

Does the standard of prisons in Samoa allow for the rights of prisoner's to be upheld with consideration of the local context?

1. The problem:

Prison conditions in Samoa.

- What the media has said.
- What the prisoners have said.
- What the UN has said.

Rights under the Samoan Constitution.

International Human Rights – International Law, Other Pacific Nations, ECHR

2. The issues:

The social issues when trying to address the problem

- Societal attitudes

Looking at the context and the bigger picture

- Samoa's poverty
- GDP
- Possible reform? Privatisation of the prison in Samoa?

Countless issues. Who will run the prisons? Will they take into account the people and the culture? Will it be based on a commercial model? Will it mean that prisoners will get what the rest of everyday Samoans consider as luxury?

3. Discussion points

- What is the greater purpose of incarceration?
Punishment v Welfare
Does it work in Samoa? Traditional means of punishment.
Should there be a more push for rehabilitation – the need to develop programs that will cater to the needs of prisoners in Samoa with a focus of Samoan culture.

4. How is the issue currently being addressed?

- The current role of the Office of the Ombudsman
- The movement to creating a Human Rights Commission
- Samoa's Law and Justice Plan 2008

1. The problem:

Prison conditions in Samoa.

- **What the media has said.**

Accept the media is bias.

Past significant events.

- **What the prisoners have said.**

Prisoners escape Tafaigata Prison

- A 23-year-old prisoner serving time at Tafa'igata for possession of narcotics wants help. After escaping from prison on March 12. When he refused to return to Tafa'igata with the officers who came to search for him, he claimed that he was beaten.
- "I was beaten so badly that my ribs were broken and I suffered from injuries to my face," he said.
- He claims the officers beat him with a metal bar and a mango branch. Daniel Vailopa understands that it would be hard for people to believe him since he is not a first time offender. "But I speak of only the truth now because I have suffered enough," he told the **Samoa Observer**. Vailopa appeared in the District Court on Tuesday morning for a charge of escaping from Tafa'igata Prison.
 - o "I was in that dark cell for a whole month suffering from my wounds before they decided to take me to see a doctor and that was only because they saw I was not recovering."
- Vailopa swears as a result of that beating "I now suffer from a long term illness where I am bleeding internally from wounds that I received to my ribs". While speaking to the **Samoa Observer**, he held on to a toilet tissue that was stained with blood.
- "See what I mean I am bleeding from inside and my breath smells and they still keep me in that dark cell." He likened the cell to a container "you tell me how you would feel if you were taken in and the door behind you is shut? "I will say it is very hot and you can hardly breathe.
- Vailopa said he only ran away from Tafa'igata because he wanted to be able to wear clean clothes "and I was getting tired of asking other prisoners to borrow theirs".
- He also claims that he was very hungry and I had made four requests to them about my concerns they never listened "this is the only reason why I left that day".
- He escaped from prison while he and other prisoners were let out of their cells to do work outside on the prison compound.
- "I told the officers that my mother would accompany me back to Tafa'igata but they wouldn't hear of it and so they kept beating me before I was dragged into the Police car."
- Vailopa claims that if Police had tried to understand him that day he would not be suffering and there wouldn't have to be a complaint against them.
- Assistant Police Commissioner Leaupepe Fatu Pula was not aware of Vailopa's case.
- "If there was a complaint it would already be before me and if there such issues

of this kind it should have been raised in court.”

- Le’aupepe said if an official complaint is made by Vailopa’s parents against these officers alleged to have beaten their son “there is a Professional Standards Unit that can deal with them”.
- “If they have not yet filed a complaint to the Professional Standards Unit there’s the Tafa’igata Prison ACEO available for them to go and see about these matters.” Le’aupepe also confirmed that there are plans for a nurse to be based at Tafa’igata Prison.

- What the UN has said.

US Department of State 2010 Report

- Poor Prison conditions
- Very old Prison facilities
- Tafa’igata Prison had 29 cells, various sizes, 8 of them were approx 30 feet by 30 feet & housed 20-25 inmates.
- Not all cells had toilet facilities
- No doctor or nurse at the facility – Influenza, Typhoid outbreaks – May 2012
- Around 300 inmates combined in Tafa’igata, Oloamanu and Vaiaata.

UN Human Rights Council Universal Periodic Review 2012

The **report** of the Samoan Umbrella for Non- Governmental Organisations to the UPR review stated that “currently, the living conditions at the Tafaigata Prison are very poor.

Many facilities are extremely out dated; provisions for food, water and basic sanitation are inadequate; and large groups of prisoners are confined together in small and harsh cells. Some inmates are employed without remuneration outside prisons, including in a private capacity for government officials. In addition, there are reports of physical and sexual abuse.”

The **report** noted that the Prisons Act 1967 was under review. In 2009, 41 prisoners escaped from prison “armed with working knives” and commandeered a bus to drive it to the capital.

They were reportedly protesting about the poor conditions in prison. In its 2004 alternative **report** to CEDAW, a group of Samoan NGOs noted that “women in prison have little access to rehabilitative programs and counselling... Women prisoners are discriminated against by their reproductive role.

The prisons do not provide facilities to enable a breastfeeding female prisoner to breastfeed her child and give maternal care and nurture to the child.” The same issue was noted in the UNICEF 2006 Situation Analysis of the situation of children, women and youth in **Samoa**.

Samoa has been urged to establish a human rights institution. This is one of the recommendations from the United Nations Human Rights Council Universal Periodic Review

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July 2011

Refurbishment work on the Vaia’ata Prison was dedicated on Friday with the strong message, ‘this is the last place you want to be’. Prime Minister Tuilaepa Sailele Malielegaoi, announced that this is part of improving general prison facilities and services in the country.

“But this is not a hotel and we don’t want you to get too comfortable in these

facilities. The idea is, you come here, you take a good look at yourself and you leave a better more productive citizen,” said the Prime Minister. “A prison is for rehabilitation of offenders and not a general accommodation facility.” “We also want the prisons to be self-sustainable with little dependence on taxpayers. “So the prisons will be encouraged to grow their own food, maintain their cattle piggery farms and look at other avenues – like harnessing bio-gas from animal waste – for cooking. “We have a very successful Chinese exhibition farm at Nuu and, possibly, they will be asked to conduct similar farm training workshops for our prisons.”

Vaiaata Prison is **home** to about 30 inmates, mostly youth offenders. It covers about 200 acres of government-owned plantations and cattle farm.

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