

## **Juvenile Prison Investigations**

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- Facts narrated by juveniles, confuted by researchers and proved by reality!
- Some of the juveniles completed the sentence since a year and still behind the bars
- Tuberculosis disease, heaters do not work and windows without curtains

**Because we believe in field study, which might become an action changes the forgotten situation, we decided to enter juveniles prison for the second time.**

**I have written these words away from achieving media hits, honestly as an Iraqi citizen concerned to see its people well and not to make State institutes which are established to provide the juveniles with protection, care and rehabilitation, an additional burden to their misery. During that morning, the place was full of unusual activity. Some of the employees were distributing clothes from big bags, the children with their wet clothes were cleaning the halls and hallways, the smell of aseptic reached the director room, the cold was not a problem for the children's pale faces.**

**Some children were carrying beds to the halls, when the warehouse officer said: Sir I received today (66) beds. So I wanted to share them the activity and asked what are you supplying the kids? The director answered instead of the kids, "We are providing them with winter pajama and (T Shirt) like this and pointed to the one he was wearing. I asked him: is this enough for the whole season, what if it is washed? He answered: The kid washes the pajama and remain with the underwear. When I entered the halls I saw wet clothes over the beds. The kids told me the clothes do not dry before 4 days and there are no heaters close to use them for dry. (crowed, cold, humidity and wet clothes) I asked them about the new beds, they answered that the new beds will be used by some kids because they are sharing one bed not enough only for one person.**

**The accompany of the social researcher and observer didn't hinder my movements. I entered one of the halls which was cleaned by the kids, but I found closely stick beds, electric heaters hanged on high place on the walls, but not allowed to use. I asked to turn them on if they work? They called for someone to turn them on. The hall contained (77) juveniles in stead of (30) which is the capacity for each hall. Three florescent lights on the roof, as they don't need light cause they don't read or write. Prison management prevented papers and pens for security reasons. On the left of Hall number (2) there were three very small baths with broken toilet and doors. The kids stuff accumulated in bags over their beds because there is no place for closets. No one can move without hitting a bed or wet clothes over the beds. Is it rational to prison a kid for over seven years without giving him any private place replacing his family or providing him with humanitarian environment to rehabilitate him?**

**The kids in hall number (1) were allowed to see the sun and take a shower under its rays in stead of hot water, but this gift is also conditioned. The observer said: we take them out for half hour or 45 minutes because the time is not enough to cover all the halls.**

**I went to see the bathrooms of that hall, all the doors were broken and replaced with curtains. I measured water temperature and it was cold so I asked and the answer was: the generator which operates water heaters was blown up two months ago because it was supplying electricity to the police center too. One of the water heaters is not working, and its repair is taking sometime because of bureaucracy and waiting for the new year budget. We will solve this problem be submitting a request to Electricity Office to provide us with special generator and even though we have a problem with the place and routine.**

**I entered another hall and asked the kids to answer my questions by raising their thumbs if the answer is yes in order not to be blamed or punished after we leave. I asked do you take a shower once a week? The answer was No. Do you take a shower twice a week? The answer was Yes. So I asked, do you take a shower in cold or hot water? The answer was cold water.**

**How can be a kid swim in cold water in days when temperature was bellow 4C as it was in early January unless it is revenge. Where are human rights in such bad services? Why this issue is not registered in the cold reports?**

### **Tuberculosis, scabies and isolation hall**

**I was told that Tuberculosis was spread among the kids and the director informed me that the cases were isolated so, I went to see them. The sick kids were just finished cleaning their isolated room which was not supplied but with semi broken heater as well as a window without curtain and partly broken door. The cold wind easily hits their slim bodies especially they are suffering from suffocation as a result of the water gathered in their lungs. The observer noticed my desire to talk to them so he opened the door and said, "go inside I'm sure you will not be satisfied unless you talk to them closely. They were five kids because the rest were sent back to the halls as the doctor thinks that the disease in its final none infecting stage; however the halls are humidity, dark and crowded which is good environment for the virus. One of the sick kids was covered in a blanket because he was very sick and suffer from water in his chest. They are taking the medicine regularly but the food is not different from the healthy kids in spite of their need to liquids and vitamins.**

**Most of the sick kids were in hall number (4) and infected four months ago, now was there any action taken in that hall such as sterilization or evacuate it from kids? of course Not, because there is no other hall. The fourth hall is the most crowded and most of them are adults.**

**When I left I saw the researcher waiting for me outside so I asked where were the kids before building the current isolation hall, the answer was: we put them in individual prison.**

**I was shocked! I visited the individual prison which is one room divided in two parts (2X2) square meter with a toilet inside the room which is dark and wet without window except the window in the iron door.**

**The only doctor in the prison said: We don't have worrying diseases. We have 5 Tuberculosis infections only. I asked about the other three infected kids as registered in the medical position for January? He said: Tuberculosis treatment takes 6 months, we send the kids to the specialized hospital to be checked each two months and this is global program. I asked about the reasons of the disease? He answered it is the cold and the crowded. What about the scabies? He said skin diseases are quickly treated or some of them chronic. Scabies is quickly spread but treated in three days. We use ready medicine or mixtures. The reasons of this disease is not showering daily, and crowded place. I didn't see an isolation hall for scabies infected kids? He answered: We took them out of the isolation because we needed the hall for the little children in order to avoid problems might happen of mixing them with adults.**

**The doctor was requested to present a statistic report about scabies to be submitted to the DG of Juvenile Office immediately. The doctor said: It means that I should examine all the kids. This means the infected kids are more than what is registered which is (12) case. The doctor also has his problems. He is complaining from danger, pressure and responsibility over his shoulder. There are no other doctors helping him except one doctor comes on Monday and Thursday. I can't attend Ministry of Health meetings because I examine (70 – 80) kid a day. We didn't received our administrative rights (me, the ambulance driver and the nurse) as we didn't receive the hazardous increase in spite of the danger in our work. The ambulance driver goes to dangerous places where medicine stores are even in night and he is from another governorate.**

**My last questions for him was: Do you suffer from lack in equipments and machines? He answered that Ministry of Health is ready to provide us with any machine but we don't have the place. We don't have a land to put caravans. The prison director emptied a small store to prepare it as a lab.**

### **Juveniles cases (very strange)**

**If you want to know that violence generates violence look at these kids cases. More than half of them which is 100 detained for homicide and double this number detained for carrying weapons and the rest for robbery, kidnapping and terrorism.**

**The murders were not implemented by the juvenile himself but took the crime. It is obvious that judges in the governorates are under great pressure that takes the juvenile confession. For example, The Juvenile (A. K) from Babil is convicted with 15 years in prison for killing someone. He says he doesn't even know who is he or how he killed him or why. His head is down with shy smile every time he answers one of my questions as if he is one of my students when they didn't do the homework. He said I'm in secondary school and confessed, but the judge said (You are not the murder) and sentenced me 15 years.**

**(A. C) said, some strangers broke into our house, killed my father and ran away. When I followed them with the gun, my uncles accused me with the crime. I was tortured and some signs still in my body even after two years passed, so I was obliged to confess in spite of I'm innocent. When I said this to the judge in Baghdad she said: Why you confessed?**

**(M. A) from Shamyra born in 1993 said: It was an accident when my father asked me to bring him the weapon. I'm lonely child. I think he also took the crime in stead of another one as he didn't know even how to answer me. He said: I was tortured for 10 days in police center and made me confess so I was sentenced 7 years.**

**(S. M) born in 1994 from Wasit sentenced for 5 years for killing his uncle in self defense because he broke the house and attacked his father. It seems he took the crime for his father.**

**(H. M) born in 1993 sentenced for 4 years for a crime he was witness in it saying: The killer threatened my family and because of the torture I even involved my mother and disabled grandfather in the case and all my family because my body couldn't bear the torture.**

**Whenever we see a 13 years old juvenile, 30 kilo weight and a meter height sentenced with 5 or 7 years for crimes they didn't do or plan but pushed to confess or took the responsibility in stead of a family or tribe member or maybe bought the crime for some money in return without taking into consideration the future or society look as a criminal.**

**This also happens for females. In my visit to female juveniles prison in 2006 I met a 14 years old girl sentenced with 3 years because as she said she killed her brother in law who was 25 years old. This can not be believed for her small age and body. How did the judge took her confession? Even with the difficulty of proving facts, the judges should investigate more in cases consuming juvenile years during the most important stage in the life. If the family and tribe are cruel, the judge should be more humanitarian because he is the one who protect the kid from the family and society and even hard laws.**

### **Crimes because of security absence**

**When you listen to their stories, you will damn violence and weapons merchants, past and present policies. Wars policy and weapons culture created a generation of criminals sold their childhood for food or culture. Present policy makers didn't clean violence effects of the past, didn't establish replacements or use the strength and energy of juveniles in development programs.**

**(T. A) born in 1989 told me he is sentenced 42 years and talking without concerns for his depression. I asked him about his crime and said laughing: I killed four!!**

**(M.K) born in 1989 sentenced with 30 years, killed two of his neighbors because they killed his brother.**

**(M. A) born in 1989 sentenced with 24 years for robbery and murder in Kut governorate.**

**(H.M) born in 1989 says: my cousin killed my brother and stole his car so my father killed my cousin and I was sentenced 20 years and my father 12 years.**

**(A.SH) born in 1989 says: I took revenge for my cousin and was sentenced 7 years.**

**(A. R) born in 1993 was sentenced 15 years. His story is like movie story. He was very skinny and talks slowly in order not be heard saying: I saw my step mother choking my mother when I was in fourth grade and I was scared to tell anyone. When I grow up I took revenge so I shot my step mother. No one comes to visit him as he has no brothers and his father died after he entered prison. His relatives do not bother to visit him.**

**What violence spread in eighties generation which farewell the war and entered gulf war as well as hunger and grief.**

### **Researchers do not research**

**It is important to have the research team on the juvenile's side which is the weak side to provide him with support and the feeling that the researcher is one of the kid's family. This we can see in most of the cases however others do not.**

**When I asked the prison director to allow me to meet some kids with murder cases, he asked the social researcher to bring them. They were brought sitting on a coach. She started pointing on each of them smiling: this killed his father, that killed his uncle and that killed his friend.**

**I was told, if the lying percentage is 100%, juvenile lying percentage is 110%. Another person said: Do not believe everything they say, this is our advise for you which was the same advise given to my colleague two years ago. Wondering how we can know the truth then? Or what is happening in the prison, as long as accompanied with the observer and researcher. It is not allowed for us to take photos and we should not believe them when they say that the dinner meal was spoiled and can not be eaten. We should not believe them when they say we sleep together when there is shortage in beds. We should not believe them when they say we take showers in cold water and prevented from papers and pens which are the minimum rights and should be distributed for free as their right in education. We should not believe them when they say they receive two cups of Tide (cleaning material) per month and didn't receive even this share until now. We should not believe them when the infected kids are mixed with the others in the halls. Dear researchers, do you think it is correct not hear them?**

**Researcher Muneer Abdullah said: I deal with them as brothers and replied on my question of what are the most effecting cases, he said: the crimes which are tribes revenge. Another researcher said: It is useless. They will not be rehabilitated because they are mixing with professional criminals. One of the kids was convicted for stealing a mobile phone said the following when he was released: I will not make them catch me again for a mobile phone because it is worthless crime.**

**Researchers are right when they think it is useless because most rehabilitation programs are suspended such as education and real care. Age classification is not implemented because of the crowd neither classification according to crime. The little mistaken kids are mixed with the trained adult worked with robbery and terrorist groups.**

**Mr. Wali Jalil, prison director who became in charged more than a month ago is trying to correct the path by activating rehabilitation programs. He defended the researchers' position saying: In order to make the researcher work accurately he needs to be provided with some requirements and suitable conditions to work. Each researcher should have an office where he can talk to the kid, we have only one room for all the researchers. The large number of kids and few numbers of researchers is also a problem. There are social and psychological courses and preachers volunteer to come once a month.**

### **A problem requires solution**

**Most of the juveniles in juveniles prison were prevented from education because of their life circumstances or abuse or to provide to their families in spite of they are children or for different conditions.**

**Having them in prison could be a golden opportunity overcoming fobbing off between Ministry of Labor and Ministry of Education. Ministry of Education agreed to send teachers to the prison, but to be paid by Ministry of Labor with hazardous allowances. When Ministry of Labor refused this, the only illiteracy class was closed in stead of opening a primary and high school according to article 6 of Juvenile Welfare Law. It seems Ministry of Labor wants the kids to remain illiterate in stead of changing them a bit through reading as educating them shall effect Ministry funds, however the Ministry didn't spend all its allocations for 2007 and transferred 2,250000 ID to another Ministry.**

### **Juveniles completed their sentence and still waiting**

**When I was moving around, some of the kids told me that their sentence is finished since months or a year, but they are still not released, because following up their transactions is split among different agencies. They don't know where the papers are because the people in charged do not care, and no one follows up.**

**(H.H) said: my case is robbery and my sentence is over since 10 month and still waiting. Like many other kids, their papers are still in the Legal Office.**

**(M.G) born in 1992 in Diwanya told me that his sentence is a year and a half and he has been in prison since 3 years and 6 months. He was accused of stealing cables when he was 12 years old. He said: my family is poor and I don't see them but once a year (they don't have the cost of transportation)**

**We appeal Minister of Labor, Child welfare Board and Human Rights to save this kid after he paid the price. Hi family was not able to pay the value of the stolen cables which was 250000ID. Let's value our kids more than the cables.**

**Legal Affairs director said that the papers are delayed in the governorates because police do not come to take the papers in spite of we write many letter even to human rights representatives. After this suffering, the papers or transactions are transferred to Baghdad**

and we started to work on them. The issue of covering juveniles with conditioned release will be submitted to the General Directorate and wait the reply.

### **Juvenile's case turned into puzzle**

(A.H) said his case is stealing State Assets. He stole a car in 2003 from one of the dissolved Baath party office. He was sentenced to pay a fine. His family doesn't know where to pay the fine since a year and half. The Legal Director said I contacted many entities including Ministry of Finance to receive the fine, but refused. Until now the kid is detained and his family is looking for a solution!! Let the Baathis be happy as their assets are protect.

### **Arab Juveniles waiting for release**

I was surprised to see number of Arab juveniles, most of them sentenced with 15 years according to Article 10 of passports law. Their families do not know about most of them. One of them thinks his sentence is over but he is not released because Arab juveniles are not covered with conditioned release which is connected with follow up for 3 months, which is not applied at all. So how come a non applied condition stops conditioned release violating those kids rights.

### **Director's Problems**

We came back to the director's office and answered some questions. The first question was about rehabilitation work – shops saying: In spite of the work – shops do not absorb the kids, we have 4 courses a week; ceramic and sewing. Each work – shop includes 9- 12 kids.

What are the main problems facing your work in such place not going along with its area and hindering rehabilitation programs?

In fact, I come eagerly to work but I face conflicts in routine which is delaying many things I want to achieve. If we want to buy pens we should write a letter to the director general. The prison should have special budget and accountings audited by the General Directorate. Administrative Director also supported this suggestion and added that separate budget is the best solution. Some issues remain until we get the approval such as buying candles or tubes. I'm still working in 2007 records until we have new records then to transfer the data into the new records. It is necessary to have independent budget.

The last question is about Ministry capabilities: What do you provide the juvenile when he enters the rehabilitation school? We provide him with 2 suits (summer and winter) and underwear each 3 months in addition to toothbrushes and toothpaste each 6 months, two soaps and 100 gram of Tide and one slipper a year.

At the end we thank Ministry of Labor to do two essential steps were among our most important goals. Since 20 January which is the first date for family visits, it is allowed to meet the kids face to face in one place. The old way was very miserable as the kids and their families were not allowed to be together. The families were standing behind the wall

before the yellow line on the ground 4 meters away. One of the kids told me that he touched his brother's hand and kissed him. He didn't do this since a year.

The other thing was transferring young girls from Kadhumya prison. Transferred from Ministry of Justice responsibility to Ministry of Labor in late January this year too. In spite of it is late, but better than not happening.

We'd like to mention that we prepared proposals submitted to the Minister and Director General of Juvenile Rehabilitation Office.

**First:** Changing the current prison building. It is not ready for long residency and not designed as rehabilitation school for juveniles because it was a police center building. Most of the health and psychological problems, hindering researchers work is resulted from the small place and the crowded.

**Second:** It is important for the Ministry to open a course for observers (for juveniles cases) in the governorates in order to expedite papers completion, reduce effort, delay and carelessness resulted from large distance between case place and juvenile detain place as well as reduce the burdens over the family in searching and moving among governorates in addition to transferring kids from Mosul who are still in Baghdad.

Expedite opening primary and intermediate schools and one high school at least for those who wants to continue study as a right committed by the Ministry at the same time develop rehabilitation program to absorb their energy and educate them making use of years in prison.

**Fourth:** Activate and support Case Study Committee by the Ministry morally and financially to achieve its goals as soon and best as possible.

**Fifth:** Activate the work of employees following up juvenile cases to be monitored legally in case they neglected their duty.

**Sixth:** Develop a library allowing all juveniles to enter it even illiterate in order to create desire for education. It is important to contact Ministry of Culture to provide child posters through Childhood Welfare Board and contact Al- Sabah newspaper to provide the weekly Shams Al- Sabah newspaper.

**Seven:** Install one or two phones so that the juveniles contact their families or a mobile phone if necessary.

**Eight:** Increase food meals quantity and quality especially for the sick kids.

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