



## **Trinidad and Tobago's Compliance with The International Covenant on Civil and Political Rights: The Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

**The Greater Caribbean for Life**

and

**The World Coalition Against the Death Penalty**

**for the 139th Session of the Human Rights Committee  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The Greater Caribbean for Life** (GCL) is an independent, not-for-profit civil society organisation, incorporated under the laws of the Commonwealth of Puerto Rico on January 31, 2014. GCL is the only regional entity in the Greater Caribbean that is devoted to working on the abolition of the Death Penalty. GCL was established in October 2013 following a Conference in Trinidad and Tobago, which was attended by abolitionists from 12 Greater Caribbean countries as well as abolitionists further afield. GCL's main objective is to campaign for and work towards the permanent abolition of the death penalty in the Greater Caribbean and to support Caribbean abolitionist activists and organisations in this region. GCL has been active in raising awareness of the issues surrounding the death penalty since its establishment. GCL is committed to promoting peace, respect for life, and good neighbourliness as appropriate methods of reducing crime in the Greater Caribbean region.

**The World Coalition Against the Death Penalty** is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report addresses Trinidad and Tobago’s compliance with its human rights obligations with regard to the death penalty. In 2022, courts issued a minimum of five death sentences, with 43 people known to be on death row.
2. Trinidad and Tobago is the only country in the Americas to maintain a mandatory death penalty for murder. Although the Inter-American Court of Human Rights has held that such mandatory death penalty would constitute arbitrary deprivation of life, violating Articles 4(1) and 4(2) of the American Convention on Human Rights, Trinidad and Tobago has not complied with the Court’s order that the country should abstain from applying its “Offences Against the Person Act” and should amend the Act to comply with internal norms of human rights protection.
3. In 2022, the Judicial Committee of the Privy Council – which is the highest appellate court of Trinidad and Tobago – upheld the constitutionality of the mandatory death penalty, weakening reform efforts. The Judicial Committee upheld the mandatory death penalty because of the savings law clause in the Constitution, which prohibits constitutional review of “saved” laws like the mandatory death penalty.

### **Trinidad and Tobago fails to uphold its obligations under the International Covenant on Civil and Political Rights**

#### **I. The Death Penalty (List of issues prior to submission of the fifth periodic report (the “List of Issues”), para. 14)**

4. In its 2018 List of Issues, the Human Rights Committee (“the Committee”) requested information about which crimes were death-penalty eligible and how the State determined which crimes qualified as the “most serious crimes” under international human rights. Further, the Committee requested information on when the use of the death penalty is mandatory and for which groups of people the death penalty is not a possible sentence, namely individuals with psychosocial disabilities.<sup>1</sup>
5. Further, the Committee inquired into the ways in which executions were carried out and what “procedural safeguards” existed to protect defendants, such as whether they had access to legal counsel.<sup>2</sup> The Committee also asked for information on the number of people courts had sentenced to death during the reporting period. Finally, the Committee requested “information on the steps taken towards an official moratorium on executions.”<sup>3</sup>
6. In response, the Government of Trinidad and Tobago noted that the death penalty remained only for the “most heinous crimes,” although that category of crimes does not correspond with international human rights law’s “most serious crimes,” in that some of the crimes for which the Government of Trinidad and Tobago retains the death penalty include crimes that do not require an intentional killing. Although the Government clarified that there is a mandatory

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<sup>1</sup> Human Rights Committee, *List of issues prior to the submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 8, 2021), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 14.

<sup>2</sup> Human Rights Committee, *List of issues prior to the submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 8, 2021), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 14.

<sup>3</sup> Human Rights Committee, *List of issues prior to the submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 8, 2021), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 14.

death penalty for murder, it also noted that an individual can be convicted of murder both for an intentional killing and an unlawful killing in which the perpetrator did not have intent to kill, only intent to cause “grievous bodily harm.”<sup>4</sup>

7. Further, the Government explained that a person could be convicted of murder under joint enterprise, in which an individual who did not have intent to kill, nor actually caused the death of another, could still be convicted of murder and would be under a mandatory sentence of death.<sup>5</sup>
8. The Government of Trinidad and Tobago also listed several other crimes that, were an individual to be convicted of, would be punished as if they had committed murder. These include killing an individual during the course of committing a violent offense<sup>6</sup> and genocide.<sup>7</sup> Treason and “the seizing by force or destruction of a ‘fixed platform on the continental shelf, or in the exclusive economic zone’ of Trinidad, when death results from this offense” also carry a discretionary death sentence.<sup>8</sup>
9. Even in cases that would otherwise carry a mandatory death sentence, the Government noted courts may not sentence individuals who were under the age of 18 at the time in which a crime was committed or women who are pregnant at the time of conviction to death. In the case of pregnant women, a jury must find the woman to be pregnant in order for her punishment to be commuted to life imprisonment.<sup>9</sup>
10. The Government also noted that the Offences Against the Person Act prohibits individuals who are “found to be ‘insane’” from standing trial, and presumably courts cannot issue a sentence of death.<sup>10</sup> The Government does not provide any information in its response to the List of Issues in how that determination of “insanity” is made, whether it is appealable, and what constitutes “insanity.”
11. The Government further responded to the List of Issues by listing the procedural safeguards that anyone on trial for a crime that may carry a death sentence may exercise. Although the Government notes that an individual has the right to “retain and instruct” legal counsel

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<sup>4</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 142.

<sup>5</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 142.

<sup>6</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 143.

<sup>7</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 145.

<sup>8</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶¶ 144, 146.

<sup>9</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶¶ 147–148.

<sup>10</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 149.

“without delay,” the Government provides no information on whether it provides legal counsel for all defendants that are unable to secure private legal counsel.<sup>11</sup>

12. The Government did not provide any information on steps taken to enact a moratorium on executions. To date, the Government has neither signed nor acceded to the Second Optional Protocol to the ICCPR with an aim to abolish the death penalty.
13. In 2022, the Judicial Committee of the Privy Council – the final appellate court of Trinidad and Tobago – upheld the constitutionality of the mandatory death penalty in *Chandler v. The State No.2* (2022).<sup>12</sup> A court found Jay Chandler guilty of murder and sentenced him to death by hanging, but Chandler appealed his sentence to the Privy Council arguing that the mandatory death sentence for murder in Trinidad and Tobago is unconstitutional.<sup>13</sup> The Privy Council found that the mandatory death sentence was consistent with the Constitution of the Republic of Trinidad and Tobago and unanimously dismissed the appeal.<sup>14</sup> Despite the Privy Council upholding the constitutionality of Chandler’s death sentence, the Government has commuted his sentence to life imprisonment. The commutation was due to delays in carrying out Chandler’s execution, violating the rule that a delay of five years or more between sentence and execution was degrading and inhuman punishment, a violation of Chandler’s constitutional rights.<sup>15</sup>
14. The last executions in Trinidad and Tobago took place in June and July 1999, when the Government hanged ten men, all convicted of murder.<sup>16</sup> While the Government has not carried out executions since 1999, courts continue to impose new death sentences.<sup>17</sup> Amnesty International reported that Trinidad and Tobago imposed approximately five death sentences in 2022 to men convicted of murder.<sup>18</sup>
15. Greater Caribbean for Life has received credible reports that indigent individuals charged with capital crimes do not always have access to free and effective legal counsel.

## **II. Conditions of Detention (List of Issues, para. 17)**

16. In the List of Issues, the Human Rights Committee asked Trinidad and Tobago to explain which measures it has “taken to address prison conditions, including overcrowding, inmate illnesses and injuries and to implement the Standard Minimum Rules for the Treatment of

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<sup>11</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 150.

<sup>12</sup> *Chandler v. The State No. 2 (Trinidad and Tobago)*, [2022] UKPC 19, ¶ 4 (May 16), <https://www.jcpc.uk/cases/jcpc-2020-0051.html>.

<sup>13</sup> *Chandler v. The State No. 2 (Trinidad and Tobago)*, [2022] UKPC 19, ¶ 4 (May 16), <https://www.jcpc.uk/cases/jcpc-2020-0051.html>.

<sup>14</sup> *Chandler v. The State No. 2 (Trinidad and Tobago)*, [2022] UKPC 19, ¶ 37 (May 16), <https://www.jcpc.uk/cases/jcpc-2020-0051.html>.

<sup>15</sup> *Chandler v. The State No. 2 (Trinidad and Tobago)*, [2022] UKPC 19, ¶ 2 (May 16), <https://www.jcpc.uk/cases/jcpc-2020-0051.html>.

<sup>16</sup> Amnesty International, *First Execution In 10 Years Threatened*, AMR 49/001/2009, July 23, 2009.

<sup>17</sup> Amnesty International Global Report, *Death Sentences and Executions 2022*, ACT 50/6548/2023, May 16, 2023.

<sup>18</sup> Amnesty International Global Report, *Death Sentences and Executions 2022*, ACT 50/6548/2023, May 16, 2023.

Prisoners (Nelson Mandela Rules), especially in relation to sanitary conditions in prisons, and rehabilitation and reintegration of prisoners in society.”<sup>19</sup>

17. In response, the Government of Trinidad and Tobago stated that all prisoners have access to healthcare and medicine. It also noted that it had designed all prisons to provide adequate lighting and ventilation, but that newer prison facilities have improved lighting and ventilation. Trinidad and Tobago further responded that prison officials regularly sanitize all prisons and that everyone deprived of their liberty has access to potable water and adequate food.<sup>20</sup>
18. With respect to rehabilitation and reintegration, the Government noted that under the Restorative Justice Policy, the Prison Service must “link” individuals deprived of their liberty “with skills, resources and opportunities that will enable them to successfully return to society.”<sup>21</sup> This may involve education, sports, arts, and other life-skill development. The Government also provides classes within prisons, but individuals who are under sentence of death are not eligible to participate. These courses include adult literacy and vocational education.<sup>22</sup>
19. The Government provided no indication as to whether it planned to implement the Nelson Mandela Rules, nor whether its prisons already complied with the rules.
20. There are reports that there is overcrowding in some of the State’s nine prisons. In part due to overcrowding, all the prisons had allegedly inadequate lighting, insufficient ventilation, and poor sanitation.<sup>23</sup> These conditions also exist for those people housed on death row.
21. Under the Prisons Act, the Minister of National Security has full discretion over the appointment process for the Inspector of Prisons. The Minister has not made transparent the appointment process or the criteria by which he selects the Inspector of Prisons.<sup>24</sup>
22. In 2019, Independent Senator Paul Richards – who co-chaired a Joint Select Committee inquiring into the challenges for people formerly deprived of their liberty to reenter society and reintegration services – stated that prison conditions are not conducive to rehabilitation.<sup>25</sup> Richards specifically described prison conditions as ““an eight by six cell with little ventilation that is clogged, eight of us on a good day, with a pail for defecation and a mattress if you’re lucky.””<sup>26</sup> Richards had toured several prison facilities and reportedly was ill for hours

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<sup>19</sup> Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 8, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 17.

<sup>20</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019* (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 174.

<sup>21</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019* (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 30.

<sup>22</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019* (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 31.

<sup>23</sup> U.S. Department of State, *Trinidad and Tobago 2021 Human Rights Report*, (Bureau of Democracy, Human Rights and Labor, 2021), 3–4.

<sup>24</sup> Prisons Act, Chapter 13:01, ¶ 19 (2014).

<sup>25</sup> *Prison Conditions Made Me Sick, Senator Says*, Loop News, Sept. 19, 2019, <https://tt.loopnews.com/content/prison-conditions-made-me-sick-senator-says>.

<sup>26</sup> *Prison Conditions Made Me Sick, Senator Says*, Loop News, Sept. 19, 2019, <https://tt.loopnews.com/content/prison-conditions-made-me-sick-senator-says>.

afterwards and later told the media that people in prison spend most of the day in a cell under similar conditions.<sup>27</sup>

23. In December 2021, Criston Williams, an attorney for someone charged with murder, wrote the Caribbean Centre for Human Rights (the “CCHR”) requesting an independent body investigate claims from individuals deprived of their liberty that conditions at the maximum security prison in Arouca are inhumane.<sup>28</sup> Williams’s client told him that meals were not delivered on time, individuals were not allowed to bathe on time or at all, they were denied time outside their cells, and officers abused and threatened some of the people in the prison.<sup>29</sup> The CCHR also called for an independent body to investigate these claims, noting that independent bodies have not been allowed to conduct monitoring visits to assess prison conditions even prior to the COVID-19 pandemic, and that it is impossible to independently verify prison authorities’ claims with respect to the treatment of their charges.<sup>30</sup>
24. In 2023, then-Master Martha Alexander ordered the State to compensate nine men who had been acquitted of the murder of a prominent businesswoman more than two million dollars. The damages were from a successful claim of malicious prosecution and inhumane prison conditions. Alexander detailed the conditions in the prison: “These prison experiences suffered by the present claimants were deplorable, mentally grating, sub-human conditions. Such shocking conditions applied across the prison system while they were incarcerated at the various prison institutions and police stations.”<sup>31</sup> The men slept on newspapers on the floors, used pail buckets to relieve themselves which were only emptied once a day, were confined to overcrowded cells, ate non-nutritious meals, and received poor medical treatment. Doctors diagnosed one prisoner with kidney disease and only prescribed an over-the-counter pain killer. Prison staff also frequently beat, degraded, and humiliated the people under their care.<sup>32</sup>
25. Greater Caribbean for Life has received credible reports that detention conditions in women’s prisons are similarly unhygienic and that the women housed in these prisons lack access to toilets and sanitation and hygiene products.

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<sup>27</sup> *Prison Conditions Made Me Sick, Senator Says*, Loop News, Sept. 19, 2019, <https://tt.loopnews.com/content/prison-conditions-made-me-sick-senator-says>.

<sup>28</sup> *Human Rights Group Wants Access to Prisons*, Trinidad and Tobago Newsday, Dec. 6, 2021, <https://newsday.co.tt/2021/12/06/human-rights-group-wants-access-to-prisons/>.

<sup>29</sup> *Human Rights Group Wants Access to Prisons*, Trinidad and Tobago Newsday, Dec. 6, 2021, <https://newsday.co.tt/2021/12/06/human-rights-group-wants-access-to-prisons/>.

<sup>30</sup> *Human Rights Group Wants Access to Prisons*, Trinidad and Tobago Newsday, Dec. 6, 2021, <https://newsday.co.tt/2021/12/06/human-rights-group-wants-access-to-prisons/>.

<sup>31</sup> *Trinidad-Court-State Ordered to Pay Millions in Compensation to Men Acquitted of Murdering Businesswoman*, Caribbean Times, Jan. 31, 2023, <https://caribbeantimes.com/trinidad-court-state-ordered-to-pay-millions-in-compensation-to-men-acquitted-of-murdering-businesswoman/>; *Shervon Peters and Others v. The Attorney General of Trinidad and Tobago*, CV2020-01243 (2023), <https://bloximages.newyork1.vip.townnews.com/trinidadexpress.com/content/tncms/assets/v3/editorial/1/87/187ba902-a0cc-11ed-b8bb-bfe0962aed03/63d80cf31a77f.pdf.pdf>.

<sup>32</sup> *Shervon Peters and Others v. The Attorney General of Trinidad and Tobago*, CV2020-01243 (2023), <https://bloximages.newyork1.vip.townnews.com/trinidadexpress.com/content/tncms/assets/v3/editorial/1/87/187ba902-a0cc-11ed-b8bb-bfe0962aed03/63d80cf31a77f.pdf.pdf>; *Trinidad-Court-State Ordered to Pay Millions in Compensation to Men Acquitted of Murdering Businesswoman*, Caribbean Times, Jan. 31, 2023, <https://caribbeantimes.com/trinidad-court-state-ordered-to-pay-millions-in-compensation-to-men-acquitted-of-murdering-businesswoman/>

### III. Independence and Impartiality of the Judiciary (List of Issues, para. 20)

26. In the List of Issues, the Committee asked Trinidad and Tobago to “provide information on specific measures taken to guarantee the independence and impartiality of the judiciary” and to “respond to allegations that the judicial branch is subject to political pressure.”<sup>33</sup>
27. In response, the Government of Trinidad and Tobago noted that “[t]he Constitution insulated the judiciary from influence and interference by the executive,” in part, because presidential appointments to the judiciary are done so with the advice of the Judicial and Legal Service Commission, which is an independent body.<sup>34</sup> The State provided no other information regarding the independence or impartiality of the judiciary, nor did it address reports that the judiciary was subject to political pressure.
28. In April 2023, High Court Judge Frank Seepersad was questioned by the acting Prisons Commissioner, Deopersad Ramoutar, with respect to his decision to visit the death row cells at the Port-of-Spain State Prison.<sup>35</sup> Seepersad planned to visit the prison to analyze the conditions on death row in Trinidad and Tobago in connection with an unresolved constitutional suit brought by Ronald Bisnath, an individual on death row. Ramoutar wrote a letter to the Supreme Court Registrar stating that he had consulted with the National Security Minister, who had questioned whether Seepersad’s visit was necessary.<sup>36</sup> Seepersad alleged that this was an attempt at judicial interference by a member of the executive branch and also noted that the last official prison visit by a High Court Judge was in 2007.<sup>37</sup> Seepersad subsequently went forward with his visit to the Port-of-Spain State Prison but his observations are not publicly available at this time.

### IV. Suggested Recommendations for the Government of Trinidad and Tobago

29. The coauthors suggest the following recommendations for the Government of Trinidad and Tobago:
- Adopt a formal moratorium on executions, with a view to the abolition of the death penalty.
  - Commute all existing death sentences to penalties that are fair, proportionate, and in compliance with international human rights standards.

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<sup>33</sup> Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 8, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 20.

<sup>34</sup> Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019* (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 215.

<sup>35</sup> Derek Achong, *Judge Blasts Hinds, Prison Boss for Questioning Court’s Visit to Death Row*, Trinidad & Tobago Guardian, Apr. 20, 2023, <https://www.guardian.co.tt/news/judge-blasts-hinds-prison-boss-for-questioning-courts-visit-to-death-row-6.2.1687434.6d23385f20>.

<sup>36</sup> Derek Achong, *Judge Blasts Hinds, Prison Boss for Questioning Court’s Visit to Death Row*, Trinidad & Tobago Guardian, Apr. 20, 2023, <https://www.guardian.co.tt/news/judge-blasts-hinds-prison-boss-for-questioning-courts-visit-to-death-row-6.2.1687434.6d23385f20>.

<sup>37</sup> Derek Achong, *Judge Blasts Hinds, Prison Boss for Questioning Court’s Visit to Death Row*, Trinidad & Tobago Guardian, Apr. 20, 2023, <https://www.guardian.co.tt/news/judge-blasts-hinds-prison-boss-for-questioning-courts-visit-to-death-row-6.2.1687434.6d23385f20>.



- Ratify the Second Optional Protocol to the ICCPR.
- Enact legislation that repeals the mandatory death sentence.
- Ensure that individuals charged with capital crimes are provided with free, effective, and adequately funded legal representation.
- Establish an independent monitoring mechanism to visit all places where persons may be deprived of their liberty, including military, immigration and national security facilities, and extend an open invitation to international observers such as the Caribbean Centre for Human Rights to visit and inspect detention facilities.
- Ensure that detention conditions comply with the Nelson Mandela Rules, including Rule 15 on personal hygiene.
- Allow civil society organizations the opportunity to conduct unannounced, independent visits to all detention facilities to monitor conditions of detention, including whether facilities comply with the Nelson Mandela Rules regarding hygiene and sanitation.
- Implement safeguards to ensure the safety, privacy, and health of women who are in detention, including access to adequate toilets and sanitation and feminine hygiene products.
- Design prison infrastructure to accommodate women's specific needs, including their need for privacy.
- Require that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated.
- Ensure that an Inspector of Prisons is consistently and properly appointed pursuant to the Prisons Act and ensure that such Inspector diligently and independently performs their duty to visit each prison and investigate complaints.
- Ensure that appropriate mechanisms are in place such that the judiciary may operate independently, without the threat of interference from other branches of government or from prison officials.