

LEGAL NOTICE No. 148

REPUBLIC OF TRINIDAD AND TOBAGO

THE EMERGENCY POWERS REGULATIONS, 1990

DIRECTIONS

GIVEN BY THE MINISTER OF JUSTICE AND NATIONAL SECURITY UNDER
PARAGRAPH 3 OF THE SECOND SCHEDULE TO THE EMERGENCY POWERS
REGULATIONS, 1990

THE DETENTION OF PERSONS (DISCIPLINE AND PLACE OF
DETENTION) DIRECTIONS, 1990

WHEREAS it is enacted by paragraph 3(1) of the Second Schedule to the
Emergency Powers Regulations, 1990, that any person in respect of whom
a detention order is in force may *inter alia* be detained in such place and
under such conditions as the Minister may from time to time direct and by
paragraph 3(4) of the said Schedule it is provided that the Minister may
give directions *inter alia* for regulating the discipline and punishment of
breaches of discipline of the detainees:

Now, therefore, in the exercise of the powers thereby conferred
on me and of all other powers thereunto me enabling, I do hereby
direct as follows:

1. These Directions may be cited as the Detention of
Persons (Discipline and Place of Detention) Directions, 1990.

2. In these Directions—

“the Regulations” means the Emergency Powers
Regulations, 1990;

“Commissioner” means the Commissioner of Prisons;

“detainee” means any person who is detained under
paragraph 2 of the Second Schedule to the
Regulations;

“detention camp” means any place where a detainee
is detained;

“Inspector” means the Inspector of Prisons;

“officer” means a police officer as defined in the
Regulations, a prison officer within the mean-
ing of the Prison Service Act, a member of
the Trinidad and Tobago Defence Force and
includes a civil servant within the meaning
of the Civil Service Act, and any other person
assisting in the administration of a detention
camp;

Chap. 13:02

Chap. 23:01

“report” means a report for a breach of discipline under these Directions.

3. Subject to paragraphs 7 and 8—

(a) a detainee shall be entitled, subject to such conditions as the Commissioner may determine—

(i) to be provided with books and other reading matter and writing equipment;

(ii) to receive and send letters;

(b) a detainee may be allowed a daily ration of cigarettes.

4. The Commissioner may, if satisfied that any detainee is exercising such influence over another detainee or detainees as is likely to be prejudicial to the security or order of a detention camp or to public safety or public order, remove the detainee exercising such influence to another detention camp without prejudice to any punishment to which the detainee may be liable for a breach of discipline.

5. (1) Every breach of discipline shall be reported forthwith and shall be heard and determined in accordance with these Directions as soon as is reasonably practicable.

(2) Without prejudice to any other Directions as to the segregation of detainees for the purpose of internal management of any detention camp where a detainee has been reported for an offence, the Commissioner may order him to be kept apart from other detainees pending adjudication.

(3) A detainee shall, before a report is dealt with, be informed of the breach of discipline for which he has been reported, and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.

6. A detainee is guilty of a breach of discipline and liable to such punishment as is specified in paragraphs 7 and 8 if he—

(a) disobeys any order of any officer;

(b) treats with disrespect any officer or any person authorised to visit the detention camp;

(c) swears, curses, or uses any abusive, insolent, threatening or other improper language, act or gesture;

(d) is indecent in language, act or gesture;

(e) commits any assault;

(f) communicates with another detainee without authority;

- (g) leaves his cell or other appointed place without permission;
- (h) wilfully disfigures or damages any part of the detention camp or any property which is not his own;
- (i) commits any nuisance;
- (j) has in his possession any unauthorised or prohibited article, or obtains any such article;
- (k) gives to, or receives from any person any unauthorised or prohibited article;
- (l) escapes or attempts to escape from any detention camp;
- (m) mutinies or incites other prisoners to mutiny;
- (n) commits personal violence against any officer or servant of the detention camp;
- (o) in any way offends against good order and discipline;
- (p) attempts to do any of the foregoing things;
- (q) endeavors whether orally or otherwise to influence any detainee or detainees to commit any act against the security of the detention camp or prejudicial to public safety or public order;
- (r) incites hatred or ill-feeling for any officer connected with administering the detention camp.

7. Subject to paragraph 8, a prison officer not below the rank of Assistant Superintendent, a Commandant or Deputy Commandant of a detention camp, shall hear and determine all complaints for breaches of discipline, and may make either or both of the following awards—

- (a) forfeiture or postponement of any rights or privileges for a period not exceeding fourteen days;
- (b) cellular confinement for a period not exceeding fourteen days.

8. The Commissioner may hear and determine any complaint for a breach of discipline he thinks fit and may make either or both of the following awards—

- (a) forfeiture or postponement of any rights or privileges for a period not exceeding thirty days;
- (b) cellular confinement for such a period as may be necessary for the maintenance of good order and discipline.

9. A detainee awarded punishment under paragraph 7 may appeal against such award to the Commissioner.

10. A detainee awarded punishment under paragraph 8, may with the leave of the Commissioner appeal against such award to the Inspector; save that no such appeal shall be entertained unless notice thereof is given within two hours after the award.

11. The Inspector and the Commissioner, in disposing of any appeal may confirm, set aside, modify, reduce or increase the punishment; save that any such modified or increased punishment shall be a punishment which could have been awarded by the officer from whose decision the appeal has been lodged.

12. Where a detainee is reported for any of the following acts:

(a) escaping or attempting to escape from detention or from legal custody;

(b) gross personal violence to a fellow detainee;

(c) any serious or repeated offence against detention; discipline for which such award as the Commissioner is authorised to make is deemed insufficient by the Commissioner,

the Commissioner may forthwith report the breach of discipline to the Inspector who shall, as soon as possible, hear and determine the report (if he thinks it desirable by taking evidence on oath) and make either or both of the following awards—

(i) forfeiture or postponement of any rights or privileges;

(ii) cellular confinement for such a period as may be necessary for the maintenance of good order and discipline.

13. Where a detainee is reported for any of the following offences:

(a) mutiny or incitement to mutiny;

(b) personal violence to any officer or servant of the detention camp or prisons;

(c) any such offence as is described in paragraph 6 being an offence of an aggravated nature,

the Commissioner shall forthwith report the breach of discipline to the Inspector, who may in addition to hearing and determining the matter as a breach of prison discipline cause legal proceedings to be commenced for an offence triable upon summary conviction or on indictment.

14. Every detainee undergoing cellular confinement shall be visited at least once a day by a prison officer not below the rank of Assistant Superintendent or by the Commandant or Deputy Commandant of the detention camp, and by the Chaplain and Medical Officer whenever these officers visit the institution. He shall also be visited by an officer on duty at intervals of not more than three hours during the day.

15. Every punishment awarded shall be entered in a Special Punishment Book kept for that purpose and shall be initialled by the Inspector or officer who awarded it.

16. The provisions contained in these Directions relating to the hearing and determination of breaches of discipline shall not act as a bar to any legal proceedings being commenced for any offence triable upon summary conviction or on indictment, occasioned by any such breach.

Made this 6th day of August, 1990.

HERBERT ATWELL
*Minister of Justice and
National Security*