

Date: Thu, 5 Mar 2015 03:43:44 -0500

Subject: Rights? Ha Ha!

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La Joya Penitenciario is the principal state prison of the Republic of Panama. A former military base converted to its present use, this prison is approximately sixty years of age and in an ill state of repair. The state makes no effort to neither maintain nor repair its buildings providing only a lock up facility for those awaiting trial or condemned to prison service.

Essential maintenance, repair and cleaning is entire responsibility of the prison population. This extends to the need to provide the tools, materials and labour to affect the same with no assistance from the administration of the prison. Typical problems encountered are water line and pump replacement, electrical failure, clogged and overloaded sewage system, collapse of metal ceiling grid over the cells, rusting and rotting metal covering security bars which have resulted in serious injury to several inmates. Washroom facilities have never been hooked up to water lines nor were ever provided for. Electrical service is minimal, not rated for the service load placed upon it and consists of piecemeal wiring spliced together, extended by numerous extension cords, presenting a severe fire hazard.

The prison, according to the Penitentiary act is to provide each prisoner with a bed and a gross area of fifteen square meters per person. The current population is approximately 540 inmates and the building is equipped with 216 concrete platforms. Meaning 324 inmates have not been provided with a bed and adequate sanitation facilities. The average population per cell is 12- 14 with the balance sleeping on the ceiling or floor area of the former gymnasium, library and chapel. The state does not provide uniforms, mattresses, sheets nor any hygienic nor cleaning supplies nor implements such as brooms, mops, etc.

The prison administration does provide educational service up to the sixth form, however no trades or vocational training is provided. The administration also allows the purchase of recreational goods such as lifting weights, footballs and a limited number of televisions, fans and cooking implements to be brought in from outside. There is however a service charge of up to 100 dollars per entry of these items. The state also manages a grocery store to provide cleaning and hygienic products and regular grocery items including meat as the food provided by the prison is minimal. Fruits are not allowed under any circumstance. The cost of these products is 2 to 3 times the average grocery store price.

The only concession to the segregation of prisoners is that Panamanians and foreigners are housed in separate buildings. In the foreign pavilion those awaiting trial are mixed with those condemned with no segregation for types of crime, mental states, sexual preferences, nor addictions.

With regard to Human Rights, whether that is International convention or according to the rights and obligations of inmates as published by the Ministry of Government, the principle right would be the right to life and the protection of the same. Fire and medical assistance threaten that right on a daily basis.

It would not be unfair to state that should the Fire Marshall cause an inspection of these facilities, he would be obligated by law to immediately close the building for non-compliance of basic accepted international regulations regarding fire safety in public gathering places and the danger provoked. No emergency firefighting or warning systems are provided to include pressurized water, hoses, extinguishers, or sand. Nor is there any of this type of equipment stored anywhere in the prison facility.

The prison block is left unattended from 5pm to 7am and can only be accessed by the police whose barracks are approximately 1km distant and outside of the prison compound. No communication from the cell block directly to the night desk of the police exists. It is clearly obvious that in the event of fire or other disaster the police would be unable to release the inmates from danger in time to avoid very serious consequences.

The defects are; Corridors of egress or evacuation within the cell block are 1.5m in width calculated on a normal population of 216. In addition to the overpopulation, these corridors are reduced in width by the storage of numerous buckets, chairs and cooking stations along the entire lengths of the rectangular pattern. The cell doors open contrary to the direction of evacuation reducing further the usable width to approximately 80cm. Overhead in the hallways are hung clothing lines every 30 cm of extremely flammable materials which in the event of fire would be fed by the oxygen from the corresponding windows rapidly.

Most cells are haphazardly equipped with makeshift kitchens situated side by side with drapery surrounds consisting of used sheets on the stacked beds. The inmate bought mattresses are all of toxic foam. Electrical appliance connections are jury rigged and often spark or overheat from overload. Access from the top of the cells, where a large number sleep, is by scaling the bars fronting the cells.

The evacuation routes from two directions converge on one 90cm locked interior door which must exit two thirds of the inmates. Added to that congestion, are approximately 100 inmates sleeping in the gymnasium and another 100 situated on the ceiling of whom must pass over an open steel grid an exit by means of a 60cm steep ladder without adequate Bannister guards. The entire prisoner

population must exit from one 90cm door to the exterior once the police have responded and unlocked this exit. Exit doors at the opposite end of the building have been welded shut years ago.

An unprovoked attack on the inmates on an early morning raid by the police armed with gases and shotguns more than adequately demonstrates the panic and stampeding one could expect in times of emergency. Numerous inmates were run over or injured during the exit.

Of concern and frustration to all inmates is the lack of medical attention, both emergency and long term. The entire prison system's health service is administered by a Director in conjunction with the state's social security system. On site is a first-aid medical station to screen emergencies and treat minor accidents. This clinic is not equipped with the normal equipment such as first-aid kits, fibrillator, oxygen, neck braces etc. They are responsible, also, for the administration of the infectious diseases cell which is a filthy, appalling ward not fit for animals. The administration is undertaken by two inmates of unknown qualifications.

The state clinic is situated a few minutes' drive from the main gate and is a modern facility but offers only limited services due to lack of staff and general apathy towards prisoners.

The pavilion itself is not equipped with any medical or emergency supplies. It has recently acquired a portable stretcher as the previous form of removing patients was a wheelbarrow.

Medical attention is twofold, the first being emergencies. During daylight hours it takes approximately two hours to transport a patient to the main clinic. This delay is due to the permissions which must be obtained and three check-out points to be passed. Between 5pm and 7am patient removal is considerably more complex. As stated, the cell block is unsupervised and no communication exists between the block and the night watch. The response time is slow and is only gained by causing a disturbance to attract the attention of the tower guard, who in time will communicate this to the night watch.

Neither the police nor the custodians have training in first-aid assistance and they are very reluctant to remove a patient during nighttime hours. In the last few years approximately 10 inmates have lost their lives due to cardiac, respiratory problems or accident.

The second concern is regular medical attention. As the pavilion is a very contaminated area, colds, influenza and infections are commonplace and thus a demand on the medical clinic in addition to those of who are suffering from legitimate medical concerns. The clinic has allotted this pavilion a medical visit every second Friday afternoon, at which time they take a limit of 8-10 patients. This is

often determined by favouritism or cash. Those of whom are listed as chronically ill should receive treatment every two months, in fact they are issued medication for that time period. The reality is that it normally takes 6 to 8 months for your turn to come around again with no medication being forwarded.

On Friday afternoon most of the clinic employees have already left for the weekend and only a Doctor is in attendance. The laboratory, testing and injections are closed as is often the pharmacy. The x-ray unit has been permanently closed although the equipment remains. The end result of this is after the weekend any required tests or pharmacy prescriptions issued are conveniently forgotten. When the pharmacy is open they are often out of product or issue out dated medicines. A follow up of prescriptions never occurs.

Medical evaluations are such that the Doctor never touches the patient and these evaluations are guess work as much as anything. Hyper tension drugs are issued without taking a blood pressure reading. When the Doctor is asked to listen to ones chest, unbelievably, he doesn't have a stethoscope.

The clinic is also responsible for referrals to the state hospital for further examination. These referrals are rarely completed, lost in the paper shuffle. The appointments which are made take months and then at least another few months for a second appointment for a specialist to read the results. The results are not sent back to the clinic and thus there is no coordination of medical diagnosis to the obvious detriment of the patient. All being said it is less frustrating to endure your medical ailment or take an aspirin.

The National Police responsible for transporting inmates to hospital exams, court dates and other appointments with the system are notorious for not complying with set dates resulting in months of further waiting for a day in court or medical attention. It is know that some custodios and Police have requested money to ensure that one will be delivered as ordered.

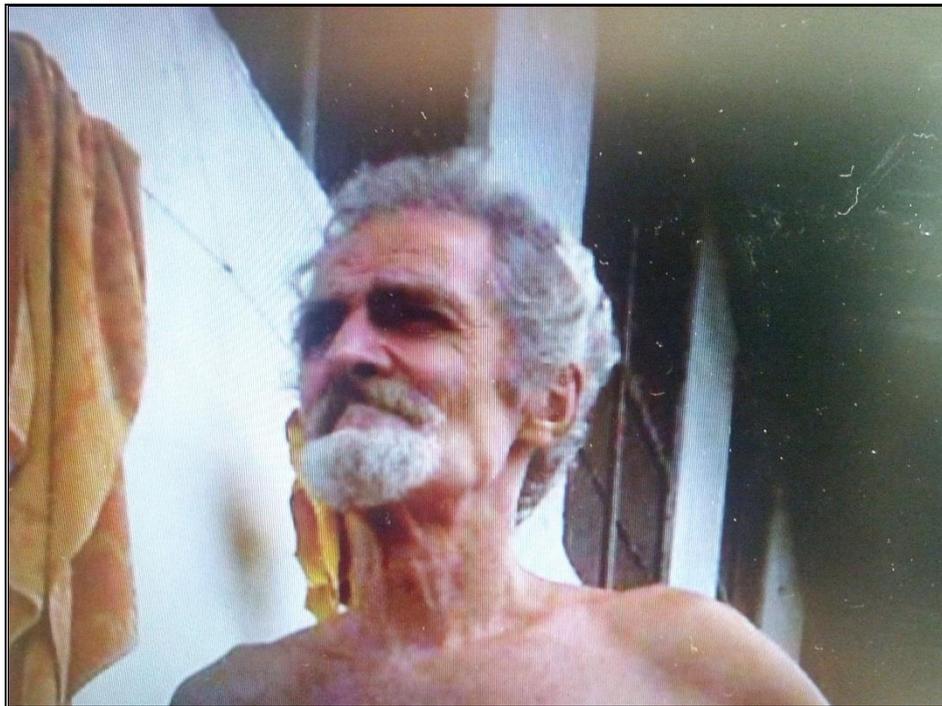
The Administration is required to hear or receive inquiries regarding the status of inmate's proceedings and to communicate in the inmate's native language if required; this is clearly stated in the rights and obligations of detainees. This however is not the case. Requests in English are rejected or transcribed by office staff at absurd cost. Responses to requests are not made.

Many prisoners due for release are detained for weeks and sometimes months awaiting paper work to be processed between the general direction of the prison system and the prison administration. It seems as though the system is neither accountable nor answerable to any other authority.

The Defensora del Pueblo the human rights investigators have taken numerous depositions from inmates regarding rights abuses, many of which have been forwarded to the Procuraduria, the equivalent of the attorney general. However these complaints die within that system with no response to the inmate nor his representing Embassy.

The current change in government and prison administration has made some modest improvements regarding outdoor time and food quality, however these other important considerations have yet to be confronted and the attitude seems to be ambivalent and apathetic.

In consideration of this paper, the Penitentiary Act of 2003 governing administration and Ley53 stating rights and obligations of detained persons from which the government publication of the same name is taken should be consulted.



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