



Harding v. The Superintendent of Prisons and the Attorney General

Civil Appeal No. 13 of 2000

Country: Saint Lucia

Region: Americas

Year: 2001

Court: Court of Appeal

Health Topics: Poverty, Prisons

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment

Facts

The Appellant, a 51 year-old man who had spent much of his life in prison for violent crimes was arrested and convicted in St. Lucia. He was deemed dangerous and placed in a maximum-security section of the prison in cellular confinement with death row inmates. He was placed in mechanical restraints with chains tied to his ankles secured by two padlocks for a long period approximately ranging 10 months. He slept on a cold floor of his cell for the first two months, after which he was seen by a doctor and given a wooden bed to sleep on due to his asthmatic condition. Most inmates in the prison slept on the floor.

Expert evidence of doctors found that he was not injured as a result of the prison conditions. Further the Appellant did not allege any pain and suffering from the extended restraint. Appellant claimed that his cell was flooded with 2 inches of water, but the Trial Court found against this claim.

Appellant filed a constitutional motion for violations of his rights to freedom from torture, inhuman or degrading punishment or other treatment under Section 5 of the St. Lucia Constitution Order 1978. The trial court found that his conditions and the extended period of restraint were in violation of the Prison Rules of St. Lucia and therefore constituted cruel and inhuman treatment. Appellant was awarded \$25,000 in compensatory damages and thereafter the Appellant appealed for compensatory, aggravated, and exemplary damages of \$500,000 and costs.

Decision and Reasoning

The Court held that the extended shackling and the conditions of Appellant's confinement did not constitute torture, or inhuman or degrading punishment or other treatment under Section 5 of the St. Lucia Constitution. The Court found that the Prison Rules were broken, but the conditions and shackling were appropriate given the context of Appellant's crimes and the poverty of the country.

The Court held that a violation of the Prison Rules does not necessarily amount to torture. The Court found that as shackling prisoners was legal with judicial approval; the prison's lack of getting approval did not amount to torture.

The Court held that all of the conditions complained about were due to necessity and not intended to cause suffering. The Court stated that if other conditions were present in addition to the shackling and cellular confinement, such as if the cell had been cramped or otherwise inhumane for a third-world country, or if Appellant had been flogged, then the case might have been different.

Decision Excerpts

“I am of the view that the Superintendent of Prisons felt that he had a dangerous criminal on hand and he did not know how and where to confine him in his already over-populated and antiquated prison. There were too many incidents of escaped prisoners at the prisons so the Superintendent took no chances with the Applicant.” Para. 16, citing the lower court.

“I have to disagree with the finding of the Trial Judge when she opined that “the shackling of the applicant for such a lengthy period must have traumatized him and he must have suffered psychologically... [T]he evidence disclosed a hardened criminal who, was capable of jumping from rooftop to rooftop and who,

endured a life sentence for Murder and 25 years for Armed Robbery in Canada and 12 years in Barbados for shooting and who it is reasonable to conclude, by then, must have grown accustomed to prison confinement and shackling” (Para 38).

“Prison conditions in third world countries often fall lamentably short of the minimum which would be acceptable in affluent countries. It would not serve the cause of human right to set such demanding standards that breaches were commonplace. Whether or not the conditions in which the Appellants were kept amounted to cruel and unusual treatment is a value judgment in which it is necessary to take account local conditions both in and outside prison.” (Para 43 citing *Thomas v. Baptiste*.)

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