

**SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
(SUHAKAM)**

Law Reform Report
Rights of Remand Prisoners
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TINGKAT 29, MENARA TUN RAZAK, JALAN RAJA LAUT
50350 KUALA LUMPUR, MALAYSIA
603-2612 5600 (T)
603-2612 5620 (F)
humanrights@suhakam.org.my (E)

SUHAKAM LAW REFORM REPORT

RIGHTS OF REMAND PRISONERS

INTRODUCTION

The Human Rights Commission of Malaysia ("**SUHAKAM**"), in its very first year, received several complaints relating to alleged abuses and denial of rights of persons who had been detained by the Police. The Law Reform Working Group ("**LRWG**") decided that "The Rights of Remand Prisoners" should be studied as one of the priority areas for the year 2000. The study would examine relevant local laws and would record testimonies from individuals about their personal experience.

Many of the issues mentioned in the complaints were raised at SUHAKAM's first consultation with the Police in 2000 and their response was noted.

In July 2000, the LRWG held a consultation with representatives from three NGOs [Suara Rakyat Malaysia ("**SUARAM**"), Persatuan Kebangsaan Hak Asasi Manusia ("**HAKAM**") and Daya Guaman Rakyat ("**DAGRA**")], the Kuala Lumpur Bar Committee and the Kuala Lumpur Legal Aid Centre and several individuals who had been detained as a result of arrests at the Asia Pacific Conference on East Timor ("**APCET**") and REFORMASI demonstrations. One mother set out in writing her experience when her two juvenile sons were arrested on separate occasions.

Members of the group then visited detention centres in Kuala Lumpur and Selangor to determine the conditions of remand prisoners. Members of the group also attended SUHAKAM's workshop on "The Rights of Young Prisoners" held in November 2001, as some of the issues relating to juveniles raised in this report were to be put to participants of the workshop.

ISSUES

In testimonies recorded by the LRWG, the following were alleged:

1. LACK OF INFORMATION

- (a) Some arrested persons are not given any information including grounds for their arrest at the time of the arrest.
- (b) Some arrested persons are not given any information at the end of the remand period. Not knowing whether they are going to be charged, they have no opportunity to arrange for bail.

Article 5(3) of the Federal Constitution provides that “Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest ...”¹

The term “as soon as may be” means “as soon as possible or in the shortest possible time” (Suffian LP in *Ooi Ah Phua v Officer-in-Charge, Criminal Investigation, Kedah/Perlis [1975] 2 MLJ 198*).

SUHAKAM recommends that :

- (i) The constitutional right in Article 5(3) be strictly applied at all times.
- (ii) The arrested person also be given information as to the procedure he will be subjected to and his rights in relation to the right to counsel, remand proceedings, interrogation while in custody, being charged in court and the right to bail. Such information could be provided in a leaflet using simple language for detainees who are literate. For those who are illiterate, the information should be explained to them in a language they understand.
- (iii) The procedure outlined in the proposed leaflet be strictly followed and the rights

¹ Article 5(3) of the Federal Constitution states:
Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice.

upheld at all times.

2. FAMILY AND/OR EMPLOYER NOT INFORMED

Arrested persons are sometimes not allowed to contact their families or friends. This can result in undue worry for the family about the detainee's absence, the lack of care arrangements for children and/or pets, and the inability to obtain medication that the detainee may require.

Family members of an arrested person are sometimes not given any information about the details of the said person – where he is being detained, whether he will be produced in court and remanded, which court he will be brought to and when.

Parents of arrested juveniles are not always informed. The mother who visited her sons alleged that a few other juveniles passed her telephone numbers and asked her to inform their family members because they had been asked to pay RM 40.00 to make one phone call.

The Police insist that they make every effort to contact parents or guardians of juveniles but are not always successful because the juveniles either do not want the parents to be informed or give telephone numbers and addresses that are incorrect.

The Probation Officer is also not informed as required by the section 8A of the Juvenile Courts Act 1947 ("**Act 90**").²

² Section 8A of the Juvenile Courts Act 1947 ("**Act 90**") states:
It shall be the duty of the police officer or other person making the arrest, immediately after the arrest of a juvenile, to inform the probation officer and the parent or guardian of the arrest and to cause to be transmitted to the probation officer a copy of the charge and other information required for the purposes of section 10(6).

Section 10(6) of the Juvenile Courts Act 1947 ("**Act 90**") states:
If the juvenile admits the offence or the Court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the Court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the juvenile, and may put to him any question arising out of the information. For the purpose of obtaining such information as aforesaid or for special medical examination or observation the Court may from time to time release the juvenile on bail or remand him to a place of detention.

One detainee stated that the Police assured him that they would inform his employer but did not do so. As a result, he was sacked for not turning up for work during the period of his remand.

SUHAKAM recommends that :

- (i) All detainees be allowed to contact their families or friends immediately upon arrest to inform them of their arrest and to make necessary arrangements about child and/or pet care, the provision of medication to detainees and information to employers about absence from work.
- (ii) All detainees be allowed to see their families while in custody. Such visits are provided for by the Lock-Up Rules 1953, Rule 22(1).³

The Police explanation for refusing such visits is that they will interfere with Police investigation as the detainee may give family members instructions for the destruction of evidence.

SUHAKAM is unable to accept this explanation because the visits are always in the presence and within hearing of Police personnel so any attempt to give such instructions can be easily prevented from taking place.

SUHAKAM is of the view that such visits can serve the purpose of ensuring that no abuse – physical or mental – is perpetrated on the detainees.

- (iii) In the case of juveniles, every effort should be made to contact their parents or guardians. Section 8A of the Juvenile Courts Act 1947 (“**Act 90**”),⁴ should be strictly applied and probation officers should immediately be informed of the arrest of juveniles and their assistance sought in contacting the parents or guardians. Visits from parents or guardians and the probation officer should also

³ Rule 22(1) of the Lock-Up Rules 1953 states:
A prisoner shall be entitled, subject as hereinafter provided, to such visits from his relatives, friends, and advocates as are consistent with the proper discipline of the lock-up.

⁴ Please refer to footnote 2 above.

be allowed for the above-mentioned reasons.

3. RIGHT TO COUNSEL DENIED

Arrested persons are not allowed access to counsel until the Police have completed their investigations. Again the Police reason for refusing such access is that it would interfere with investigations.

SUHAKAM is unable to accept this reason and is firmly of the view that arrested persons should be entitled to consult counsel and receive legal advice on all matters relating to their detention including their right to remain silent and not make any statements while in custody.

The right to counsel is provided in the Federal Constitution [Article 5(3)].⁵ The Federal Court decisions, *Ooi Ah Phua* (see above) and *Hashim bin Saud v Yahya bin Hashim & Anor* [1977] 2 MLJ 116, that allow the Police to decide when an arrested person can see a legal practitioner unduly restrict this constitutional right.

SUHAKAM recommends that the said decisions be reviewed immediately.

4. REMAND PROCEEDINGS

Before considering the concerns relating to remand proceedings, it would be instructive to examine the relevant legal provisions.

Article 5(4) of the Federal Constitution provides:

“Where a person is arrested and not released he shall without unreasonable delay, and in any case **within twenty-four hours** (excluding the time of any necessary journey) be produced before a magistrate and shall not be further detained in custody without the magistrate’s authority : ...”

⁵ Please refer to footnote 1 above.

The Criminal Procedure Code (“**CPC**”) also makes provision for remand proceedings.

Section 28 of the CPC: How person arrested is to be dealt with and detention for more than twenty-four hours.

- (1) A police officer making an arrest without a warrant shall without unnecessary delay and subject to the provisions herein as to bail or previous release take or send the person arrested before a **Magistrate’s Court**.
- (2) No police officer shall detain in custody a person arrested without a warrant for a longer period than under all circumstances of the case is reasonable.
- (3) Such period shall not in the absence or after the expiry of a special order of a magistrate under section 117 exceed **twenty-four hours** exclusive of the time necessary for the journey from the place of arrest to the **Magistrate’s Court**.

Section 117 of the CPC deals with the procedure where investigation cannot be completed within twenty-four hours.

- (1) Whenever any person is arrested and detained in custody and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 28 and there are grounds for believing that the accusation or information is well-founded the police officer making the investigation shall immediately transmit to a magistrate a copy of the entries in the diary hereinafter prescribed relating to the case and shall at the same time produce the accused before the **Magistrate**.

(2) The magistrate before whom an accused person is produced under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as the magistrate thinks fit for a term not exceeding fifteen days in the whole. ...

(3) A magistrate authorising under this section detention in the custody of the Police shall record his reasons for so doing.

Allegations in relation to remand proceedings are as follows:

- If an arrest is made on a Saturday, the arrested person may not be brought before a Magistrate until Monday because Sunday is not a working day and if Monday is a public holiday, he will not be brought before the Magistrate until Tuesday.
- The arrested person, his family and counsel are not told when he will be produced in court or which court he will be produced in for the remand proceedings. This results in counsel having to wait around all day to ensure that they are present when the person is eventually produced in court.
- Counsel is sometimes not allowed to speak with his client to get instructions for the remand hearing.
- The hearing, in Kuala Lumpur, is conducted in the Magistrate's Chambers and not in open court. The arrested person is locked in a cell at a distance from the Magistrate and is unable to communicate either with the Magistrate or his counsel, if he has one. The arrested person is not in the same room as the Magistrate and cannot hear what is going on between the Police Officer and the Magistrate. The arrested person is not given an opportunity to challenge the information put before the Magistrate.

- Some Magistrates allow the Police request for remand and the number of days sought without question, without considering whether there is any real need for detention to further investigations, and without considering the views of the detainee or his counsel.
- Sometimes, when the maximum period for remand has been obtained from one court, the accused is moved to another district and a fresh application for remand is made. In this way, a person can be detained in custody, on remand pending investigations, indefinitely. The Police explanation is that the person may have committed offences in different districts and each remand order is for the investigation of a different offence.

SUHAKAM recommends that :

- (i) Persons arrested be brought before the Magistrate within twenty four hours as specified in the Constitution and sections 28 and 117 of the CPC, regardless of whether the end of the twenty-four period would fall within a Saturday, Sunday or a public holiday.

SUHAKAM is of the view that any reference to the definition of “a day” to justify not conducting remand proceedings during the weekend or on public holidays is incorrect as the relevant provisions refer to “twenty four hours” and not “a day”. Where the liberty of an individual is at stake, the words should be interpreted strictly and the interpretation in favour of the individual’s liberty should be enforced.

If the practice of having Duty Magistrates is being continued, there should be no difficulty in having a Magistrate to consider the application for remand at any time.

SUHAKAM is of the view that the liberty of the individual should not be sacrificed for administrative expediency.

- (ii) The Police inform the arrested person, his family and counsel, if any, of the date,

time and court where the remand application will be made.

- (iii) The proceedings be carried out in open court with the arrested person in the dock and in a position to communicate with the Magistrate as well as counsel. If the Magistrate is brought to the lock-up, the detainee should be removed from the cell and brought to a room where the proceedings can be carried out in a proper manner.

This is required by section 28 of the CPC which clearly states that the person must be produced in a Magistrate's Court. Holding the proceedings in open court will ensure that there is transparency in the remand proceedings.

- (iv) Counsel be allowed to take instructions from the arrested person. Rule 23 of the Lock-Up Rules 1953⁶ allows for it.
- (v) Where no counsel or family members are present, Magistrates should inquire whether the family of the accused has been informed and whether the accused would like to have counsel to represent him.
- (vi) In the case of juveniles, the Magistrate should inquire whether the parents or guardians and the probation officer have been informed.
- (vii) The Magistrate should consider the nature and seriousness of the alleged offence and the actual need to conduct investigations in custody before making any order for remand.

SUHAKAM is aware that there are Magistrates who do weigh the facts and exercise their discretion as to whether or not a person should be remanded in custody and SUHAKAM commends them.

⁶ Rule 23 of the Lock-Up Rules 1953 states:
A prisoner may be allowed visits by his advocate, including representative of such advocate as such advocate considers necessary for the preparation of his defence or appeal. The Officer-in-Charge or the Deputy-Officer-In-Charge may take such action as he considers necessary to establish the identity of any person claiming to be an advocate or his representative.

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- (viii) The Magistrate should inquire about the welfare of the arrested person to ensure that no abuse, whether physical or mental, has taken place and whether the person is ill or injured and in need of medication and/or medical treatment.
 - (ix) The Magistrate should inquire when the person was first arrested and whether he has been moved from one district to another and more importantly, how long he has already been in custody.

SUHAKAM is aware that all the questions that the Magistrate should pose to the detainee will take time. SUHAKAM is also aware of the shortage of Magistrates and the difficulties the judicial service faces in having to cope with the increasing number of cases brought for remand. A SUHAKAM Commissioner observed what happens when detainees are brought for remand and found that there could be as many as 50 persons brought in for remand proceedings in one morning. In view of this, SUHAKAM makes further recommendations in relation to remand proceedings:

- (x) More Magistrates should be appointed to cope with the large number of cases in Kuala Lumpur. The shortage of Magistrates cannot be justification for rushing through remand proceedings such that the rights of the individual are not protected.
- (xi) Persons arrested on Fridays, Saturdays and Sundays and on the eve of a public holiday should be brought before the Duty Magistrate within twenty-four hours of their arrest and not be detained without a remand order. This would also reduce the number of remand cases on a Monday morning.
- (xii) The Police should release on police bail arrested persons from whom statements can be taken at any time and they should not apply for a remand order to detain an arrested person for more than twenty-four hours unless they definitely cannot carry out investigations if the person is not in custody. Releasing persons on police bail will also reduce overcrowding in the lock-ups.

5. INTERROGATION IN CUSTODY

Detention during the period of remand is for the purpose of investigation of the alleged crime for which the person was arrested. Detainees however allege that while in custody they are subject to interrogation by the Special Branch on matters that bear no relation to the alleged crime. This allegation is not denied by the Police. Such questioning is classified as “intelligence gathering” and is justified by the Police by reference to section 3(3) of the Police Act 1967 (“**Act 344**”)⁷ which gives them the general power to collect security intelligence.

SUHAKAM is of the view that this general provision is subject to the specific provisions of the CPC⁸ that apply to an arrested person and a person should not be questioned on

⁷ Section 3(3) of the Police Act 1967 (“**Act 344**”) states:
The Force shall subject to this Act be employed in and throughout Malaysia (including the territorial waters thereof) for the maintenance of law and order, the preservation of the peace and security of Malaysia, the prevention and detection of crime, the apprehension and prosecution of offenders and the collection of security intelligence.

⁸ The specific provisions of the CPC includes:
Section 112 which states:
(1) A police officer making a police investigation under this Chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case and shall reduce into writing any statement made by the person so examined.
(2) Such person shall be bound to answer all questions relating to the case put to him by such officer: Provided that such person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.
(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.
(4) A police officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).
(5) A statement made by any person under this section whether or not a caution has been administered to him under subsection 113 (1) shall, whenever possible, be taken down in writing and signed by the person making it or affixed with his thumb print as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

Section 113 which states:

- (1) Where any person is charged with any offence any statement, whether the statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by that person to or in the hearing of any police officer of or above the rank of Inspector and whether or not interpreted to him by another police officer or other person shall be admissible in evidence at his trial and, if the person charged tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:
Provided that—
(a) no such statement shall be admissible or used as aforesaid—
(i) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge proceeding from a person in authority and sufficient in the opinion of the Court to give the person charged grounds which would appear to him reasonable for supposing that by

matters not related to the offence for which he has been arrested.

SUHAKAM recommends that:

- (i) Investigation of remand prisoners must be conducted strictly in accordance with the provisions of the CPC.
- (ii) Persons in remand must be informed of their right to remain silent. If they choose to make a statement, they must be read the statement recorded and be given an opportunity to amend it to reflect what they actually stated. They should then be asked to sign the statement.
- (iii) If a statement is recorded in a language the detainee does not understand, the contents must be explained to him in a language he understands.
- (iv) Persons in remand must not be questioned on matters not relating to the alleged offence for which they were arrested and remanded.

6. CONDITIONS IN THE LOCK-UPS

The following conditions were reported:

(a) Overcrowding in cells

The complaint was that the cells were so crowded that all detainees could not sleep at the same time. Some had to sit up while others slept.

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- making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or
 - (ii) in the case of a statement made by the person after his arrest, unless the court is satisfied that a caution was administered to him in the following words or words to the like effect:
 - "It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence"; and
 - (b) a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been administered if it has been administered as soon as possible.
 - (2) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which subsection (1) applies shall not be bound to answer any questions relating to the case after any such caution as aforesaid has been administered to him.

This complaint was substantiated by SUHAKAM's visits to several police lockups in Kuala Lumpur and Selangor where it was admitted that the cells were accommodating far more than the gazetted number of detainees mainly due to the large number of drug addicts (Tun H.S. Lee, Kuala Lumpur) and foreign females (Kapar, Selangor) arrested.

Arrested persons were placed together – drug addicts, persons suspected of various crimes including drunk drivers and wife batterers, and civil rights activists.

(b) No bedding; dirty blanket provided

Detainees had to sleep on the cement floor. Again this was substantiated by our visit to lock-ups. For some detainees a dirty blanket was provided but this was usually used to lie on rather than to cover themselves. The Police reason for not providing blankets is the fear that the detainees may use them to hang themselves.

(c) Men asked to strip to their underpants; spectacles removed.

Male detainees were required to strip to their underpants. This was seen at the Tun H.S. Lee Police Station although SUHAKAM commissioners were informed that longer shorts and singlets had been donated for the use of detainees.

Some detainees had their spectacles taken away which caused them to feel disoriented.

(d) Lack of privacy in using toilet facilities

It was alleged that the lack of privacy in using toilet facilities was deliberate so as to embarrass and humiliate detainees.

(e) No water for toilets; unbearable stench in cells

Detainees alleged that water was sometimes not available resulting in an unbearable stench in the cells. The SUHAKAM visit to the Tun H.S. Lee Lock-up confirmed that water shortage and/or poor water pressure and the resulting stench was a problem

faced by the police station.

SUHAKAM recommends that:

- (i) The proposal to use Pudu Prison as a detention centre for arrested drug addicts be implemented immediately as this will reduce overcrowding in the police lock-ups in Kuala Lumpur.
- (ii) Water tanks and water pumps be purchased to alleviate the water problems at the lock-ups.
- (iii) The toilet facilities should provide for privacy so that detention does not amount to inhumane treatment.
- (iv) Proper bedding and clothing be provided in accordance with Rule 13 of the Lock-Up Rules 1953.⁹
- (v) That the Lock-Up Rules 1953 be reviewed and brought up-to-date and in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners. A copy of the said United Nations Rules may be found in Enclosure A.

CONCLUSION

All the issues raised in this report have also been dealt with in the various reports of SUHAKAM's visits to detention centres and the report of the Kesas Highway Inquiry. The allegations made here have been corroborated by evidence in those reports. Likewise, the recommendations in this report are consistent with the recommendations in those reports.

⁹ Rule 13 of the Lock-Up Rules 1953 states:
Every prisoner shall be supplied with bedding which shall be changed and washed as often as may be necessary but never less than one month.

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- Mr M. Puravalen of the Kuala Lumpur Bar Committee;
- Kuala Lumpur Legal Aid Centre; and
- All other individuals who do not wish to be named.

Law Reform Working Group

December 2001

ENCLOSURE A



Standard Minimum Rules for the Treatment of Prisoners

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

Preliminary Observations

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.
2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.
3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.
4.
 - (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.
 - (2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.
5.
 - (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

- (2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

PART I

RULES OF GENERAL APPLICATION

Basic principle

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

Register

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

Separation of categories

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

Accommodation

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

climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,
 - (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
 - (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.
14. All pans of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

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

Clothing and bedding

17.
 - (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
 - (2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
 - (3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.
18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.
19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

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

Exercise and sport

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

Medical services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.
 - (2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.
 - (3) The services of a qualified dental officer shall be available to every prisoner.
23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.
 - (2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.
24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

- (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
- 26. (1) The medical officer shall regularly inspect and advise the director upon:
 - (a) The quantity, quality, preparation and service of food;
 - (b) The hygiene and cleanliness of the institution and the prisoners;
 - (c) The sanitation, heating, lighting and ventilation of the institution;
 - (d) The suitability and cleanliness of the prisoners' clothing and bedding;
 - (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.
- (2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

- 27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.
- 28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.
- (2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.
- 29. The following shall always be determined by the law or by the regulation of the competent administrative authority:
 - (a) Conduct constituting a disciplinary offence;
 - (b) The types and duration of punishment which may be inflicted;
 - (c) The authority competent to impose such punishment.
- 30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.
- (2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.
- (3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.
- 31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

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

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
 - (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
 - (b) On medical grounds by direction of the medical officer; (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.
34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.
- (2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.
36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.
- (2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.
- (3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

- (4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Contact with the outside world

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

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

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

Retention of prisoners' property

43.
 - (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

- (2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.
- (3) Any money or effects received for a prisoner from outside shall be treated in the same way.
- (4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- (2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.
- (3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
- (2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
- (3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel

46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.
- (2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
- (3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47.
 - (1) The personnel shall possess an adequate standard of education and intelligence.
 - (2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.
 - (3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.
48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.
49.
 - (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.
 - (2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.
50.
 - (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.
 - (2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.
 - (3) He shall reside on the premises of the institution or in its immediate vicinity.
 - (4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.
51.
 - (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.
 - (2) Whenever necessary, the services of an interpreter shall be used.
52.
 - (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.
 - (2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.
53.
 - (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.
 - (2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.
 - (3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff,

particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.
- (2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.
- (3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

PART II

RULES APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation I of the present text.
57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.
58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.
59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60.
 - (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.
 - (2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.
61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.
62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.
63.
 - (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.
 - (2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.
 - (3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.
 - (4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.
64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.
66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.
- (2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.
- (3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

67. The purposes of classification shall be:
- (a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;
- (b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.
68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.
69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work

71. (1) Prison labour must not be of an afflictive nature.
- (2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

- (3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
 - (4) So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.
 - (5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
 - (6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.
- 72.
- (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.
 - (2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.
- 73.
- (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.
 - (2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.
- 74.
- (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.
 - (2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.
- 75.
- (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.
 - (2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.
- 76.
- (1) There shall be a system of equitable remuneration of the work of prisoners.
 - (2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
 - (3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty. 78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

B. INSANE AND MENTALLY ABNORMAL PRISONERS

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as 'untried prisoners,' hereinafter in these rules.
(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.
(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.
85. (1) Untried prisoners shall be kept separate from convicted prisoners.
(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.
86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.
87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.
88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.
89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.
90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.
92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions

and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS

94. In countries where the law perm its imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.
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