



Minister for Corrections

08 SEP 2006

121 Exhibition Street
Melbourne, Victoria 3000
GPO Box 4356
Melbourne, Victoria 3001
Telephone: (03) 8684 0900
Facsimile: (03) 8684 0910
DX 210077

Our Ref: MC/06/4087

Mr Philip Lynch
Director and Principal Solicitor
Human Rights Law Resource Centre Ltd
Level 1, 550 Lonsdale Street
MELBOURNE VIC 3000

Dear Mr Lynch

COMPLAINT TO UNITED NATIONS HUMAN RIGHTS EXPERTS ON CONDITIONS OF REMAND PRISONERS

I refer to your letter dated 3 August 2006 which enclosed a copy of your email to the Office of the High Commissioner for Human Rights and to United Nations' Special Rapporteurs, and others.

In that email you have made several allegations in relation to 13 men who are in custody on remand, who you describe as "the Detainees", but are more correctly described as remand prisoners. There are substantial inaccuracies in your email, which shall be commented on in detail should the High Commissioner seek a response to your allegations.

As to the general allegations contained in your letter, I am advised by Corrections Victoria that:

- (a) It is denied that the remand prisoners are receiving cruel, inhumane or degrading treatment or punishment. They are on remand and 11 of them have now been committed for trial, while two will continue their committal proceedings before the Magistrates' Court of Victoria at Melbourne in mid September 2006. Having been refused bail pending the hearing of their charges, they are being held in appropriate custody, considering the nature of those charges and their security classifications. They are being held on the same basis as other remand prisoners with high security classifications.
- (b) It is denied that the remand prisoners have been arbitrarily detained. As already noted, they have been charged and most have completed committal proceedings, and they are awaiting trial. I understand several will be making bail applications shortly.
- (c) It is denied that the remand prisoners are not being treated with dignity and respect. Their personal, medical and religious needs are being met while in custody, and any complaints have been dealt with appropriately.

- (d) It is denied that the remand prisoners do not have a fair trial, including adequate time and facilities. While the trial process is outside my portfolio of responsibility, the remand prisoners are undergoing the usual court process, as is evidenced by the committal proceedings, the trial process, and the intended bail applications. Each remand prisoner has the use of an in cell computer to access the prosecution brief and substantial opportunity is available to deal with legal advisers.
- (e) It is denied that the remand prisoners are not free to practise their religion. Prayer times and practices are recognised, Halal food is available at all times, and other religious concerns are respected while they are in custody.
- (f) As you have noted in your letter, "At a minimum, health care must be available, accessible, acceptable and of good quality." This standard of health care is being met while the remand prisoners are in custody.

Various improvements and changes have been made to the remand prisoners' custody conditions during the time they have been held. While they are housed in individual cells, improvements include up to six hours contact with at least one other prisoner. Opportunities for communications between the remand prisoners and their legal representatives have been improved, with additional contact and non-contact rooms and extended telephone hours. Communications with legal representatives are not audio-taped.

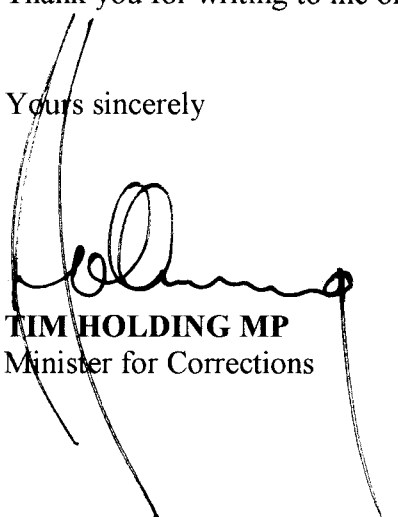
Having regard to the serious nature of the charges against the remand prisoners, and the need to maintain their safety and security at all times, their current classification and placement is considered appropriate. The remand prisoners are assessed using the same tests of appropriate security classification as other prisoners held on remand. Corrections Victoria will continue to review the remand prisoners' custody regime, but it is unable to take any steps that would compromise the safety of any person, or the security and management of the prison.

You indicate in your correspondence that direct negotiations with Corrections Victoria are manifestly futile. However, you acknowledge that Justice Eames noted an improvement in the extent of access to and for lawyers, although Robert Stary and Associates claim adequate steps had not been taken. I am advised that Mr Paul Delphine, Deputy Commissioner, Prisons is available to discuss issues relating to the remand prisoners' custody.

While Mr Delphine and other officers of Corrections Victoria are available for discussion on these issues, any decision will be based on a careful assessment of appropriate security in the context of charges against any prisoner.

Thank you for writing to me on this matter.

Yours sincerely



TIM HOLDING MP
Minister for Corrections