with friends on the Highlands Highway. The police stopped their car, arrested and handcuffed them and then started to beat them. They then placed them one on top of the other between the seats of a police van. During the ensuing transfer to Boroko Police Station, Mr. Kito and his friends were constantly punched and kicked. The beating continued after arriving at Boroko, where he was thrown into the cell and has injured his knee, which was still in pain, almost two years later. On the next day, 19 July, Mr. Aso was informed that he was arrested in relation to a robbery in Madang, which was allegedly masterminded by another detainee. Mr. Aso and approximately 20 other detainees were later taken out of the detention block, to the car

park in front of the police station. The detainees were blindfolded and beaten with iron rods, gun butts, fan belts, and fists, all taking place in front of the public who could observe the ill-treatment. At this moment William Kapris was shot in the foot. Mr. Aso was interrogated and coerced to confess, which he eventually did but out of fear for his life. On 24 July Mr. Aso's warrant was issued and he was transferred to the Maximum Security Section at Bomana Prison. According to Mr. Aso, it is due to the high security confinement that he was not allowed to receive any visits by his family members. On 12 January 2010, Mr. Aso escaped from prison. He was recaptured on 22 February 2010. During the apprehension, after having surrendered and being ordered to lay with his chest on the ground, he was shot in his foot. He was further beaten with a bush knife, punched, and kicked. The next day he was charged for escaping at Six-Mile Police Station, where the treatment was awful and he was denied a medical treatment for his wound. On 24 February, Mr. Aso was transferred to the court and returned to the Maximum Security Institution. Upon return, he was strip-searched at Gate 24 and punched by the officer on duty, who was wearing a large ring, which caused particularly severe pain. Immediately after admittance to the prison, he was again strip-searched when accessing the MSI, and was beaten by wardens with iron rods and wooden sticks. Mr. Aso reported that the food portions had been reduced as a means of punishment since the prison break. Mr. Aso had never received any legal aid.

**John Carro**, aged 27, was arrested at his home in late 2003 on the basis of allegations related to a killing. He was subsequently transferred to Boroko Police Station where he was interrogated by members of the CID for seven hours. During the interrogation he was stripped naked, beaten with a fan belt, iron rod, and timber, among others by Sergeant Mantu Ulagis, then the Officer in Charge (OIC) of the homicide department. Mr. Carro was ordered to sign a confession which had been already prepared by the officers, which he refused to do. After three days at Boroko Police Station, Mr. Carro had his first court hearing. The judge issuing the warrant did not inquire into the then clearly visible injuries of Mr. Carro, which he sustained during the interrogation. Mr. Carro himself refrained from raising his ill-treatment due to fear of retaliations by the police officers. Subsequently, Mr. Carro was transferred to Bomana where he was held in the general section. In September 2009 he participated in a mass prison break. He was recaptured on 8 February 2010. His arms were tied with a rope behind his back, and he was thrown onto a police truck in which he was transferred to Boroko Police Station. There was little violence during his transfer or short stay at Boroko. Upon arrival at the main gate at Bomona, he was stripped naked and beaten by the officers on duty. His head was also shaved. From the main entry he was transferred to the MSI where he was again stripped and beaten for about five minutes. Since then, Mr. Carro had not experienced any further physical abuse.

**Awana Gini**, aged 25, was arrested on 2 March 2010 at the market of Kwikila where he was stripped naked in front of the public and tied with a rope behind his back. On 6 March he was transferred to MSI where he was again stripped naked and beaten with timber on his head and back for about five minutes.

### **General information**

#### *Female Division*

29 female detainees were held in the female section, including; 10 convicted and 19 remandees. There were two blocks and one was reserved to mothers (5) and their children (6). Each dormitory was represented by a one-woman cell committee. The dormitories were very clean and although for the most part they had the same diet as the male detainees, they were allowed to add some of the vegetables they grow.

## Individual cases

### *Group interview*

The detainees complained that they were not allowed to wear a brassiere, which caused pain. They also stated that they would like to wear civilian clothes when they go to hospital, in order not to be shamed and insulted by other patients. They were scared about the current cases of tuberculosis in their compound, and complained that access to medical treatment took too long. Two babies had tuberculosis at the time of the visit. The detainees also complained about the lack of mattresses for the wooden beds, which caused many of them back problems. The female section was almost exclusively guarded by female wardens although the relationship between them and the detainees was described as hostile and characterized by commanding language. The relationship among detainees was described as collegial and inter-prisoner violence was not an issue. Upon the visit of the Special Rapporteur two twin babies were present at the section. The mother had been taken to a local hospital nearby the prison for their delivery. After three days, she and her babies were returned to the prison.

Female convicted detainees have to work on the farm located in the Bomana Prison complex. Remandees can work in the workshop (e.g. sewing) which is described as being easier than the work undertaken by the convicts. Their products are sold outside the prison, however, no revenues are transferred to the detainees. Working hours are weekdays between 8:00 and 11:00 hrs. Furthermore, detainees have to do work for members of the prison staff, including washing their clothes and preparing food for them.

Female detainees felt discriminated against in comparison to male detainees. Male detainees are able to earn their own income by working at the prison (while female detainees do not receive any remuneration). Furthermore, male detainees are allowed to wear civilian clothes and can receive their partners for conjugal visits.

At the time of the visit, detainees were not able to receive any food from visiting family members or friends. The temporary prohibition was explained by the authorities as a precautionary measure in light of a then spreading cholera epidemic at Port Moresby. In general however, detainees were able to receive food from visitors as long as it was consumed immediately at the visitors' section and under the supervision of a warden, in order to prevent the smuggling of prohibited items into the prison. The decision whether a detainee could receive food by visitors was with the warden in charge and taken on a case by case basis – a practice which opens the possibility for arbitrariness and abuse of power, including corruption. During the day, the detainees could move freely within the perimeters of their section. On Fridays, religious fellowship and sports are practiced.

**Helen Mark Kuipa**, aged 26, was arrested on 6 March at 9 p.m. in the Talai Settlement in Badili, for allegedly staging the escape of 12 prisoners from Bomana Correctional Institution. While in the police car, she was asked to remove her clothes, put her fingers in her vagina and put one of her legs on top of the seat. However, when the driver came back, the officers asked her to quickly get dressed. At Boroko Police Station, she was taken to the CID-MOCIT office, where she was questioned about money and beaten on the face. The CID officer instructed two officers to lock her up in the women's cell, but instead, she was asked to go to the fingerprint room. There they asked her whether she had had sex with the CID officers. She said no. They threatened her that she would spend the night with 60 males in their cell, and was ordered to get naked. One of the officers was in civilian clothes and was drunk. The other one left the room and came back 40 minutes later. While he was out, the drunken officer locked the door and threatened her again with spending the night in the male cells and getting gang-raped. She had no option and was powerless. He then forced her to have intercourse with him and did not wear a condom. After that he sat back as if nothing had happened. She cried continuously until two female detainees found her in

the fingerprint room and took her to the shower. When she walked out of the shower, she saw a CID officer and reported the rape. The same day she was brought to the hospital for a medical check. She said that the SOS Sexual Offence Officer in Boroko Police Station humiliated her when she examined her. She had to be naked again and was questioned in a disrespectful manner. She said that many women were too afraid of the officer to even talk to her. She was scared of being HIV positive.

**R. A.**, aged 25, has been at Bomana Correctional Institution since 2006 and was convicted in December 2008 for murder. She surrendered at Six-Mile Police Station, where the CID officer asked her to sleep with him. Family from the deceased came to the police station and one relative cut her on the head. The officers did not take her to the hospital, but, as she was bleeding heavily, they finally had to rush her there. However, the doctors refused to treat her because she was a murderer and preferred to “let her die”. As a result, she was taken back to a cell. She is HIV positive, a condition no detainee knows except her best friend. She feels much discriminated by the guards, who refuse to share the car with her when she needs to go to the hospital, and purposely delay her access to medical care. She recommends a full-time doctor be hired for the Correctional Institution. Also, they ask detainees to call them “boss” and verbally mistreat them. She thinks she should not work so much in the sun, in the garden, as she is weak and feels very often dizzy. Recently doctors detected a growth in her uterus that hurts her a lot, especially during the night. She states that when she cannot sleep because of the pain, no detainee sleeps. They gather around her to show her solidarity and love.

**Lyn Moses**, aged 24, reported that she had been a victim of attempted rape in 2006, which she fended off by stabbing the attacker in the back. A year later, in 2007, she accompanied a female friend who had also been a victim of rape to Boroko Police Station. There, Ms. Moses was arrested and accused of having killed her attacker. The arrest and accusations came as a surprise to her since she was not aware of any pending arrest warrant, had not been hiding intentionally from the authorities, nor was she aware of the death of the attacker. The same day, she was interrogated from 9am to 4pm at Boroko Police Station. The officers demanded that she sign a statement in which she would confess to the killing. She was held for two months at the police station without being charged and no legal aid was available. Ms. Moses described the atmosphere at Boroko Police Station as frightening; officers were regularly drunk during the nights and threatened her. In August 2007, she was transferred to the female section of Bomana Prison. She was sentenced to 15 years of imprisonment and hopes to be released on parole in 2013.

**A British detainee** with one child explained that she had to deliver the baby in the prison with only other prisoners helping her. She alleged that she was beaten during her arrest. The cell was too hot, in particular for the babies, and overcrowded. They also have to sleep on the floor. They receive three times a day food but it is not appropriate for breastfeeding mothers nor for babies. Children may stay with their mothers up to the age of 3. They can receive family visits on Saturdays for 30 minutes. Between 6 am and between 4 and 5.30 pm the door is open and they can go outside and do some work (e.g. sewing). The biggest problem is access to proper medical treatment: two children had tuberculosis in prison, a third one might also have it and two got bronchitis but they received no medicine. There were only female guards at the female prison, some of whom are very nice.

#### *Juvenile Section*

**Anthony Mera**, aged 20, was arrested on 8 April 2010 after he presented himself – together with his family – at the Six-Mile Police Station in Port Moresby. He stayed there for approximately six hours, during which he did not experience any ill-treatment by the police, which Mr. Mera explained was due to the presence of his parents. He was subsequently transferred to Boroko Police Station where he was charged and held in the

main cell block, together with adults. On 15 April, Mr. Mera was scheduled to be seen by a judge and transferred to the court house in Waigani. Despite spending several hours at the court's holding cell, his case was not heard since the necessary documents had not yet been processed. From the court house Mr. Mera was transferred to the Juvenile Section of Bomana Prison where he has been held since. Mr. Mera did not have any form of legal aid.

Upon arrival at Bomana prison, officers at the main gate took Mr. Mera's necklace. Mr. Mera reported that Thursday mornings a member of YWCA visited the juvenile section and provided language and literature classes, which Mr. Mera described as helpful since many juvenile detainees were illiterate. Various sports are practiced every Friday on a meadow outside the juvenile section. During weekends, detainees could watch TV for approximately three hours. Despite these activities, detainees spent most of their time without any meaningful activity. A library offers a small collection of books; however, since most detainees are illiterate it is of little use to them. Some detainees received wool from their families, with which they produce *bilums* (traditional bags). Juvenile detainees are locked up in their dormitory from 4pm to 8am. During the day they could move freely within the juvenile section and also talk to the convicted juvenile detainees. Meals were served three times per day. Visits are allowed on Saturdays (for remandees) and Sundays (for convicted detainees) and last for no longer than 30 minutes. The toilet was clogged and juveniles who violate any of the rules were sent to the MSI for solitary confinement as a punishment.

**Gerega Bomai**, aged 18, was arrested on 1 January 2009 in the morning in Port Moresby. While being taken out of his home by eight police officers (including three officers of the Special Force Southern Command), he was beaten with a fan belt and kicked, as a way to "rough him up for the transfer". He was subsequently transferred to Boroko Police Station. During the transport the ill-treatment continued. At Boroko Police Station he was held in the main cell block, where he reported not to have experienced any physical abuse. Mr. Bomai arrived at the Juvenile Section of Bomana Prison on 17 January 2009. His case is currently pending before a national court and he has been represented by a lawyer.

**B.F.**, aged 16, was arrested on 28 December 2009 at a bus stop in Koki, a suburb of Port Moresby. From there he was taken to his house in Two-Mile in order to identify friends who were alleged to have been involved in a crime. Upon arrival with the police, his friends fled. He was subsequently taken to Boroko Police Station where he was held in the main cell block, together with adult detainees. He reported that he had not experienced any violence during his stay there. The next day, on 29 December, he was taken before the Juvenile Court in Boroko where he was charged and reportedly sentenced immediately on the basis of a witness testimony. Regarding the detention at the Juvenile Section at Bomana, he did not raise any allegations of ill-treatment. However, he voiced complaints about the poor quality of food and the lack of soap and other toiletries.

**J.S.**, aged 19, had been held at Bomana for one-and-a-half years. He had been arrested together with ten other people, and seven of them were still in detention. He had been taken to Gordon's Police Station and later transferred to Boroko, where he was held for two months with adults, without seeing a magistrate. At Boroko, he was threatened by CID officers during the interrogation, but no violence was used. He complained about frequent beatings with wooden sticks if the officers were angry.

**Aru John**, aged 18, had been held at Bomana for one year. Previously, he had been held at Boroko for one month and transferred to Bomana. He indicated that the officers used wooden sticks to beat them if there was a fight. He wished he could go to school.

**Jorris Alfonse**, aged 20, had been arrested on 29 March 2010. He was held at Doa Plantation, Three-Mile, Six-Mile, Waigani and Boroko Police Stations. He had missed a court hearing due to the lack of transportation. His family was trying to find him a lawyer. He was held in the juvenile section because the correctional officers believed he was a

minor. He added that his house had been burned down by those who suspected him of murder, and that the police had not investigated the incident.

**D.R.**, aged 17, had been held at Bomana since November 2009. He was arrested at home and taken to Boroko, where he spent one month in the cell with adults. He had been kicked and beaten, and only taken to court in January. He was sentenced to 14 years. He added that they were all beaten if there was a fight, and that he would like to go to school.

## **Autonomous Region of Bougainville**

### **Arawa Police Station Visited 17 and 18 May 2010**

The Special Rapporteur was received by Sergeant Moses who stated that every two months a visiting magistrate inspected the cell block. Five detainees and 3 persons were held in for their own protection due to allegations of sorcery. One cell was used to store sealed ballot boxes. In another section, juveniles were held together with adults. In general, the detention facilities are small, run down, dirty, overcrowded and unfurnished (people slept on the concrete floor, sometimes with a carton), but the atmosphere was fairly relaxed.

During the debriefing with the staff on duty after the visit on 17 May, the Special Rapporteur was informed that there were only 32 police officers for the entire Central District of the Autonomous Region of Bougainville. The police station in Arawa was not equipped with a telephone, requiring victims to come to the police station in person in order to report a crime or seek help. Out of four police cars, only two were operational; the lack of funds for petrol also posed an obstacle for patrols or investigations in the villages. This situation leaves no doubt that an overwhelming percentage of crimes is unreported.

The police force in Central Bougainville was supported by roughly 70 community/village police officers who do not have the power to investigate any crimes. In relation to so-called "sorcery cases", the Special Rapporteur was informed that the police of Arawa had not been investigating such cases in the villages with the justification that "there are too many cases in the communities" and not enough resources.

On 18 May, the Special Rapporteur was received by Ms. Florence Nobu, OIC, Office of the Prosecutor, whom he found very professional. He raised the problem of the juveniles with her. She said that there is a facility for juveniles in Arawa under construction. Senior Sergeant Herman Birengka, Chairperson of the district working group on juvenile justice arrived later on.

#### **Individual cases**

**John Demorie**, was in a cell for his own protection, accused of "poison" or sorcery. A man had died of diabetes and he had been accused of killing him. On 8 March 2010, three village court magistrates heard the case; they had the medical report, there was no evidence against him and he was found not guilty. However the relatives of the deceased still chased him with a gun, bows and arrows and bush knives and he knew he would be killed if the accusers caught him. He went to the police station in Arawa and asked for protection. He has been well looked after and he stays in the cell as he was afraid to go out. He received visits from his family as well as food and water. He informed the police about his case, but no action has been taken to investigate and arrest the people who are chasing him.

**Daniel**, aged 37, was in a cell for his own protection, accused of "poison" or sorcery. There was no case at the village court and he did not know why he was accused. They caught him at his house and shot him from the back. He went to Buka hospital for medical treatment

and had been in Arawa police station for three weeks. He felt safe in the police cell. He was waiting for his mother's clan to take him to their village as he would be safe there. He was treated well by the police, but needed more medical supplies as his have run out and he did not have money to buy more.

**Samson Nonta**, aged 50. On 19 March 2010 he was arrested at Arawa market and taken to the police station. On 24 March 2010 he saw a judge and was sentenced on the same day to 12 months' imprisonment. He did not have a lawyer. The police used force during the arrest and at the police station. He confessed after being beaten, punched in the mouth and kicked in the back. He had an injury on his lip. He was locked in a cell for two months and after that the police allowed him to walk around the station and to the market place due to his good behaviour. When he first arrived he had been beaten by the officers, but thanks to his good behaviour they were now friends. He indicated that the food was only enough sometimes and it varied between rice, greens and fish.

**A. D.**, aged 15, had been held at the police station for three months. He had been arrested at home and interrogated by the same officers who arrested him. He indicated that no violence was used during the interrogation, but that he had been verbally abused. He added that the Superintendent beat and kicked him as a punishment. He had not yet been before a magistrate, but did have a lawyer.

**H. M.**, aged 26, from Madang, was arrested three months before the visit for the possession of marijuana. During his arrest, which took place on the main road of Arawa and was conducted by four officers, he was beaten for a short period, including punches with the fist in his face. He reported to have sustained a bleeding nose, bruises in his face, and complained about pain in his eye. At medical examination performed by the forensic doctor no traumatic lesions were observed (but they could have disappear due to the period of time passed since the alleged aggression). Only a small injury was observed in his eye, that, although not specific, could be the result of the fist punches. After his arrest, he was transferred to Arawa Police Station, where he was exposed to further beatings at the reception area and in the cell. Since his arrival he has not experienced any further form of physical abuse.

Three weeks after his arrest he was presented before a judge who sentenced him to eight months' imprisonment for drug possession. The sentence had to be served at Arawa Police Station as only those with longer sentences are transferred to Buka. Throughout the entire process he had not had any contact with a lawyer or other forms of legal aid.

### **Buka Police Station, Autonomous Region of Bougainville Visited on 18 May 2010**

Since the only prison in Bougainville was destroyed during the armed conflict, Buka Police Station also serves as a prison. There are 93 detainees in two overcrowded cells and convicts and remandees are not separated. Drinking water is provided via a tank which collects rainwater; however its volume is too small. The showers and toilets are not separated and there is a lack of water. Detainees have no proper bedding. They reported that violent incidents among them are not uncommon, and mainly erupt due to disputes over the distribution of food or when punishing one detainee for so-called "misbehaviour". The officers at the station are said to be aware of the fighting but have never intervened in any incident. The last case of inter-prisoner violence was said to have occurred in March 2010. Visits by family members or friends are in principle possible and normally last between 10 and 15 minutes. Detainees complained about the lack of separate rooms for the visits, which would allow for some privacy; instead detainees and visitors had to communicate through the bars of the cell block door, while police officers as well as other detainees



could listen to their conversations. Some detainees also raised the issue that the conversation out of the cell, through the bars, is a disturbing experience for their children who come to visit their fathers or elder brothers. The Special Rapporteur also received allegations that presents brought by visitors for detainees were confiscated by the officers and used for private purposes. Detainees expressed their regret about the discontinuation of a rehabilitation and reintegration programme which had been run by the Law and Justice Section and a foreign NGO, aimed at preparing detainees for their return to their communities and to face the stigma with which they are normally confronted. The programme included three classes per week and offered an opportunity to undertake a meaningful and useful activity during detention.

During his visit to the police station, an intelligence officer, Constable Thadeus Yangavi, verbally assaulted the Special Rapporteur and his team, and attempted to physically attack the forensic doctor. The Special Rapporteur expressed serious concern over this incident, and both the Regional Commander and the Police Station Commander apologised for the officer's misconduct. The Acting Police Commissioner also gave the Special Rapporteur his assurances that appropriate action would be taken against the intelligence officer.

During the debriefing, Inspector Mr. Tsien, Commander for the Northern Part of the Autonomous Region of Bougainville complained about the situation of the detainees. According to him, there were approximately 93 detainees in a cell which had a capacity for 27.

### **Individual cases**

#### *Cell 1*

**Philemon Jack Ninits**, aged 25, was arrested at the market by five officers on 3 March 2010. He was presented with an arrest warrant. He was beaten with copper wires and slapped; his face was later swollen. The year before, he had escaped from the hospital after two months in remand. As a result all the remaining detainees were punished for a day without food. When he was taken back to detention, they all beat him. He also added that it was a general practice to beat the new-comers. The officers did not know about it, they never come inside the cells. He indicated that he had trouble sleeping and was generally bothered by the smell of the toilets and the rubbish.

**R. K.**, aged 33, surrendered after committing a crime on 10 March 2010. He was a remandee and complained about the favouritism local detainees enjoyed compared to those coming from other islands. He also complained about the lack of diversity of the food and the terrible smell coming from the bathrooms, which were next to his cell.

**Steven Komarin**, aged 23, was arrested on 23 February 2010 and sentenced to four years. He surrendered with his father and was never beaten. He complained that it was not a proper place where to spend a sentence, since there was no recreation or work, and the only thing they could do was sleep. He also mentioned that the quality of his sleep was poor since the detainees kept making noise and walking around. He stated that police officers never came inside the lock-up, and thus did not check whether some detainees were ill-treated by the others.

**J. M.**, aged 16, was a student in secondary school and had been arrested three weeks earlier because he was drunk in a bar. He had never been beaten or threatened. He had no lawyer and had not been to court yet. He indicated that he was hungry when he went to bed, and that sometimes they received no food during the entire day. He suffered from malaria and was not allowed to go to hospital. He thought that the beatings happened in the first office, and that the "boss" scared everyone, including the officers. He also indicated that the

officers often mocked the detainees and made fun of him because of his age. He complained that no officers were present during the night.

**Martin Sahoto**, aged 21, was arrested by three officers on 12 March 2010 for marijuana consumption. He had never been beaten and taken directly to the cell. He complained he had trouble walking due to a disability and because the floor was slippery.

**A male detainee**, aged 20, was arrested at the beginning of April, in the street. People from his village beat him with bricks and iron pipes because he had stolen something, and later took him to the police station, where he was kicked and beaten. The police beat him to try to force him to confess and he was also beaten once in the CID office. He was not allowed to see a doctor and had not been to court yet. He did not want to go back to his community.

**Richie Samuel**, aged 20, was accused by some villagers of having beaten someone, so they beat him with sticks, iron bars and their fists on his head, face and back. They then put him in a car and took him to the police station. He was taken to court on 14 April, and was still on remand. He noted that there were fights among the detainees over food because they were all hungry, and the police did not intervene during the fights.

**N.N.**, aged 35, was arrested in 2005 at his home in Buka and transferred to the police station. He was charged soon after. He was released on bail one month after his arrest and the court proceedings lasted for approximately two years. He was sentenced to ten years' imprisonment in October 2007. N.N. reported two incidents in which he was physically ill-treated. For a long time, N.N. had been participating in a rehabilitation programme outside the police station, and for which he was allowed to leave the cell on his own. While on his way back from one such meeting, he encountered a group of young adults who were drinking beer in a public space. N.N. stopped and engaged in a conversation with them, speaking about the negative consequences and potential dangers of alcohol consumption. His discussion with the group was observed by a police officer who was passing by and who thought that N.N. was drinking and therefore abusing his permission to participate in the rehabilitation group. The officer then proceeded to arrest N.N. and the youths, and he was given no possibility to explain himself. As soon as he arrived to the car park of the police station, officers started to beat him. He was taken back to his cell, where he was severely beaten and kicked by about seven to eight officers. After the ill-treatment, N.N. had a swollen face and difficulties to eat due to an injured jaw bone. Some scars on his face which are said to originate from the beating were still visible at the time of the interview. Approximately one or two months before the visit of the Special Rapporteur, N.N. had been sick, however, no medical attention was provided and the officers ignored his complaints. At one point he succeeded in approaching the Officer in Charge (OIC) for detainees' affairs and voiced his concern. The OIC granted N.N. permission to go to the pharmacy and to buy the medication he would require. Upon his return, the OIC for detainees' affairs was not present and none of the present officers was able to open the cell door, since the key was with the OIC for detainees' affairs. N.N. sat down at the car park right in front of the police station and to wait. At this point, the Commander of the Police Station, Mr. Alex Gunan, arrived with two young men who had been just arrested for being drunk. N.N. observed how Mr. Gunan forced the two detainees to do push-ups and wash their faces with mud. Mr. Gunan was surprised to see N.N. outside his cell and realized that his treatment of the two young men had been observed. Subsequently, Mr. Gunan took N.N. back to his cell and gave him a strong blow on his left cheek. When asked why he had been beaten, Mr. Gunan reportedly replied "I can beat you up whenever I want to".

**Joel Anold**, aged 20, was arrested on 29 March 2010 after having been involved in a fight in the course of which one person was killed. He sustained a severe injury on his left hand. During the arrest, Mr. Anold was beaten, punched, and kicked by six police officers. On the same day, he was transferred to Buka Police Station where he was formally arrested. Due to the abuse during his arrest, blood was running from his nose and forehead and he sustained

a wound on his shoulder. No medical treatment was provided by the police what resulted in an aggravation of his injury at his hand and eventually in its paralysis. This paralysis was observed and confirmed during a the forensic medical examination, but only medical complementary examinations to be performed in an hospital environment could give an idea of its eventually irreversibility. Mr. Anold was represented by a lawyer and hoped to be released on bail soon. He complained about the lack of water and food and reported occasional violence among detainees due to the lack of water. He further complained about the strong smell of urine in the cell block due to the clogged toilets.

**A male detainee**, aged 21, was arrested on 22 October 2008 by six officers who took him to the police station. He was sentenced in January 2010 to six years' imprisonment. He indicated that he observed a lot of beatings, taking place mainly behind the counter at the reception area. He explained that the beatings always happened during questioning and did not lead to the desired results. The beatings were done with 4 x 4 or 4 x 2 timber sticks, fan belts and police sticks. The last beating dated back to the previous month. Since the beginning of the year, he had observed about eight beatings.

**Solomon Valboula**, aged 21, was arrested on 14 November 2006 and transferred to Buka Police Station on the same day. During the arrest, he was kicked and punched although he did not resist. When interviewed, he was serving an 18-year sentence. He had not experienced any further physical abuse since his arrest. Mr. Valboula was concerned about his personal belongings which had been confiscated upon admission to the police station. He once requested to be given 200 Kina which he had with him at the time of arrest, but was sent away by the officers.

#### *Cell 2*

**A male detainee**, aged 25, from Buka, was arrested on 11 January 2010 at the Buka market, where he had been sitting with a rifle. During the arrest he was beaten on his head and legs. He was then taken to the Buka Police Station, where he was forced to lie on the ground with his face down at the entrance gate. He was heavily beaten for about 30 minutes, and he felt electric shocks being applied to his back. The forensic expert identified several injuries, including heavy beatings with a sharp stick. There were also three marks on his back which may be the result of electric shocks. He was subsequently put in solitary confinement for one month, denied any treatment at the hospital despite severe pain, and prevented from contacting the public solicitor, a judge or his family. It was only on 9 February that he appeared before court. He did not tell the court that he had been tortured and he was sentenced to six months' imprisonment because of carrying a rifle illegally. He was to be released on 19 June. He complained that the food was not sufficient, as they only received two meals per day. Drinking water was ok, but there had been a recent water shortage and they did not have water for three days. He felt that he was treated unfairly because he was in detention, while others who committed much more serious offences remained free.

**Michael Northcote**, an Australian national aged 46, was arrested on 18 March at sea. Several police officers in civilian clothes came on to his yacht, pointing their M-16 machine guns at him, and arrested him. He was arrested together with five other people for drug possession, but the others had been released. The New Zealand police working in Papua New Guinea had reportedly obtained his arrest warrant, despite the fact that they were not supposed to perform police duties. He had been held at Buka Police Station for three days, and although he had been sentenced on one charge, he had two other trials pending. He was allowed to leave the cell, walk around town, and buy things that he needed, including a fan for the cell.

**Agustin Binoko**, aged 23, had been arrested on 7 January 2007, after he surrendered to the police. He was still on remand since his case was still pending in court in June 2010. He

said that his family had never been allowed to visit him. He added that his case had already been dealt with within the village court and that he had paid compensation to the victim.

**Ephrain Ricky**, aged 34, was taken from home in 2009 by five CID police officers. He was wearing shorts and a t-shirt and was not allowed to take anything else. He was taken to Buka Police Station and charged and read his rights when he arrived. After three weeks in detention, he was granted bail and on 27 February 2010, he was sentenced and taken back to the cell. He needed an x-ray, and was supposed to have gone a few days before, but the guards were busy with the elections and had not taken him.

**Benjamin Gatana**, aged 18. On 2 March 2010 he was arrested at school by two police officers for drug possession. The officers beat him, put him in the car and took him to Buka Police Station. He had no lawyer and had been sentenced to one-year imprisonment on 4 March 2010. The standard practice by the detainees was to fight with the new arrivals to show them who was in charge, and then make friends with them and give them a place to sleep. He added that convicted prisoners and remandees should be separated.

**Justin Seratan**, a remandee, has been in the cell for nearly three years and did not speak at all. When he arrived at Buka Police Station he had been beaten by the police with sticks and cut with a bush knife on his arms. One of the detainees witnessed how he was treated. He was accused of murder but had no lawyer. The Public Solicitor said he would be transferred to the Laloki Psychiatric Hospital, but the police said there was no money for the transfer.

**Peter Samo**, a remandee, had been in the cell one year and five months, and has mental health problems. He paced up and down the cell all day and night. The detainees were scared that he would do something to hurt himself or others, as he often fought with other detainees. No doctor or lawyer had visited him. A medical forensic assessment was performed and, although there was no time for a complete and correct psychiatric evaluation, the mental alterations were absolutely evident, according to the medical forensic expert, and the detainee needed a psychiatric observation and treatment.

## **Goroka Police Station, Goroka Visited on 19 and 20 May 2010**

### **General information**

The station was visited by the Special Rapporteur three times. During the first visit, he was received by the Station Commander, Mr. David Serne, who described the lack of manpower and staff housing as the main challenges. During the second visit, the Special Rapporteur was received by Sergeant Andrew Naikabam and Inspector Tom Sevese, OIC for Safety. During the third visit, he was received by the Provincial Police Commander (PPC), Mr. Agustine Wampe.

There were 39 detainees, and among them one woman in a separate cell. The men were kept in three dark and overcrowded cells with 6, 12 and 15 detainees in each one. Six sick detainees were kept in a more open "cage". Of the 15 detainees held in one cell, all except one complained about having been beaten by the police during arrest and upon arrival at the police station. Although the forensic expert did not find much medical evidence, their stories seemed credible. They were also afraid of reprisals. They added that they were kept in the overcrowded, dark cell from 4 p.m. until 9 a.m. During the day, they could go out of their cell and mix with the other detainees in the "cage". The detainees were provided only one meal per day, consisting of a bowl of rice with tinned fish. In contrast to other places of detention, the detainees did not receive any tea or a second meal, and drinking water was only provided twice a week in a container, albeit in insufficient quantities. However, they

did not receive any water to wash themselves. Despite the insufficient provision with food and water, which the authorities explained was due to a lack of resources, family members or friends who brought food during their visits were rejected on alleged security grounds. As a consequence, the detainees were underfed and thirsty, aggravating the already strained situation in the overcrowded cells, and fuelling violent disputes over food and water. The toilet on the floor was not separated from the cell and has been clogged for a very long time, forcing detainees to use cans and plastic bottles to relieve themselves. The smell of feces in the cells was dazing. Detainees had been held for as long as five months under these conditions.

The Special Rapporteur received information that one detainee had died in the cage in 2007 due to a lack of medical attention. During the visit, the Special Rapporteur saw two men who had been denied access to medical care and were now suffering from serious consequences (see case of Dabake Yokunda below). One man who spent already two months in police custody had a severe infection in his foot, which would most likely have to be amputated. Another detainee suffered from a broken shoulder left unattended. When confronted with these alarming medical conditions, the authorities claimed that any transfer to the hospital and ensuing treatment would have to be paid by the police station, and that the station was not equipped with such resources. As a follow up to this claim, the Special Rapporteur visited the General Hospital of Goroka and met with its Chief Executive Officer, Dr. Joseph Apa, who refuted the claims and indicated that the hospital would pick up the sick and injured detainees and treat them for free.

During the third visit, the PPC knew nothing about the request of the Special Rapporteur to immediately transfer the two detainees to the hospital. During the de-briefing, the Police Station Commander (PSC) also arrived. The PPC assured the Special Rapporteur that the two detainees would be taken to the hospital before 6 p.m. He also committed himself to look into issues regarding food and water. The Special Rapporteur also suggested that the women be moved to the juvenile reception centre, consisting of clean, spacious and modern premises that were empty, and to move some of the male detainees in the most overcrowded cell to the female section.

### **Individual cases**

#### *Medical wing*

**Eiffaja Mese**, aged 20, had been arrested by a mobile squad seven days earlier, as he was walking back from school, holding a bush knife in his hands. The officers took the knife and slapped him with it, since it was an offence to carry arms in a zone under 'tribal fight'. He stated that the officers kicked the detainees with their boots. It just occurred before the Special Rapporteur arrived, during roll call, and he had not been present because he was in the bathroom. When he came back, an officer hit him in the stomach, forcing him to fall. He felt weak, had a strong fever and had diarrhoea in the past few days, and thus thought that he might be suffering from cholera. However, he was refused a medical check-up.

**Toni Musanake**, aged 32, was at home with his family on 8 March 2010, at night, when nine men from his community came and accused him of stealing. They beat and kicked him for 30 minutes. His family was helpless, and the men then took him to the police station. He was formally charged and placed in a cell for two weeks before he was taken to court. He witnessed detainees being beaten by the officers, often as a collective punishment when someone escapes. He had received no medical treatment for wounds on his nose, chest, knee and back. His shoulder had been broken during the arrest and had not treated. Mr. Musanake indicated that the worst element about being in custody was the poor quality of the food and water, but the officers would tell them that "they are offenders, thus they do not deserve good food". He had a court hearing the following day, and his family wanted to

bail him, but the community had threatened them, so he would have to stay at the police station.

*Female division*

A **female detainee**, aged 30, had been taken to the police station the day before by her brother, who punched her on the face. She did not know when she would go to court, did not have a lawyer, and was not allowed any visitors. She was alone in the cell, and had not received any water since her arrival.

*Male division*

**Moses Maima**, aged 40, and **Iso Grimai**, aged 30, had arrived that afternoon for drinking on the street. Mr. Grimai had been taken to the police station by his family, while Mr. Maima was arrested by the police, who punched him on the face and broke his eyeglasses. They had not had any water since their arrival.

**Gohix Panai**, aged 35, had been taken to the police station on 21 April 2010 for assaulting a woman with a knife. The woman was in the police car when they arrested him, and her brothers wounded him on the back of the head with a bush knife, while the police watched. He went to court two weeks after his arrival, and was sent to the clinic because he suffered from malaria. His wife visited him every two days, but he was not allowed to see her and he only received the food she provided sometimes. He added that he had not been beaten, although it was regular practice to be beaten upon arrival at the police station.

**Dabake Yokunda** had been at the station for protection for over two months, because he was accused of being a sorcerer. He had a wound on his right big toe, caused by the villagers, and had not received any medical attention. He was in the outside cell because of the putrid smell of his foot. According to the police officers, he was held there because he was accused of murder. The condition of his toe was critical and the forensic expert said it would likely have to be amputated.

**N. N.** was arrested earlier on the day of the visit of the Special Rapporteur at the main market. He was taken to a nearby police station where he was beaten by three police officers with a gun barrel. Subsequently he was transferred to Goroka Police Station, where he was beaten at the counter with a gun butt and punched in the face and on his head.

## **Goroka 'Bihute' Correctional Institution Visited on 20 May 2010**

### **General information**

The Special Rapporteur was received by Superintendent Frances Gahuye, Commanding Officer of the Prison, who provided him with an introductory briefing on the facility. On the day of the visit, the prison accommodated 270 male detainees, out of which approximately 50 per cent had been convicted. Furthermore, 17 female women were detained. Remandees and convicted detainees were not separated. The facility's staff comprises 46 wardens and four officers. According to the information provided by the Superintendent, three juvenile remandees were held in the prison. Once convicted, juvenile detainees were transferred to Lae. The conditions seemed much better than in other detention facilities. Convicted inmates had access to different activities such as carpentry, gardening, and school. On Fridays, they played soccer and rugby, and were allowed to watch television. They received food three times a day, to which they could add vegetables from the garden. The low security inmates were allowed leave for the weekend. Each cell block at the male section had punishment cells, where detainees could, according to Mr.

Gahuye, be held for up to three months, either by themselves or with other detainees. Four inmates had died in the last five months due to diarrhoea. At the debriefing with Major Nason Abba, he complained that the buildings dated back to colonial times. He also recognized that there were some beatings sometimes at the gate and informed the Special Rapporteur that the doctor at the prison was leaving and there was no replacement for him yet.

#### *Female Section*

There were 17 women and one baby. The detainees were given classes on literacy, HIV, etc., and they were allowed to play basketball, volleyball and soccer on Fridays from 8.30 to 11 a.m. Some of the classes were held together with male detainees, but otherwise the women were strictly separated from the men. From 4 p.m. to 6 a.m., female detainees were locked in the house without any officer being present. The house consists of two large dormitories, which were clean and well-kept, and each detainee had a wooden bed and blankets. There were toilets, showers and a kitchen, where the detainees made doughnuts which they could sell to the surrounding community in order to generate income. There was also a “fellowship programme” run by a Christian NGO aimed at generating money for purposes such as buying medicine.

#### **Individual cases**

**J.T.**, aged 35. On 2 May 2007 she reported to the police station in Goroka and stayed in a cell for five weeks. She was told there was no paper to do the report and was only charged three weeks after she arrived. She was taken to court two weeks after that. She complained that the toilet was blocked. She also complained that although the women were separated from the men, police officers would go into the female cell at night, often while the women were sleeping, harass them and ask for sex. Women who were accused of soft crimes such as shoplifting were offered sex in exchange for their release. For more serious cases, the police also asked but the women knew that they would not be released and refused. She added that detainees were generally verbally abused and called “criminals”. The officers also demand food from the detainees, which they were forced to share. A young woman had recently escaped and as a result, all the detainees were locked up for one week and not allowed to get some sun. When she was recaptured, the guards beat her using iron rods, wire and fists, kicked her, forced her to jump back over the fence and into the compound and then allowed the other detainees to beat her. The officers also forced them to make bilums for them.

**A female detainee**, aged 32, was arrested on 4 July 2008. She went to her uncle’s house, since he works for the CID, to surrender for a crime. She confessed everything at the Goroka Police Station, and was put in a cell for two weeks without being able to shower and with almost no water. She was very cold during the night and had no blankets. After two weeks she was starving. She was taken before a judge who ordered that she be detained at Bihute. She noted that the officers did not always follow the rules, and forced her to do gardening and other types of work. She was afraid of them since they screamed a lot. She had seen the director of the prison only for the second time in two years during the visit of the Special Rapporteur. She noted that the food was repetitive but that they could sometimes add fruit. The fact that the toilets could not be flushed bothered her. She had been sick with typhoid some time before and had been given medication for two weeks. She stated that it took a long time to prepare a car to taken them to the hospital, but that it was due to a lack of means and not because of bad will. She noted that they were forced to wear their uniforms in the hospital, and were therefore mocked.

**A mother and her daughter**, aged 59 and 17, were arrested together with the father and two brothers for an offence the older brother had committed. On 7 February 2009, police

had gone to her home and took them to the Asaro police station. They stayed there for a month and were treated well. They were still on remand. Once they would be released, they would have to find a new place to live, as their house had been burnt down by the community, who treats them as outcasts. They are scared because many detainees suffered from typhoid. They complained about having to perform work for the warders, such as making bilums, but they did not dare to complain. They also made doughnuts which they could sell to make some money. They had never been beaten. Their lawyer only met with one of the brothers because the rest of the family was innocent.

A **female detainee**, aged 31, had been held there since 2006. She had been originally detained at the Lae Police Station, transferred to Buimo Prison for three months, and later transferred to Bihute. She was serving a 12-year sentence for murdering her husband after he took a second wife. She complained about the lack of water, which often produced many cases of typhoid, but added that they always received medication when needed. Her family visited her once every three months for 30 minutes. She noted that she had been beaten a few times in 2006, but that the attitude of the officers had changed in the past year. Now, when the detainees made mistakes, the officers talked to them and did not use any physical violence. However, she complained that they were forced to make bilums and wash the officers' clothes. According to her, Bihute was the best place to obtain an education. She could leave the prison for one weekend each month.

**Kepa Katoro**, aged 40, from Goroka, was arrested around April 2005 and transferred to Bihute in May 2005. According to Ms. Katoro she "had caused troubles" for which her husband started to beat her, including with a bush knife. Due to the injuries sustained she was taken by the police to the hospital and from there to Goroko Police Station. During her stay at the police station, which lasted four weeks, she did not experience any abuse; however conditions of detention were characterized by a lack of water, only one meal per day, and clogged toilets. In terms of medical care, Ms. Katoro reported that detainees had been receiving a quick response from the prison's doctor when they requested his intervention. Since recently, however, the treatment was no longer free. Regarding ill-treatment, Ms. Katoro reported that she had never experienced any ill-treatment; however, she observed several new arrivals being beaten at the entry gate to the female section by prison guards. Ms. Katoro further reported occasional fights among detainees at her section, triggered by the rivalries over water, food and toiletry articles. Asked what would be the most pressing need to change, Ms. Katoro noted the lack of a roof over the fireplace where food was prepared.

**Jennifer Tony**, aged 29, was arrested in 2006 and transferred the same year to the Goroka prison. She was sentenced to eight years' imprisonment three years after her arrest. According to her, her husband used to be a criminal who was involved in robberies and killings. One day in 2006, Ms. Tony was apprehended in the street by men to whom her husband owed a considerable amount of money. She was punched and beaten for approximately one hour. Her face was swollen and her eyebrow bled. Subsequently, she was arrested by the police who took her to Goroka police station, where no water and bedding was provided and the toilet was "smelly". At the prison, Ms. Tony did not experience any physical abuse, but was subjected to verbal abuse.

#### *Male Section*

Detainees were separated into high, medium and low risk blocks. Low risk prisoners enjoyed many privileges, including beds, two new water tanks and could leave the prison on the weekends. Other detainees had to sleep on the floor, often without blankets. The dormitories in the maximum security block, which housed 73 detainees was overcrowded. Quite a number of detainees had been taken to the hospital recently, although some were denied access. The major complaint was the inconsistent water supply. Water usually ran



for only 15 minutes in the morning, when prisoners had to fill bottles for the day, including for cooking and washing themselves. The poor quality of the food was another source of concern, and some detainees explained that the lack of nutritious value led to physical problems, including problems with eyesight due to a lack of vitamins. Food was provided three times per day, but only detainees in the minimum security block were allowed to produce vegetables. Detainees were not allowed to keep any food provided by their families. Detainees in the general population were only allowed to play rugby once a week. Beatings usually took place upon arrival with wires and stones. Detainees were also kept in the isolation (punishment) cells for three months or longer. During that period they were only allowed out of the cells three times per week 15 minutes each time. At the time of the visit, approximately ten detainees arrived from different police stations. Four had injuries from recent beatings. Whenever the detainees argued amongst each other, they would be beaten by the officers with fan belts, wires, sticks and stones. Collective punishment was also used whenever one of the detainees escaped. When sick, detainees were normally taken to the hospital, although there had been 8 deaths between 2006 and 2008.

### **Individual cases**

**Anton Ronny**, aged 18, was arrested on 11 April 2010, after a shop was burgled. Because he was a suspect, he was arrested by six officers from a mobile squad. They beat him with machine guns on the chest and head, and broke one of his ribs. They also threw bush knives at him. He had large scars on his back. He was taken to the Goroka Police Station, where he desperately asked for medical treatment and X-rays. He was refused and he stayed in that condition in his cell for two weeks. The officers told him that because he was a thief he would not be treated and would die in the cell. He added that the officers were never nice. He could not shower and felt dirty when he went to court. His family was in Port Moresby and he would like to be transferred to Bomana in order to be closer to them. However he thought the treatment here was not too bad, that he was not beaten, and that a man would say a prayer for all the detainees each night. He complained that there was nothing to do and wished he could have a television.

**Jadape Mara**, aged 40, was in a detention cell. He had spent three years in jail in Mendi, and seven in Bihute. He had killed a man in his cell in January 2007, and had to spend 21 months in solitary confinement. He had also been beaten with stones and wires and his fingers had been dislocated. He had once helped 36 convicts escape and was punished severely when they caught him. He had also committed another offence five weeks ago for which he was placed in the detention cell.

**Kevin Tom**, aged 23, was arrested by the mobile squad in 2005. They stabbed him and hurt him before taking him to Goroka Police Station. He was refused medical care for a week and his finger, first swollen, became black and had to be amputated. He was released after he was taken to court. He had been arrested a second time on 4 October 2009 and was once again brutally beaten. However, he had not been beaten at Bihute. He noted the sanitation was bad and sick people were not isolated, so he was afraid of getting sick. He noted that the doctor was not properly trained.

**A male detainee**, aged 21, had been arrested in the outskirts of Goroka, where he was pushed, kicked and beaten. He had also been beaten on the face upon arrival at the police station. He had been convicted for possession of marihuana, and was serving a three-month sentence.

**Frankie Michael**, aged 18, had been arrested on 14 May and beaten by 20 police officers with a fan belt and a gun butt on the face, head and back. He was then taken to the Azaro Police Station, where he was kicked and pushed by an officer. During the interrogation, he was beaten but refused to confess. He had been to court the day before, and sentenced to

nine months imprisonment for drug possession. He was put in a cell with two sick detainees.

**A male detainee**, aged 33, had been arrested on 18 May and beaten with a gun butt on the head and face. At the police station, he was punched while being questioned by several officers from the Kerowagi mobile squad. He had been sentenced to one-year imprisonment for possession of marijuana.

**Rex Yanonepa**, aged 45, had been in Bihute for four years, serving a life sentence for murder. In 1999, he had been stabbed in the shoulder by a CID officer at Rabaul Police Station, in an effort to obtain a confession. He was also beaten on the head with a gun butt and later taken to see a doctor. He informed the judge about the ill-treatment, but no action was taken. He complained about the use of verbal violence by the officers and the conditions of detention. He added that the conditions in Rabaul were so bad that the detainees had taken the matter to court.

**A male detainee**, aged 27, had been detained there for two years, completing a three-year sentence. He had been beaten, stabbed and shot on the foot from a short distance, despite the fact that he surrendered upon arrest. At Goroka Police Station, he was told to close his eyes and say his final prayers, and was then shot by an officer. He was also beaten on the face and head with a gun butt. He was later taken to the hospital, where he stayed for one month without receiving any medical treatment, following police instructions. He escaped from the hospital and was re-arrested three weeks later. He never received any medical attention. He spent six months in a detention cell, in isolation, without access to air or light. In the cell, he was repeatedly beaten with a wire, timber sticks and stones. He also complained about other detainees beating him and taking his food while the officers watched. He complained about an injury on his foot which was ignored because he was an escapee.

## **Kundiawa Police Station Visited on 20 and 21 May 2010**

### **General information**

The Special Rapporteur was received by Senior Constable Koneyal Yaldnia during the first visit, who was not aware of the mission and terms of reference of the Special Rapporteur, and who refused to provide access to the detention facilities without having received a respective authorization from his superiors. The Acting Provincial Police Commissioner, Chief Inspector Albert Korin, later arrived at the station and opened the cells. The lock-up was in a building behind the police station, where 33 males and four women were held. The male detainees were held in three different cells with 8, 11, and 14 detainees in each. Mr. Korin stated that the water supply was a serious problem. In light of corroded and leaking water tanks, water had to be fetched from the local river, which raised health concerns. There were also no functioning showers or toilets available. The Special Rapporteur saw a circular in the station requesting all police officers to release detainees after 24 hours unless they were charged.

One of the officers indicated that the CID required digital cameras and computers to perform adequate investigations and collect evidence. He said it was particularly important for CID to have a locked safe for keeping files, after all of his files relating to a police case he was investigating had been burnt in 2002. Logistic support is also lacking, and autopsy teams are needed, with the necessary facilities to keep corpses and to collect fresh evidence. A task force officer on duty in front of the police station stated that he regularly kicked detainees upon arrest, and that officers purposefully denied certain items to detainees in order to teach them a lesson. He states that "it is normal; they committed a crime, so they

deserve it. Here we treat them badly so that they can learn and become good citizens". In the inspection of the CID office, the Special Rapporteur found two homemade guns. A CID officer admitted that CID officers beat the detainees, but only with their fists and not with their guns. During the debriefing, Mr. Korin committed himself to take two detainees to the hospital following a request by the Special Rapporteur. He also committed himself to deal with cases of police misconduct in a professional manner.

### **Individual cases**

#### *Female section*

Four women were kept in the female section. One of them had been there for two weeks and the others for some days. During a group interview, they complained about the fact that they could not shower, that they were often cold, and that they only received one portion of food per day. However, visitors were allowed to bring them food. They also complained about the lack of privacy, for example when using the toilet. They indicated they got along well with the warders since they knew them from before their detention. One of the women had been beaten the day before by one of the officers.

**Ambai Keten**, aged 28, has been in the cell for three days. She had been arrested by a police officer as she had stepped on him at the market. When he took her to the station, she asked for her rights and was subsequently punched in the eye, on the ears and cheeks. She was taken to the cell with her face completely swollen. She was charged for speaking against the community police and destroying the marketplace.

**Cathy James**, aged 25, was arrested at her house three days before the visit of the Special Rapporteur. The police searched her apartment and took her away after they found homebrew. She was holding a baby and they put him away while they beat her with sticks and belts. She had many scars and stated that the baby was also beaten. Considering the terrible effects it has on people and the society, consumption of homebrew was a serious offence. For this reason, it was not possible to be bailed. However, as the police officers listened to her story, they understood that she had not brewed it, but was only in the home where it was stored. She would therefore be bailed in the following days.

#### *Male division*

**Cell with 11 detainees:** four of the 11 detainees had been there for more than one week and some had been there for months. Nine of them had been beaten by the police, three of which were beaten by CID officers in a separate building. They indicated that the food was not enough, as they only received one meal a day at around 3 p.m. They also noted that the light was always on. Visits were sometimes allowed. Finally, they added that there was a lot of corruption, with police officers taking their money and mobile phones and selling them to others.

**Bonney Kaupa**, aged 37, was arrested on 19 January 2010 and taken to the CID office. First Constable Peter Kadiosa Lou beat him severely with a homemade gun and broke one of his fingers and his arm. He was denied medical treatment. The forensic examination corroborates the evidence.

**Michael Dekenne**, aged 27, was a primary school teacher. He had been arrested the day before for drinking in the street. He had been beaten by the police and taken to the police station, where he was offered release on bail for 400 Kina, but he could not pay this amount.

**Amos Kaupa**, aged 20, was arrested on 10 February 2010 and taken to the CID Office, where he was beaten with a metal pipe while sitting on a chair. He sustained injuries on his

head and right shoulder. He had already been held for more than three months in the cell and would have his next court hearing on 30 June.

**Kamin Kagl**, aged 34, had been arrested the day before the visit of the Special Rapporteur outside the Police Station and beaten with a bamboo stick. He had an open wound on his foot.

**Joshua Kaupa**, aged 19, had been detained at the station for nine days. He was serving a sentence in prison, but had been taken to the police station for an investigation concerning another case. He had been arrested after some villagers gave money to the police to arrest him. Upon arrest, he was beaten by six officers who then proceeded to burn his house down. His hands were then tied with a rope and he was dragged for a long distance. He was taken to the Saure Police Station, where he was charged. He indicated that he had not been beaten at Kundiawa. He did not have a lawyer.

**L.M.**, aged 14, has been detained for three weeks. He had been picked up by the police in the street, and they allegedly put marijuana in his bag when he arrived at the station. He was beaten with a rubber hose and a gun butt in order to obtain a confession. He spent the first night in the corridor, and his family was only informed of his arrest two days later. He had been taken to the general court, not the Juvenile Court. If he did not pay bail, he would have to remain in detention for eight months.

**S.J.**, aged 17, has been arrested on 10 May. He had been beaten and kicked upon arrest and at the police station. He had not yet seen a judge or a doctor.

**Yaldrua Kalaga**, aged 55, was a former Governor. He had allegedly burnt his mother's house with her inside, with the help of his brothers and kids, because she was a sorcerer. He complained that no police officer had properly investigated the case, and that he had not committed the offence. Six members of his family are in jail. He complained about the judicial system in general and alleged that the situation in the Police Station was bad, with corruption, bribes, arbitrariness, refusal of bail by CID officers, etc. He had been at the police station since 9 February 2010, after a request from the police to go to the station to help with the investigation. His daughter had delivered a baby at the police station the week before, and had since been taken to a female police officer's home to continue her detention. He indicated that he had not been ill-treated but his house had been destroyed.

**Jerry Gomna** (in detention for three months), **Philimon Wap** (in detention for four months), **Darua Kutne** (in detention for three weeks), **Kela Thomas** (in detention for one week), **Paul Simbah** (in detention for one week), **Charlie Meruba** (in detention for one week), **Joseph Meruba** (in detention for one week), **Japan Bos** (in detention for two days), **Siune Jerry** (in detention for four days), **Bata Tom** (in detention for one day), **Mogle** (in detention for one day) as well as **Robert Geo** (see below), **T. S.** (see below) and another detainee. All detainees were held in the cell throughout the day. There was almost no natural light coming through the small and filthy windows and neon lights enlightened the room 24 hours a day. During the frequent power shortages, the cell was in complete darkness. The detainees had no bedding and had to sleep on the concrete floor. The toilet in the room was only separated with a small wall and the lack of water to flush it produced a strong smell. In terms of food, they reported that they only received one meal per day. Water was provided in a large bucket, which was nonetheless insufficient to satisfy their needs for drinking, washing and flushing. Out of the 14 detainees, nine stated that they had been beaten during arrest. All reported being physically abused during at least one occasion at the police station. About half of the detainees had not seen a lawyer and the majority of them had not been charged, despite having been in the cells for longer than 24 hours.

**Robert Geo**, aged 25, had been arrested in Madang the night before the visit after police forces raided his house while he was sleeping. During the arrest, he was punched and kicked severely. His arms were subsequently tied with a rope behind his back, he was

dragged into a police van and forced to lie down between two seats. During the long drive from Madang to Chuave, Simbu Province, he was continuously kicked, punched, and beaten with the butt of a gun, mainly on his face and upper body, by at least five officers. When he arrived at Simbu Police Station, he was beaten at the reception desk. When interviewed, Mr. Geo's face was badly swollen, with a cut in his lip of about two cm in length, traces of butt of rifle on his back, and many other traces of ill-treatment. His clothes were covered with large blood stains.

**T. S.**, aged 17, had been arrested at gunpoint the night before, in relation to allegations of illegal alcohol consumption. He was taken to Chuave police station, where he was beaten by four officers for approximately one hour with a gun butt and a fan belt; he was also kicked and punched. He was subsequently transferred to the police station in Kundiawa. When interviewed by the Special Rapporteur, one of his eyes was swollen, one of his cheeks was covered with dried blood, and there were traces of a gun butt on his back. According to Mr. S. and Geo, both had been transferred by the same officers from Chuave to Kundiawa Police Station. One of the officers involved in the abuse was identified as Mr. Paul Kalis from the CID at Chuave Police Station.

### **Meeting with civil society in Kundiawa 20 May 2010**

The Special Rapporteur meet with more than 30 civil society representatives, victims of police violence, police officers dealing with cases of sorcery and victims of sorcery related violence.

#### **Individual cases**

The Special Rapporteur interviewed the parents, sister and brother of Balu Kukam, who was so heavily beaten after his arrest on 10 August 2009 by police officer Jeffrey Pyasoto that he died in custody at Kundiawa Police Station the same night. We later investigated the case.

**Emmanuel Minga**, aged 20, was at home in March 2010, when he saw a crowd chasing a boy who had stolen the pastor's wallet. Since his family always tried to stop criminal activities, he went out with a friend, stopped the boy, took the wallet and gave it back to the pastor. Then they escorted the pastor to the bus stop, the crowd still following them. However, a police car passed and thought they had done something wrong since the crowd was so agitated following them. They came out of their car, and he saw that they had beers and guns in the car. They started beating both of them with the gun butts and the other boy was bleeding. They were asked to crawl in the mud. The mobile squad then left. Later, he went to the police station to complain about it, talked to the PPC and requested apologies for being mistaken by the two officers. So far nothing was done.

**Peter Bomai Jonathan**, aged 33, was in many different police stations and prisons since 1995. He was freed this year in March as his case was dismissed. Over the years, he was at Bomana Correctional Facility, Goroka Correctional Facility, Barawagi Correctional Facility and Goroka, Boroko and Kundiawa police stations. He states that upon arrest he was never treated humanely. At Boroko and Kundiawa police stations he was forced to confess. He actually thinks that Boroko is the worst place he visited. Barawagi was the best. But all in all he complains about the food that made him so weak physically over the years. He also states that criminals go back to criminality after their time in jail, as there is no program to rehabilitate them. He has no job, no idea of what to do next, and thinks criminal activities are as appealing as before. He has no trust in police.

## Barawagi Correctional Facility, Shimbu Visited on 21 May 2010

### General information

The Special Rapporteur was received by Michael Airap, Acting Commanding Officer, who assumed the position two weeks prior. There were 202 detainees, including 17 females. According to Mr. Airap, there were no juveniles. The prison was divided into two sections with two cellblocks each. Detainees on remand and high-risk convicted prisoners shared one section, while medium and low-risk prisoners shared the other. In addition, there were four detention (punishment) cells measuring 2x2 meters. The last death in prison had occurred in 2008. There were 48 staff members, including three female warders and four female corporals, who worked in four shifts. However, they needed at least ten more staff members. Between 8.30 and 11 a.m. and 1.30 to 2.30 p.m., the convicted prisoners worked. High-risk detainees were always separated from the others. The remandees are also separated, but not during the day. The Acting Commanding Officer stated that the main concern was the water supply. They pumped water from the river, but did not disinfect it, and they also collected rain water. The staff suffered the same water shortage. Detainees were allowed to leave the cell on Tuesdays, Thursdays, and Saturdays for one hour in order to empty the toilet buckets and wash themselves; however, the time was insufficient.

Two days before the visit of the Special Rapporteur there had been a violent incident, where 22 detainees escaped or tried to escape. This resulted in collective punishment and the beatings took place at the guard's house. During an incident on 11 December 2009 and as a form of punishment, no food was served to the detainees and the guards shot teargas into the locked dormitory. According to some officials a few detainees were about to be released on parole and when others requested to be released, they tried to escape. The Special Rapporteur also heard about instances of inter-prisoner violence, mainly due to the water shortage.

### Individual cases

#### *Cell 4 – Remandees Section*

The remandees have a large garden, a non-functioning television, natural light, and the dormitory was in a good condition and did not smell bad. However, the detainees did not have mattresses. The remandee who has been there the longest had been there for 11 years, and he suffered from a mental illness. Another detainee has been there for four years and five months. Around 22 detainees out of 45 had been beaten by the officers, mainly with bush knives, stones, belts, boots and iron bars. One detainee had just been beaten and presented fresh and large marks. The main reasons for the beatings were to chase them back to their cells or if someone escaped. Collective punishment was also used. On 11 December 2009, they were locked-in with teargas. Visitors could bring cooked food, but it had to be eaten immediately. They received three meals a day but complained about the lack of medication. Their main recommendations were to improve the food and to have a system for them to go to court more often, as currently they remain on remand for very long periods.

**A male detainee**, aged 24, was arrested at home by seven community police officers. He spent a week at Kundiawa Police Station and was then taken to Barawagi, where he was beaten by an officer with a fan belt on his back, cheeks and ears. When he fell on the ground, the officer kicked him while three officers watched. The reason for the beatings seemed to be "revenge". He was taken to a medical staff who gave him some aspirins. He would go to court soon but had no lawyer.

**A male detainee**, aged 22, was arrested in December 2006 and spent three months at Kundiawa Police Station. He was strongly beaten by CID officers to force a confession. They threatened him with a gun and hit him with a bicycle chain throughout his body. He was also threatened with further beatings on two other occasions. He went to court, but still no decision had been taken, three years after his arrest. The office of the public solicitor was helping him. In May 2009, he had been beaten with iron bars and fan belts after making fun of one of the officers. He still had large scars, which were confirmed by forensic evidence.

**J. G.**, aged 17, had been in prison for nine months, serving a five-year sentence. He had escaped in September 2009 and was re-captured one week later by the Correctional Services. Upon recapture, he was kicked and beaten with a gun butt and bush knives on the head, back, legs and hands. He was taken to the hospital, where he remained for one week without receiving any medical attention. He was later placed in a detention cell for three months.

**Brown Kawagle**, aged 28. He had been in detention for three years and had tried to escape twice. Upon recapture the second time, he was blindfolded and beaten on the legs, back and head for approximately one hour by two officers. They also fired shots in the air, but did not shoot at him. He was placed in a detention cell for three months and four days, where he was often beaten during the night. He never received medical attention and would like to be transferred to a different prison. He will complete his sentence in 2016.

**John Siba Gulmay**, was arrested on 10 November 2003. His mother died and he asked the warders to allow him weekend leave to attend the funeral but was denied. He escaped on 22 February 2005. He got married and had a child, but was recaptured on 22 February 2009 and put in the high-risk section.

### **General interview**

#### *Maximum Security Wing*

68 detainees were held in overcrowded conditions. They were locked up between 3 p.m. and 9 a.m. Ten detainees said they had been beaten by the officers. When someone escaped, all the detainees were subjected to collective punishments. They had to stand in line and were beaten with fan belts, iron rods and sticks. One of the officers, Sergeant Harry, had allegedly decided to extend the sentence of John Roba, an escapee, by three years. He was supposed to serve 11 years and now had to serve 14.

#### *Detention cells*

**Marant Waigi**, aged 30, **Maike Were**, and **John Blacky**, aged 43, have been detained in the cell for three months, 10 weeks, and five weeks, respectively for attempting to escape. They reported beatings after their recapture, which took place in the office of the prison authority, and on the way from the office to the gate. The beatings were mainly inflicted with fan belts and fists, and involved about 15 officers. Mr. Waigi had a broken arm after being beaten with a stick by one of the guards. He had not received any treatment. They added that detainees were always held in the detention cells for the maximum time allowed. During this time, they were not allowed to receive visitors. They had no toilet and have to defecate in a bucket. They also had to eat in the cell.

**Michael Buldagi**. He indicated that one of the warders, Peter Sine, had punched him in the face, took him to the guard house and kicked him with his boots before taking him to the punishment cell. He had a bucket for his waste and a container for water.

## **Baisu Correctional Facility, Mount Hagen Visited on 22 May 2010**

### **General information**

The Special Rapporteur was received by Donald Apeti, Assistant Duty Officer and Major Jackson Kera. The commanding officer, Superintendent Simon Sobaim, was not present. The Senior Administrative Inspector John D. Eluh was in charge at the time of the visit. Mr. Eluh was responsible for welfare operations and rehabilitation. The prison had 378 detainees, including 46 women and 38 juveniles. There were more remandees than convicted detainees.

At the debriefing, John Eluh barely knew anything about the facility, and was not aware that two inmates had recently died in their cells. There were 94 staff members, and Mr. Eluh indicated that they needed 200 to 300 more. He described the security situation as very poor and stated there are frequent breakouts. He added that male detainees were not always taken to the hospital due to the high risk of escapes.

On 13 April 2010, 84 detainees had escaped in a major breakout. 23 had been recaptured and 61 were still at-large. The Special Rapporteur interviewed all escapees who were caught during or shortly after the escape. All of them were severely beaten up and put in the punishment cells. He documented their injuries (gun shots from close distance, partly also from long distance in order to prevent the escape; beatings with bush knives or grass knives and cuts of their legs or tendons with the intent of disabling them). None of them had been taken to the hospital or received any medical treatment. According to the information provided by the detainees and confirmed by the officers, one escapee, **L.O.**, had died in the detention cell at around 10 pm on 13 April. He had been shot and beaten. **M.U.** died on 29 April as a result of heavy beatings. Some detainees also alleged the death of a third detainee in the punishment cell in early May, but the officers denied this. No investigations were initiated in either of these cases.

The situation in the prison was terrible. There were no sports, no recreational and rehabilitation facilities, the detainees were locked in their cellblocks for most of the day, the food was of a poor quality and insufficient quantity, detainees had very little water, the medical facilities were closed down because there was no health worker available, and the detainees had no access to the hospital in Mount Hagen.

### *Male section*

The male section was divided into four cellblocks (high, medium and low risk prisoners and a section for remandees). 22 detainees were in the detention cells. The detainees did not have enough food, with seven detainees having to share one tin of fish. The cooking utensils were old and the pans made the rice burn. They were locked up for 19 hours per day in overcrowded cells, and they had no books or a library. They also receive no education. Many detainees had to serve 20-year sentences and would like to learn a trade such as carpentry, mechanics, or information technology as a form of rehabilitation and to have the skills needed to reintegrate into society, but nothing was provided. They had no blankets and not enough plates. There was also a lack of hygiene, and detainees had died of illnesses such as diarrhoea and scabies. The toilet did not flush and the detainees had to use water collected from outside the cell. Sick prisoners also lived in the same area as the other detainees and diseases could easily spread throughout the prison population. At least five detainees with mental illnesses were held with the other detainees and should be separated.



## Individual cases

### *Remandee section*

All the personal belongings of the escapees had been burnt after the escape and they had to buy everything again. There were two juveniles in the cell, aged 15 and 16. They had been here for two weeks and one year, respectively.

**Larson Tetepa**, aged 28, was arrested in September 2008 by the community for an issue regarding inheritance. He had been beaten on the face at Mount Hagen Police Station. In April, he decided to escape because of the terrible conditions he was living in pending his trial. He cut the fence and escaped with 83 others. Later, the alarm rang and the officers went looking for them. He was caught and taken back. Once under their control, the officers cut his leg with an axe and beat him with sticks. They also broke his left arm with a stick and hit him behind the ears with an axe. He was also beaten on the foot with an axe. He was put back in the cell without any medication and was only taken to the hospital three days later, where he spent two weeks. The medical forensic examinations confirmed the presence of traumatic lesions absolutely compatible with the allegations and clearly diagnostic of ill-treatment. He had to borrow clothes from other detainees since all of his possessions had been burnt.

**Nelson Jack**, aged 20, was arrested on 20 January 2010 at the market in Mount Hagen, by seven officers, for stealing a blackberry and phone cards. They hit him three times on the knee with a stick and also broke his jaw. He indicated that he could no longer run fast or move properly. At the police station, he was beaten with a fan belt on the back and left arm and was taken to hospital only nine days after. He did not have a plate, cup, shoes or anything else because all of his belongings had been burnt.

**Mewa Gui**, aged 38, has been arrested in July 2004 at home by CID. They beat him on the eyebrows with gun butts. He spent a month at Mount Hagen Police Station, where he was also beaten. In 2005, he escaped for 8 months. He had received his sentenced the day before the visit and had been sentenced to 20 years. He had been beaten three times in six years. He complained that the current superintendent was worse than the ones before him.

**Joel Dominik**, aged 30, was arrested about one month before the visit. Mr. Dominik had been shot in the foot by a police officer, in course of an incident at Wabag, in which he reported not to have been involved. The following day, Mr. Dominik went to the police station in order to complain about the shooting. However, upon arrival at the station, he was arrested and kicked by the police officers on duty. He was held for three days, and later transferred to Baisu Correctional Facility. During the transfer, he was taken to the nearest general hospital where his injury was treated. Mr. Dominik complained about the old and dirty plates from which they had to eat their meals, and the overall lack of information on the rights of detainees.

**Petrus Aba**, aged 50, from Simbu. In July 2009, Mr. Aba had participated in the setting up of roadblocks and robbing travellers. While walking on the street one day, the owner of a vehicle he had robbed earlier identified him and informed the police. The officers stopped Mr. Aba at gunpoint and he surrendered. Subsequently, the owner of the vehicle started to hit Mr. Aba with a bush knife, resulting in the loss of several fingers and other severe injuries. The police officers present did not intervene. Eventually, Mr. Aba lost consciousness and woke up in the hospital, where he received treatment for his injuries. Mr. Aba was not aware of having been officially interrogated by the police. He reported not to have experienced any further ill-treatment since his arrest.

**Michael Lakari**, aged 20. On 29 October, the police and an informant tried to arrest him in Mount Hagen. Mr. Lakari resisted and tried to run away, but was apprehended. After having surrendered and having been ordered to sit on the ground, the informant started to

punch and stab Mr. Lakari, resulting in a severe injury on his left hand and broken teeth. The police officers reportedly observed the ill-treatment, but did not intervene until a very late stage. Eventually, Mr. Lakari was put into the police car and transferred to the police station. His request to receive medical treatment was denied both during the 14 weeks he stayed at the police station in Mount Hagen, and at Baisu Correctional Facility. He indicated that mobile phone vouchers worth 200 kina and 35 kina in cash had been taken from him upon arrest, and were not given back. Mr. Lakari reported that only a few days prior to the visit of the Special Rapporteur, a guard had thrown a stone at his head. At the moment of the interview, Mr. Lakari had a suppurating stab wound on his hand, which was strongly deformed and almost completely paralyzed.

#### *Convict section*

**“Eddie Murphy”**, aged 18, from Tari. On 25 February 2010 he was picked up from the Hagen bus stop by a female prosecutorial officer and four police officers in civilian clothes. They beat him and kicked him in the back as they interrogated him in front at the bus stop, and then took him to the police station, where the beatings continued at the cell gate. The police was accompanied by the complainant, and he also joined in the kicking and punching. He remained in the police cell for two weeks, on remand in prison for a month, and five months in prison since his conviction.

**So Mel**, aged 40, from Mt. Hagen, had had a stomach ulcer for five years. The week before the visit, he was taken to the hospital for blood tests. He was supposed to go back to get the results but the warden had not let him. Medicines had to be provided by their relatives.

**J.N.**, aged 18. Between one and two weeks before the visit, a police officer kicked him in the back upon arrest at a bus stop. He was still in pain. After that, the police locked him in a cell for 12 days, after which he went to court and was taken to Baisu. He had never been to court before, and was sentenced to eight months without any time to explain his story. He had no lawyer. If a prisoner was convicted to over one year, they were placed in the high-security section. The prison officers brought in drugs, pliers to help them escape and mobile phones. Then they beat inmates for being in possession of them.

#### *Female Section*

On the day of the visit, 46 women were detained in the female section (27 convicts and 19 remandees). There were also six babies, who could stay with their mothers until the age of three. Women who gave birth could stay at the hospital for one day before being taken back to the prison. They could not do gardening. The remandees had to do the same work as the convicted detainees, but those with medical problems could stay in the compound. The women had to work for the female and male officers, including making bilums and cleaning, but were not paid. They had no power to refuse, and they are verbally abused and threatened if they did. After the 13 April escape in the male prison, the women were also punished; they were not allowed visits or spiritual fellowship, even though no women had taken part in the escape. They could do sports on Fridays. They had bible study programmes. Women with serious medical problems were taken to Mt. Hagen Hospital. A woman had recently given birth in jail at 3.00 a.m. with the assistance of other detainees. They received soap and toilet paper once a week, although there was not enough water. All the officers are female.

#### **Individual cases**

A female detainee had been a victim of domestic violence. On 16 May 2010, her husband hit her as she was cooking. She took a stick and hit him back to try to release herself. He went to the police and asked them to arrest her. The police told her to get in the car but her uncle intervened and indicated she had acted in self-defense. The next day, her husband and

a police officer arrived at her home. The husband pulled her, kicked her, bit her right arm and put her in the police vehicle. They took her to Mount Hagen Police Station and her husband left. The police officer kicked her in the back, slapped her and pushed her into a toilet and then into the cell. He told her to take off her clothes so he could look at her and that he would come back at midnight. He came back and said he would set her bail at 100k. In the middle of the night, he unlocked the cell door and raped her. The next morning, she was taken to court. The following morning, she told her uncle what had happened and he wanted to take her out to hospital but she was afraid. Later in the day she was transferred to prison. The court found her guilty and sentenced her to one month imprisonment and a fine of 500k. She has not seen a doctor and was in pain.

A female detainee, aged 34, was arrested at home in Mount Hagen on 10 September 2009 because she could not repay debts. She spent six months at Mount Hagen Police Station. She was not beaten but she witnessed other detainees being slapped. She complained about the lack of water and the privileges men had, including for example being able to leave for three days to attend a funeral, while the women were only allowed to leave for one day.

J.N. had to go to the hospital for an operation, but was not taken because there was no vehicle available. There were classification meetings every three months, but the female guards did not take up the female detainees' cases. Male detainees were allowed weekend leave and other privileges, while the women's leave had stopped. She had recently made an application for leave but the guard threw it away. She added that the staff expected bribes in order to grant them weekend leave. She complained about the lack of privacy, including during their medical examinations. Male guards would open the women's section of the prison in the mornings.

Josephine Tomo, aged 25, had been arrested six years prior. She reported that no violence had been used against her. She did not recall being interrogated by the police, but only being taken directly to court and charged with murder. Ms. Tomo spent one month and three weeks at Lae Police Station, and was sentenced by the court to twelve years' imprisonment. In March 2009 she requested to be transferred to Baisu Correctional Facility in order to be closer to her young child who had been with her sister's family in Lae, but was illegally taken by her husband to Mount Hagen. However, on the day of the interview, Ms. Tomo was not aware of the whereabouts of her child, which caused her deep sorrow. Ms. Tomo's request for weekend leave to look for her child had not been granted. Ms. Tomo considered Baisu Prison to be better than the one in Lae, mainly due to the good relationship among female detainees and the possibility to be visited by family members. At the same time, she regretted that personal problems were not taken up by the wardens, and complained about the lack of food, which she reportedly had raised already earlier with the local church and representatives of the Ombudsman's office. Ms. Tomo further reported that no schooling or vocational training was provided to female detainees. Wardens sometimes urge detainees to produce bilums, which were later sold at the market, with no revenue given to the detainees.

#### *Detention cells*

**Pikua Smith**, aged 25. The correctional officers and their sons had cut the tendon on his leg with a bush knife when he tried to escape. They also beat him all over his body with the back of an axe, stones and fists. He had been taken to the clinic for a day, and later placed in a detention cell. He suffered from malaria, diarrhoea and vomiting, and had a very high fever. He was receiving no medication for malaria.

**Robert Moses**, aged 21, had been allowed to live with the livestock on the prison grounds. One night, he was approached by officers from the mobile squad who punched and kicked him on the back of the head. He shouted for help and one of the correctional officers came

to help him, but afterwards locked him up in one of the cells. He was taken to the police station to file a complaint and later to the hospital.

**A male detainee**, aged 21, had been arrested on 18 March and was not charged until 28 March. He had been beaten and punched at Wabag Police Station by an officer. He had escaped from Wabag Prison, but surrendered two weeks later. He had been sentenced to six months hard labour on one case, and had a second case pending.

**Joshua Kandanyo**, aged 24, had tried to escape in 2009, and was shot at by correctional officers after he surrendered. He had been lying on his back while officers beat him with a bush knife all over his body. He was afterwards locked in a detention cell for two months. He was taken to the hospital after four weeks. He had been transferred to the maximum security section in March 2010 because he was serving a life sentence related to tribal fighting. He indicated that he had been in a duel, and had compensated the family of the man he killed through the village court. However, the other villagers convinced the police to arrest him and provided evidence to the police for his conviction. His allegations were not supported by forensic evidence.

**James Yamkema**, aged 35. He had been cut on the left leg by correctional officers after he tried to escape.

#### *Juvenile section*

The section for juveniles was separate from those for adults, and accommodated 38 male juvenile detainees (33 convicts and five remandees) on the day of the visit. Two adult detainees (aged 22 and 35) were held in the same section, since their safety could not be ensured in the section for adults due to an inter-prisoner conflict. The youngest boy was 13 and some were 14. Four juveniles had been there for more than a year. They had all been beaten by the police during arrest or custody. Only four juveniles reported not having been beaten at Baisu, and six had been beaten the week before the visit. The beatings normally took place in front of all the detainees, and the victim was forced to remove his shirt and beaten with a fan belt. The beatings were often done if the juvenile did not respond quickly to the warder's orders or if they used too much firewood to cook. Officer Waramendi was notorious for the beatings. The juvenile's section does not comprise any punishment cell; however, one juvenile reported having been detained in the adult detention cell for three months for an attempted escape. Juvenile detainees did not receive any schooling or vocational training, nor are they allowed to undertake any recreational activities or sports. Footballs and similar items were described by the authorities as being too expensive. Juveniles reported that balls provided by visiting parents were taken under the pretext of security considerations. In the absence of possibilities for any meaningful activities, juveniles described their detention as a complete waste of time. They only received two meals per day.

**I.B.**, aged 14, had been held there for two weeks. He had been beaten by officer Waramendi, for allegedly wasting firewood. He was beaten in front of the other juveniles for approximately five minutes on the arm, thigh, back, shoulder and buttocks with a fan belt. He had not received any medical attention.

**J.W.**, aged 13, had been detained for six months and was serving a three-year sentence. He had been beaten one week before the visit of the Special Rapporteur for talking to an older detainee when he went to fetch water. Officer Waramendi beat him on the back and upper arms with a wooden stick. All the detainees saw the beating. He did not complain because all of the officers beat them. He had been bailed, but arrived late to a court hearing because he was at school and was therefore re-arrested.

## **Mukrumanda Correctional Facility, Wabag, Enga Province Visited on 23 May 2010**

### **General information**

The Special Rapporteur was received by Sergeant Cosmos Pingina, Deputy Commander, and Taka Ramo, Senior Administration Clerk. Wabag Prison had been closed down in 2007 following a large prison breakout, where 28 detainees escaped and none were recaptured. The facility was reopened in March 2010 with improved fences and had a maximum capacity of 50. A new facility was being built nearby. The staff comprised 14 officers, including three women.

On the day of the visit, only four individuals were in detention, which was described by the authorities as the typical occupancy rate. Wabag Prison only held detainees who had less than six months left to serve and were considered low-risk detainees. Detainees who had longer sentences to serve, were on remand, or were not low-risk were held at Mount Hagen. The overall conditions of detention at Wabag Prison were much better than those in other facilities, mainly due to its small size and low occupancy rate. The dormitory was spacious and included wooden plank beds for every detainee. They were allowed to leave the dormitory between 7.00 a.m. and 5.00 p.m. The sanitary facilities were dirty but functional, and water was provided in sufficient quantity, either from tanks collecting rain water or from a nearby creek. During the dry season, the detainees were taken to the creek for showering. The food rations were supplemented with vegetables from the prison's garden. The guards were not armed. None of the prisoners alleged to have been beaten at Wabag Prison.

### **Individual cases**

**Maxwell Siki**, aged 26, was sentenced to seven months and spent six at Baisu. He had arrived at Mukrumanda at the beginning of May and would be released soon. He had arrived with nine other prisoners from Baisu.

**Kuriya Mope**, aged around 30, was sentenced to four months and had spent three at Baisu.

**Eniboi Mangape**, does not know his age, and was sentenced to three months and had spent two at Baisu.

**Engi Apala**, aged 40, was sentenced to three months and nine days and had spent two at Baisu.

## **Wabag Police Station Visited on 23 May 2010**

### **General information**

The Special Rapporteur was received by Mr. Tom Aul, Supervisor. Three male and one female detainee were in detention, with the female detainee spending the daytime in a little shed outside of the detention block due to the ongoing renovation work in the female cell. The male detainees reported that they received one meal per day and had to ask the wardens for drinking water, which they normally provided. However, there was no water available for washing. The three male detainees reported that they were not allowed to leave the cell at any time and had to defecate in a small, blocked hole on the floor in the cell. There was no bedding and detainees had to sleep on the concrete floor, despite the low temperatures at night. With the renovations, the toilet would have to be flushed from outside, as was the case in other police stations in the Highlands, creating an unnecessary dependence by the detainees on the police officers. None of the detainees who had been in detention between

five and seven days had been taken to court. Two of the detainees reported having been beaten during arrest.

The register was not bad, but incomplete, since the prosecutor either forgot to complete it or the officers would release some detainees without registering them. At the time of the visit, there were three detainees in the lock-ups who were not in the register.

During the debriefing with the Special Rapporteur, Mr. Aul complained about a lack of attention from Port Moresby regarding the challenges and limited resources of the police in Wabag. According to Mr. Aul, there were 150 police officers under the command of the provincial headquarters in Wabag, responsible for a population of almost 200,000. The police force only had 20 cars at their disposal, and had received their last in-service training more than ten years ago. He explained that they did not have enough uniforms for everyone. He also complained about the old and scarce furniture, lack of computers or even a typewriter, despite the fact that the police station served 200,000 people. In February 2010, Judge Graham Ellis had inspected the police lock-up, had personally cleaned it and ordered the police officers responsible to maintain the cells properly. In reaction to this, the authorities of Enga Province had secured funds from the private sector for a thorough renovation of the police cells. The renovation work was being financed by Barrick Gold Corporation, co-owners of the Porgera Gold Mine.

#### **Individual cases**

**A male detainee**, aged 25, had been arrested three days before the visit. He was passing by a shop where an attempted burglary just had occurred and the guards from the shop apprehended him. They beat him and handed him over to the police, who beat him upon arrival at Wabag Police Station. The beating took place at the counter in the entrance. He was forced to lean on the wall and was punched to try to obtain a confession. There had been no further beatings.

**Alice Kuan** has been held there for two days, for her own protection. She spent all day in a shed and slept in the building that was being refurbished. She was regularly beaten by her husband, and left him after he cut her with a bush knife. She went to live with her parents, but her husband also beat her father, so he went into hiding and she went to the police station. They had filed a criminal case against him and had a court hearing the following week. She indicated that her husband had substance abuse problems. She was treated well by the police and kept in the shed for her own protection.

### **Mount Hagen Police Station, Mount Hagen Visited on 23 May 2010**

#### **General information**

The Special Rapporteur was received by John Maguna, Commander and Sergeant Canute Gutok, duty officer. There were 32 detainees and the lock-up comprised eleven cells, although not all of them were in use. The cells were located around an inner courtyard. The authorities were not able to open the cell to allow for private interviews, as there was only one set of keys held by the head of the police station, who was out of town. The inability to open the cell doors not only made the fact-finding by the Special Rapporteur very difficult, but it also raised serious concerns regarding safety of the detainees in case of emergencies, such as a fire. One cell was open because it had not been locked before the head of the station left for the weekend.

The detainees were extremely agitated, screaming, complaining and insulting the guards. They were not allowed to leave the cells at all. The cells were very dirty and did not have

any furniture. Very little daylight entered the cells. There were no functioning toilets in the cells and the detainees have to defecate in plastic bags or urinate in plastic bottles in front of the others, which were then pushed out of the cells into the court yard. The bags and bottles were piled up in the courtyard, after the female detainees were forced to collect them from the different cells. The detainees were fed rice once a day. The Special Rapporteur found used condoms everywhere in the courtyard, and two boxes in the Commander's office. The Special Rapporteur was informed that police officers arrested women and kept them for the night, exchanging sex for their release. A male police officer was inside the female cell at the time of the visit.

During the debriefing, the Station Commander and the person in charge of the cells confirmed that the female detainees cleaned the lock-up, including collecting the urine and excrements and washing the male detainees' clothes. The male detainees confirmed that the women brought them their food. The station commander in principle acknowledged the bad conditions of detention; however, he justified the situation by a lack of resources provided by the Government. The lack of food was also explained by a lack of funds. Nevertheless, family members were not allowed to provide food for detainees. The station commander further reported that the detention block flooded with water and excrements when it rained due to the broken sewage system.

The Special Rapporteur considers Mount Hagen Police Station the worst of all detention facilities he had visited in Papua New Guinea. He had also received numerous allegations of beatings at Mount Hagen Police Station during his interviews with prisoners at Baisu Correctional Facility. He urged the Government to immediately close down this inhuman police lock-up and to take disciplinary measures against the responsible police officers.

### **Individual cases**

#### *Cell 1*

**P.D.**, aged 17 or 18, student, had been arrested on 25 April and taken to court on 27 April. His next hearing would be on 27 May. **Max Taki**, 22 years, had been arrested on 11 April and taken to court on 27 April. His next hearing would also be on 25 May. **Hammon Wassok**, 21 years, had already been detained for six months. All 3 detainees explained that they are locked in the cell 24 hours a day, without blankets, although it was very cold at night. The cell was infested with mosquitoes, rats and cockroaches. The artificial light was on all night. They could not receive family visits, and their families were chased away when they brought food.

#### *Cell 2*

The detainees had some cartons in the cell and an old bed without a mattress. They explained that the roof was leaking, and when it rained, the broken sewage would rise, filling the cell with dirty water. **Timothy Phieder**, aged 29, had been arrested on 11 January 2010 and was taken to court three times, in March, April and May. On 25 May he would be taken to court again. The door to the cell had been open during the previous four days, and he was cleaning the lock-up together with the women. **Mark Luk**, 32 years, had surrendered on 21 May. **Phil Undaba**, aged 37, confirmed that the cell would be filled with waste when it rained. None of the three detainees had been beaten in the police station.

#### *Cell 6*

There was one detainee held alone in the cell and he appeared to be suffering under a severe mental condition. Other detainees reported that the detainee had been in the cell for at least three months and received medication every morning.

*Cell 7*

There were seven detainees held in Cell 7, including **Eron Andrias**, aged 28, (in the cell for two weeks); **Mathew Kumin**, aged 28 (in the cell for two weeks); **Martin Tukre**, aged 20 (in the cell for two weeks); **Samuel Kops**, aged 30 (in the cell for one day). One detainee had been in the cell for six weeks. All of the detainees had been charged, however, none of them had a lawyer or legal aid and they had not been seen by a judge. In general, the detainees indicated that the police officers were ignorant regarding their requests for medical attention. They indicated that their personal belongings had been confiscated upon arrival, and they were afraid that they had been taken away for the officers' personal use. In terms of ill-treatment, the detainees reported regular rapes of female detainees by the police officers. Furthermore, they reported an incident four weeks prior in which a detainee had been beaten by an officer with an axe. Duty officer Gutok was identified as one of the harshest officers.

*Cell 9*

**Michael, Bob, Kit, Friel, Tom Tango, Bila and S.** They complained about the conditions in the station, but did not report any physical ill-treatment. They noted that the police raped women they brought in for the night and then released them. They complained about the light being on all night in the cell. The juveniles shared cells with adult detainees. The last time they had been allowed out of the cell was two days prior, for 20 minutes. One detainee said that the police sometimes brought young boys to the station for minor offences, and used them to clean the corridors.

**H. A.**, aged 16, had been held there for three weeks. After his arrest, he spent two days at the police station and was then transferred to Bomana Prison, where he had been beaten on the legs, arms and back with a piece of timber, for approximately seven minutes. He stayed at Bomana for one week and was transferred to Hohola Juvenile Remand Centre. He indicated that the Brothers who took care of them were kind and that there was no physical abuse or fights between the detainees.

*Cell 10*

There were five detainees, including one juvenile, **J. R.**

**A detainee**, aged 25, had a broken nose and probably broken ribs for the past six days. He had been beaten in the streets by the police. The forensic expert examined his broken nose through the bars, but was unable to examine his ribs.

*Cell 11*

The detainees indicated that bribery was common and the fastest way to get out of the police station. They added that the guards had sex with the female prisoners.

*Female section*

**A female detainee**, aged 38, was accused of stealing. The complainant had taken her to the police station at 6 p.m. the day before. She had been questioned and taken to cell 1.

**A female detainee**, aged 40, had been arrested three weeks before after her husband's family took her to the police station. She had to wash the male detainees' clothes, fetch water for them and sweep the bags and bottles with excrement and urine to the dustbin. She also helped the male detainees by getting cigarettes, betel nut and other items. She was worried about what would happen to the female detainees when they were transferred.

**A female detainee**, aged 23, slept in the cell for one night and had been released the next morning. She went back to the village and her relatives said they wanted 2,000 Kina to



repay an offence. She only collected 300 Kina and her husband told the police to re-arrest her. She had been taken back to the police station but had not been charged. She asked for permission for her family to visit her and bring bedding but it was refused by police.

**A female detainee**, aged 19, left her husband and went to her village after arguing with him. At Mt. Hagen bus stop, her husband found her and dragged her to the police station. The police indicated that because her husband had not paid the bride price she was free to go, but the husband insisted that she was still his wife. She asked the police to allow her to call her brothers and they refused. She was told to call her father, but she threw the mobile phone on the floor and broke it. The owner of the phone asked her to pay for it, and since she did not have any money, she was put in the cell for the night. Her family brought her a new phone but the police insisted on holding her in the cell and asked that she pay them staying in the cell. Her family had promised to come back with the money to have her released.

### **Laloki Hospital, Port Moresby Visited 24 May 2010**

The Special Rapporteur was received by Dr. Yamele Getzo, head of the hospital. The hospital was the only one for persons with psychiatric problems in the country, and had a capacity for 100 patients. The facility also provided general health care services to the population living nearby. The facility had an open and a closed wing. Due to the stretched capacity of the open wing, some of the patients had been transferred to the closed wing. Persons who had committed a crime but were unfit to stand trial were not separated from other patients. It was the nursing staff's responsibility to ensure the patients' safety. There were no security guards working at the hospital.

Built after World War II, the facility was rundown. There was a severe shortage of adequate housing for the patients and the staff. Plans for renovation were available and were presented to the Special Rapporteur, however, funds for its implementation were lacking. In terms of medication, the supplies were outdated. Treatment of mental conditions was largely limited to counseling. Most of the patients were young men who suffered from drug abuse, but no drug substitutes were provided. There were approximately 80 male patients in the clinic, 38 of whom were in the closed station. All the women were in ward No. 6 of the General Hospital. There were presently no juveniles there. The staff numbered approximately 50, including 20 nurses and health workers. The medical records of the patients were very well-kept. The dormitories were in a good state. The closed area was star-shaped, with a circular area where the patients were kept during the day, with the various dormitories around it. It had daylight and fresh air, and they could look into the garden through the bars.

According to Dr. Getzo, there were only six psychiatrists in the entire country. Of those, only two worked in health care. The two psychiatrists worked at the hospital on a part-time basis and came in once per week. Only one of them dealt with forensic psychiatry. De facto, the overwhelming majority of the medical work was carried out by the 20 members of the nursing staff. The nurses had the responsibility to select those patients who should be seen by the psychiatrists, and they eventually decided which patients could be released. On average, patients spent four months at the hospital. However, there were several patients who had been accommodated in the closed wing for several years. One person had been held there for 20 years.

## **Hohola Juvenile Centre, Port Moresby Visited 24 May 2010**

### **General information**

Brothers Patrick Bokorun and Lazarus Bung of the Sacred Heart Brotherhood received the Special Rapporteur. There were five staff members and eight male juveniles in the juvenile remand centre. The facility was the only one of its kind in the entire country and could hold up to 16 juveniles.

The Sacred Heart Brothers also run the SHB Socay Training Institute on the other side of the street, an elementary and vocational training centre for street children, ex-criminals and detainees. The basic philosophy of the Institute is to “rebuild broken lives” and the place gives a very good impression.

The Brothers assessed that there was a lot of police violence and that they often had to treat the new arrivals following heavy beatings by the police. Some of the juveniles arrived at the center with cigarette burns and marks from beatings with fan belts, cables, telephone wires and cooper wires. If needed, the boys would be taken to the hospital for treatment.

Once a juvenile is arrested by the police, the court has to be informed and decides where to hold the suspect. Depending on the crime and taking into account the possibility that the suspect might abscond, the judge could place a juvenile at the center. If convicted, the boys were transferred to a prison for juveniles near Lae. They could stay at the center as long as their case was pending, with the longest being 18 months. They juveniles and the officers ate their three meals together. It was a friendly place with a nice and well-kept garden. In the house, there was one dormitory, with beds, which was not locked. It led to a kitchen where they could prepare their own food. They could also go to the garden at any time. They received counseling by the center’s staff, vocational training as well as outside schooling. Sports and cultural activities were provided during the weekends. They also had books, artwork and handcrafts made by them. Nobody complained about beatings on the Hohola Juvenile Centre.

### **Individual cases**

**A male juvenile**, aged 17, was arrested in March 2010 at his home. Two police officers started beating him on his face with gun butts, in front of two other persons. He spent the night in a cell and was beaten for no apparent reason. He was then taken to Bomana Correctional Institution for a week. He considered himself very lucky to be at the center, since Bomana was very dangerous. They were all friends at Hohola, there were no beatings and they had nice Sundays. They cooked, cleaned, did sports and gardening. He wanted to become a lawyer. He would not like anything to change there since ‘it is all good’, except maybe for the food.

**J.Y.**, aged 17, was arrested on 6 February 2010 at a sports centre, by three police officers who did not use force as he immediately surrendered and admitted. He was first taken to Gerehu Police Station and shortly thereafter to Boroko Police Station, where he was locked up for one week and three days in a cell with 30 adults. He was not beaten but he saw others being beaten by the police and coming in with swollen faces and other injuries. They received three meals per day and enough water. The possibility to take a shower depended on the good will of the police officer in charge. He complained about the overcrowding of the cells at Boroko and the fact that the judiciary was very slow in handling their cases. When the magistrate postponed his hearing, he was sent to Hohola Remand Centre, where the conditions were much better. They can receive family visits at any time, the doors were open from 6 a.m. to 6 p.m., and they could spend most of their time outside. They also did some gardening and attended classes in the adjacent school. Food and water was in

principle enough, although there was a shortage of food sometimes. In February, a boy had escaped but there was no collective punishment. He complains that there were no sport facilities and that they would like to get a gym.

**A.I.**, aged 16. The police took him to Bomana on 4 March. The police came to the village chief's house and took him with four other suspects from his village. At Bomana, he was forced to stand with his arms against the gate, and he was beaten, but only once. On 10 March, he was sent to Hohola. He had no complaints about Hohola. He could garden, including planting food such as bananas. They ate well and his parents visited him before his court date. He had a lawyer but he had not been to court.

**J. A.**, aged 18, from Central Province, was arrested in February 2010 in relation to a killing in his village. He was held at Berena Police Station twice before being transferred to the courthouse in Port Moresby, where he was charged with murder. He reported that he did not understand the documents presented to him during the hearing. His parents had not been allowed to be present during the proceedings. After being charged, he was transferred to Bomana Prison and held in the adult section, despite being a juvenile at the times. Upon arrival, he was strip-searched and beaten several times with a timber stick by the guards. After one week at Bomana, he was transferred to the Center. In terms of activities, he reported that he mainly made bilums and that currently no sports or schooling activities were offered. His parents visited him when he had to go to court. In general, he was very happy to be at the Center because the conditions were far better than in Bomana.

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