

JNAID

THE NEW ISRAELI PRISON IN NABLUS

AN APPRAISAL



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LAW IN THE SERVICE OF MAN

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INTRODUCTION

This is the third report prepared by Law in the Service of Man (LSM) on the conditions under which political prisoners are detained in Israeli prisons (Note 1). In its first report LSM expressed concern at the overcrowded conditions of the prisons. The worst conditions existed at the Tulkarem prison about which LSM received the greatest number of complaints.

At the ceremonial opening of the new prison near Nablus, known as Jnaid prison, on 7 June 1984, the Israeli Minister of the Interior declared that the function of the new prison was to relieve severe overcrowding in other prisons due to a considerable rise in the existing prison population. He also declared that the opening of Jnaid would permit the closure of the prison at Tulkarem. The new prison was eventually to house 1000 political and common law detainees.

The first indication that conditions in the new prison were not acceptable came on July 17, when LSM learnt that political detainees had been gassed and that many had been injured, seven requiring hospitalisation.

Since then LSM has been gathering information about the conditions of detainees in this new prison. LSM's conclusions, drawn from this information and from a recent visit to Jnaid, are produced in this report. In the report, LSM describes conditions in Jnaid, measuring them against international law and internationally accepted standards, and also comparing these conditions with those in other prisons in the West Bank and Israel. In making this comparison it is not suggested that conditions in these other prisons are acceptable, indeed they continue to give cause for serious concern. The fact that Jnaid compares unfavourably to the others shows only that this newest, most modern of Israeli prisons may yet be the worst of all in its treatment of prisoners.

The detainees themselves have been actively attempting to improve their conditions, and have made protests about most of the matters described in this report. These protests were communicated orally and by letter to the prison director, the central prison authority and the Minister of the Interior. After despairing of making any progress the detainees declared a hunger strike on 23 September 1984 which lasted for twelve days. The prisoners had wide support for their demands from prisoners elsewhere who also declared hunger strikes, and from the Palestinian population outside the prison (Note 2).

Although the Israeli authorities persisted in describing the strike as political, the Minister of Police, Haim Bar Lev, visited the prison on October 1st and admitted that some of the prisoners' demands were legitimate and promised some improvements. With this assurance the prisoners suspended their strike. Appended to this report are the list of the prisoners' demands and the letter containing the Minister's assurances.

From the evidence available to LSM it appears that physical force is being used against the prisoners in Jnaid. Examples of this were the use of gas against the prisoners on July 17 and August 22, which will be referred to subsequently; these examples of use of force are not, according to detainees,

isolated events. Overcrowding also appears to be an extremely serious problem, from which prisoners suffer both physically and psychologically. They also appear to be denied all those avenues of mental and physical release normally open even to short term prisoners, such as reading, pursuing their education, practising crafts and hobbies and physical training. The long-term implications of this denial are particularly serious in view of the fact that most of the prisoners in Jnaid are under 40 and are serving sentences of more than 10 years.

The excuse of the prison authorities that prison security makes it impossible to allow prisoners to practice such activities is not convincing, in view of the description by the Minister of the Interior of the great care taken in designing and building the prison with the most modern equipment to ensure that prisoners could not escape.

The Standard Minimum Rules for the Treatment of Prisoners, approved by the UN Economic and Social Council (ECOSOC) in July 1957 (Note 3), stress that punishment by imprisonment is effected by the very fact of depriving the prisoner of his liberty, so that the prison system shall not unnecessarily aggravate the suffering inherent in the situation. In particular "the regime should seek to minimise any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings."

The prisoners in Jnaid seek only to attain these minimum standards.

NOTES

1. The first two reports are "A Report on the Treatment of Security Prisoners at al-Fara'a", prepared in April 1984 and available from LSM, and "A Policy of Intimidation: the case of al-Fara'a", shortly to be published by the International Commission of Jurists.

2. On 4 October, while the prisoners' hunger strike was in progress, substantial parts of East Jerusalem and Nablus came to a halt and shops were closed for the day in response to a call for a general strike in support of the prisoners' demands. The prisoners' families also staged continuous sit-ins outside the offices of the International Red Cross in Jerusalem and Gaza for more than a week, and made similar protests at the Red Cross offices and the Chamber of Commerce in Nablus and the Red Crescent office in Tulkarem, demanding that notice be taken of the prisoners' demands. Silent marches of protest also took place in Jerusalem and Nablus, resulting in arrests of several members of prisoners' families.

3. The Standard Minimum Rules represent what the United Nations consider to be the minimum acceptable standards of treatment of prisoners and management of penal institutions. They do not constitute binding law, but are internationally recognised principles.

CONDITIONS AT JNAID

OVERCROWDING

The prisoners in Jnaid suffer above all from extreme overcrowding, especially in the cells. In one cell of 21 square metres there are 12 prisoners, in another of 30 square metres there are 16 prisoners and in one of 16 square metres there are 10 prisoners. The prisoners sleep in bunks, 180cms long. The iron bedsteads are so constructed that the beds are not flat but wavy and ridged. The sponge mattresses supplied which are 5cm thick, cannot remedy this. The space between the beds is 40cm, hardly enough for a man to stand in. The central aisle, which is therefore the only space left to the men, is 80cm wide and there is a small table at the end. In such cells the prisoners spend twenty two continuous hours every day.

There are two windows in each cell, 40cm by 60cm. Outside each window (except those which already look immediately onto prison walls) at a distance of about 40cm is a sheet of asbestos larger than the window, which effectively prevents all daylight and air from entering the cell. The doors to the cells have a grill at the top, which provides the only other access to ventilation and light from the corridor. Since there is no natural light, artificial light is necessarily used all day until 10 pm. The doors measure 2m by 80cm and contain no opening other than the grill; food therefore has to be passed through the door, but liquids are poured into the cell by means of a tube passed through the grill.

There are surveillance cameras operating in the corridors outside the cells. Every half hour, day and night, microphones in the corridor emit a buzzing sound lasting for some two minutes, the purpose of which is apparently to ensure that the guards do not fall asleep, but it is clearly audible and disturbing to the prisoners.

Inside each cell an area measuring 1m by 2m contains a toilet, a basin and a shower. This area is partitioned off from the cell but the door is open at the top and bottom; there is a window of 80cm by 60cm, but this too is covered by the asbestos sheet and there is no fan. Due to the size of the room it is necessary to stand over the toilet to take a shower. The water supply is frequently cut off. The light in the toilet is left on all night so that the cell is never in complete darkness. One razor blade is issued to be shared between every two prisoners twice a week; it must be returned the same day.

Comment. Article 9 of the Standard Minimum Rules (SMR) provides that all accommodation, and especially all sleeping accommodation, shall meet all requirements of health, with particular regard to cubic content of air, minimum floor space, lighting, heating and ventilation. In all respects, except perhaps of heating which has yet to be experienced, the conditions described cannot be described as meeting even minimal, let alone normal standards of health.

Article 11(a) provides that windows shall be large enough to enable the prisoners to read and work by natural light,

and shall be so constructed as to allow entrance of fresh air. As stated above both light and ventilation are severely restricted.

Articles 12 and 13 provide that sanitary and bathing installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary in a clean and decent manner, and to have a bath or shower as frequently as necessary for general hygiene. Articles 15 and 16 state that prisoners shall be provided with such toilet articles as are necessary for health and cleanliness, and shall be enabled to shave regularly.

The Medical Officer of the prison is required by Article 26(c) to inspect regularly and advise the Director upon the sanitation, heating, lighting and ventilation of the prison. If the Director does not agree with the recommendations of the Medical Officer or they are not within his power to implement, he must refer the matter to a higher authority.

In addition to the general problem of overcrowding in the rooms, the use of asbestos within a prison is particularly disturbing. It is widely recognised that asbestos constitutes a serious health hazard, and many countries are taking steps to have it removed from all public places, even where it performs a useful purpose such as insulation.

DEPRIVATION OF EXERCISE

As mentioned above, the prisoners spend 22 hours of every day in their cells, and are allowed only two hours exercise per day which must be spent consecutively. For exercise 150 prisoners are placed at the same time in a courtyard of 290 square metres - each man therefore has a space of less than 2 square metres in which to exercise. The walls surrounding the area are 8m high, and a sheet of wire netting is spread over the top of the yard, thus again preventing a full view of the open air. The ground is covered with tar which heats up in summer. During the two hours, which are compulsory, no prisoner is allowed to leave the courtyard for any reason, no toilet is provided and there is no seating.

In contrast to other West Bank and Israeli prisons, no recreational facilities or training, such as ball games or table tennis, are provided, nor is there any other recreation area. This is the only exercise allowed to the prisoners, many of whom are young and likely to remain in these conditions for many years.

Comment. Article 21 of the SMR provides that every prisoner shall have one hour of suitable exercise in the open air daily. While the period allowed in Jnaid is longer than the minimum, the exercise cannot be considered suitable, especially in view of the lack of space, nor is it properly in the open air.

The article further provides that young prisoners and those of suitable age and physique shall receive physical and recreational training during the exercise period, and that installations and equipment for this purpose shall be provided. Neither of these conditions are fulfilled at Jnaid where the majority of prisoners are under 40.

MEDICAL SERVICES

There is a surgery at Jnaid staffed by a doctor believed to be a general practitioner and four nursing staff. However, the prisoners report a lack of concern for or belief in their complaints of illness, failure to treat such complaints and questioning by medical personnel on matters not related to health. They also report frequent attempts by the medical personnel to obtain something in return for medical treatment, such as information or cooperation.

There are no eye specialists in the prison, despite a high incidence of eye problems, and although a dentist visits he does not do so often enough for the prisoners' needs. According to one prisoner, there are 50 men in the prison in need of operations or specialised treatment for such complaints as ulcers, eye and stomach problems and removal of metal splinters, who have not been treated. Some of these have been waiting for several years to be allowed an operation.

A further complaint is that prisoners who are to be transferred to Ramle hospital for treatment are first taken to an Israeli transit camp, where they may be kept for many days before reaching the hospital. Conditions in this camp are very bad, and the patient's health often deteriorates further during this period. In some cases the patient never reaches the hospital, simply being returned to the prison after a period.

Comment. Medical treatment of prisoners is referred to extensively not only in the SMR but also in international law binding on Israel, and in the Military Orders by which Israel controls the occupied territories.

Article 76 of the Fourth Geneva Convention of 1949, to which Israel is a signatory, when referring to the protection of civilians in occupied territories states specifically that "... (detainees in an occupied territory) should receive necessary medical treatment", while Article 1 of the Principles of Medical Ethics adopted by Resolution No. 37/194 by the General Assembly of the United Nations in 1982 states that "Health personnel... have a duty to provide (prisoners) with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned..."

The SMR, amongst other provisions, states in Article 22(2) that any prisoner requiring hospital or specialised treatment shall be transferred to specialised institutions or civil hospitals. Article 22(3) provides that the services of a qualified dental officer shall be available to every prisoner.

The Israeli authorities themselves state in Article 5(a) of Military Order 29, applicable to the territories occupied by Israel, that "Prisoners should receive necessary medical treatment." It appears that this is not occurring in Jnaid.

FOOD

The quality and quantity of food in Jnaid is reported to be very poor, with a high content of carbohydrates, and few

vegetables or fruits, even though the prisoners offered to pay for these themselves. The prisoners, who include trained cooks, have asked for the right for some of their own number to prepare the food, as occurs in other prisons, since the food is also apparently very poorly prepared. Not only the food, but also hot drinks such as tea are frequently cold on arrival, as only two prisoners are allocated to serve food and drink to each 150 prisoners, collecting from and delivering to each cell.

No separate dining room or area is provided. Food is therefore eaten in the cells, on the floor, since the cell table is too small to be used. The men are thus obliged to squat in the aisle of the cell while eating, holding their bowls as there is no room for these on the floor, and in extremely cramped positions since the aisle is only some 80cms wide.

It should also be recalled in this connection that the toilet in the cell is separated only by a door which is open at the bottom.

As mentioned before, the water supply is frequently cut off without warning, leaving no drinking water.

The prisoners also report that their families are only allowed to put 3000 shekels per month into the account from which each prisoner can draw to buy extra provisions from the prison shop; the sum is increased from time to time, but not to keep up with inflation. This amount is substantially less than at other prisons, some of which allow as much as 36,000 shekels per month to be paid. The prisoners calculate their minimum requirements to buy the cheapest brand of cigarettes, coffee, tea, sugar and soap at 6220 shekels per month, and in addition there are many other items such as toothpaste, extra razor blades, biscuits and sweets which they would like to buy.

Comment. Article 20(1) of the SMR states that prisoners should receive food of nutritional value adequate to preserve their health and strength, and well-prepared and served. Article 4 of Military Order 29 also states that prisoners shall be provided with suitable food to ensure their good health. From the brief account above, it is clear that the food in Jnaid does not meet these requirements. By Article 26(1) of the SMR the medical officer has a similar duty to inspect and advise the director of the prison on the quantity, quality, preparation and service of food as he has in relation to accomodation, referred to above.

Article 20 of the SMR provides that drinking water must be available to each prisoner whenever he needs it.

USE OF GAS, PUNISHMENT AND CONTROL

The use of gas against prisoners in Jnaid on two occasions has already been mentioned in the introduction. Prisoners have also reported the use of violence by the prison officers against them, both as a means of punishment and as a method of control.

The use of gas within the confined space of a prison, particularly within the cells, is such a serious matter that LSM considers it worth relating the details of one of these incidents, as reported by a prisoner.

According to this prisoner, by mid-August complaints had already been made to the authorities about severe overcrowding and assurances had been given that the number of people in each cell would be reduced. Instead of doing this however, they brought 30 new prisoners and wanted to put them into the already overcrowded cells. The prisoners refused to admit them and the new prisoners refused to enter. The prison officers threatened to use force, and when the prisoners still would not co-operate the officers took one prisoner, Abdul Hakim Da'ana, out of the cell and beat him. The other prisoners began to beat on their doors in protest. Further prison guards were then brought, who proceeded to break into Room 12 and beat the 10 inmates so severely that 6 of them had to be hospitalised. Two new prisoners were then forced in having also been beaten. The prisoners continued to beat on their cell doors, and at this point it is reported that the authorities threw canisters of gas into the cells. The exact type of gas is not known, but one prisoner reports having read the words "Not for use in confined areas" on the label, and the effect was asphyxiating and burning. All the prisoners felt stifled and some lost consciousness, six later receiving hospital treatment. The effects of the burning continued to be felt for some days. While the gas was spreading the rest of the new prisoners were forced into the cells.

The effects of the gas remained for more than a week, and indeed the prison officers wore gas masks in the area throughout the following week.

Comment. The use of gas against prisoners in a confined space constitutes a most serious violation of the basic human right set out in Article 5 of the Universal Declaration of Human Rights which states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Physical violence towards a prisoner also violates this provision.

As to the SMR, Article 27 states that discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life, and by Article 31 corporal punishment and all cruel, inhuman or degrading punishments are completely prohibited as punishments for disciplinary offences.

RELIGIOUS WORSHIP

Moslem prisoners have been refused the right to conduct communal prayers. Such prayers, especially on Fridays, form an important part of religious observance. Furthermore the ritual properly followed in prayer is difficult and sometimes impossible to perform in the extremely confined space in the cells. At present prisoners are obliged to pray over their beds.

Comment. Article 42 of the SMR provides that every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution. Article 41 provides that if there is a sufficient number of prisoners of the same religion in a prison (at Jnaid a large majority of the prisoners are Moslem) a qualified representative of that religion

shall be allowed to hold regular services at proper times. This does not occur at Jnaid.

Article 8 of Military Order 29 applicable to the occupied territories, provides that prisoners shall be allowed freedom of worship and that necessary facilities shall be provided, except where this is not possible for reasons of maintaining order. Even if there are occasions when the requirements of public order mean that this right must be suspended, it is clear that prisoners should not be regularly deprived of the possibility of proper religious practice.

ISOLATION FROM THE OUTSIDE WORLD AND PREVENTION OF SOCIAL CONTACT

(i) News and current affairs

Limited numbers of newspapers are distributed within the prison, so that each copy must be seen by many prisoners and in practice many never get to see one. No periodicals are provided, even though the prisoners offered to pay for these themselves. The radio is heard over loudspeakers from a central system, the programme choice being controlled by the prison authorities. It is played for six and a half hours a day. Prisoners report however that on most occasions when a news broadcast is due there is interference with the radio, so that the details cannot be heard. About one news programme every day, on Israeli radio, is heard clearly.

Although the prison has now been open for more than four months, there is still no library open to the prisoners, no books have been brought into the prison and there appear to be no educational facilities whatsoever. In other prisons, inmates are allowed to receive books which have been passed by the censor. The detainees in Jnaid ask only to be allowed access to permitted material, and to be shown the list of censored material, so that they can save their relatives from the agony and loss of sending them books which never reach them.

Comment. Article 39 of the SMR provides that prisoners shall be kept informed of the more important items of news by newspapers or other means. This does occur to a limited extent in Jnaid, but the prison compares unfavourably to Israeli and even to other West Bank prisons, where there is wider access to both newspapers, periodicals and books, and to radio news broadcasts of their choice.

(ii) Visitors

Prisoners are allowed to receive visitors, but again overcrowding in the reception room is a serious problem. There is also concern about the facilities provided for the families while waiting, especially with winter approaching since no shelter is provided.

(iii) Social Contact

Since no communal rooms or dining room are provided, and prisoners are kept in their cells 22 hours a day, the only contact they have with people other than those sharing their cells is during the two hour period in the yard. Unlike in other

Israeli prisons, such as Nafha and Ashkelon, visits between cells are not permitted, even when all outer doors are closed.

Prisoners are further separated into sections of approximately 150 persons, and every care seems to be taken by the authorities to prevent contact between different sections of the prison. Thus it happens that brothers in the same prison but in different sections see each other only during family visits.

APPENDIX: LIST OF DEMANDS ISSUED BY THE PRISONERS AT JNAID

FIRST: Reduction of overcrowding in residential area and exercise hall by:-

(a) Reducing the number of beds in each room in order to provide at least 4 sq.m. to each prisoner, which is the minimum requirement according to the Geneva Convention, especially since 14 prisoners are now living in rooms each of whose area is 23 sq.m. (including toilet and sink).

(b) Installing a sink outside the toilet.

(c) Providing a hall for dining and study.

(d) Enlarging the exercise courtyard to permit free movement, daily exercises, basketball and volleyball, and providing a toilet, and benches for sitting. The present courtyard prevents us from all the above since its area is less than 300 sq.m. to which 150 prisoners are brought at one time.

(e) Improving circulation and natural lighting inside the rooms by removing the asbestos from the windows which blocks out air and light.

SECOND: Social Facilities and Human Relations:-

(a) Keeping rooms open from morning until 9 pm as is done for criminal offenders, particularly since we presently spend 22 consecutive hours in the rooms.

(b) Increasing the daily exercise period allowed and dividing it into two separate periods.

(c) Freedom of movement and visits between the prison sections.

(d) Granting us the opportunity to shake hands with our relatives during the visit.

(e) Reducing the congestion in the visiting rooms, so that the visit can be meaningful.

(f) Providing a shelter from the winter cold for our visiting families and providing them with adequate toilet facilities.

THIRD: Cultural Facilities:

(a) Possession of transistors and watching television, which has human interest and is permitted to criminal offenders.

(b) Allowing us to buy books, newspapers and magazines printed or published locally.

(c) Providing a Cultural Officer for buying stationery, equipment and sports clothes as is done in other prisons.

FOURTH: Providing Necessary Medical Care by:-

(a) A qualified medical team acting out of loyalty to the Hippocratic Oath, and not from hostile emotions.

(b) Permitting a neutral medical team to carry out medical examinations for all prisoners.

(c) Dealing with severe psychological cases and long term illnesses in the spirit of the Geneva Convention.

(d) Changing the living conditions and treatment in the Ramleh "Ma'var" (transit camp) where prisoners are sent for treatment, and granting prisoners there the normal rights of access to newspapers, listening to the radio, and going out for

specified hours of daily exercise.

(e) Carrying out the medical operations specified by doctors, instead of waiting for them for years as happens now.

(f) Providing specialists in medical fields such as eyes, dermatology, nose, ear and throat and other fields.

(g) Appointing workers to the prison hospitals to serve the sick prisoners.

FIFTH: Cessation of physical violence, psychological humiliation and the use of gas and of excessive punishment, both individual and collective.

SIXTH: Breaking the cycle of the British Mandatory Laws currently applied by the General Prison Authority by:-

(a) Abolishing the "Privileges Law" which the General Prison Authority applies and which we see as a sword of Damocles, constantly threatened to fall on our necks.

(b) Bridging the gap between reality and the theoretical admission of the principle of equality of treatment to all prisoners in Israeli jails.

SEVENTH: Improving food by:-

(a) Giving us the food appointed for us, and granting us the right to supervise its cooking according to our taste and culture; also improving food in quantity and quality.

(b) Varying the kinds of food issued to us in the light of our eastern tastes and the food available in markets (which we never see).

(c) Appointing qualified cooks in the kitchen, and not imposing conditions which prevent that.

(d) Changing the method for serving food, which the prison director admits is primitive, by providing a dining hall, as is offered to criminal prisoners.

(e) Admitting that it is our right to bring vegetables and fruits from Tnuva and to deal seriously with them.

(f) Not forcing us to eat Matzot (Passover unleavened crackers) since this custom is specifically Jewish not Moslem.

EIGHTH: Solving the problem of workers by:-

(a) Appointing workers to the library (which has not yet opened), the sewing room, the store, the laundry and the hospital, and increasing the workers cleaning the corridors.

(b) Finding a suitable place for hair-cutting and sewing.

NINTH: Freedom of religious exercise such as the Friday prayer and the Jama'a (group worship).

TENTH: Providing sheets and pyjamas, as to criminal prisoners.

ELEVENTH: Increasing the sum permitted for purchases from the prison shop, to cover the basic minimum needs of the Palestinian prisoner.

TWELFTH: Solving the constant problem of water stoppage, which continues at times for unbearably long hours.

LETTER FROM DIRECTOR OF JNAID PRISON TO THE PRISONERS

To all the prisoners, Greetings,

His Excellency the Minister of Police, Mr Haim Bar Lev, has asked me to inform all the prisoners in the Central Prison of the District of Judea and Samaria about his discussion with the prisoners' representatives on 1 October 1984, and about his response to the prisoners' letter of 2 October 1984, and to inform you as follows:

1. That the prison authorities responsible for the security of the prison and the safety of the prisoners, and the staff of prison officers and guards at various levels, have acted and will continue to act so as to keep the prison operating for the equal benefit of the prisoners and the guards. Such a goal cannot be achieved unless each does his duty. The prison staff carry out their responsibility for the purpose of preserving security in the prison and treating prisoners in a fair and dignified manner. They carry out these duties to a high standard and with concern as always. It requires also that the prisoners too perform their duties during the period of their imprisonment.

2. After His Excellency the Minister of Police heard the requests of the prisoners, he saw that it was necessary to divide them into three categories:

(a) Requests that can be met immediately, such as allowing the possession of transistor radios,

(b) A second category which include requests which can be met after study, but whose fulfillment requires a period of time, such as, for example, installation of an extra washbasin in the rooms, outside the toilet,

(c) Demands which cannot be met for security reasons, such as, for instance, removal of covers on part of the windows of the rooms.

3. His Excellency the Minister has made it clear that he will make his immediate and final decision on each of the requests submitted to him by the prisoners, after the prisoners declare an end to their hunger strike.

4. His Excellency the Minister looks to all the prisoners to respond to his proposals to continue work, which will bring about a material improvement in their living conditions and enjoyment.

5. His Excellency the Minister expresses his hope that the prisoners will respond to his suggestion and end their strike immediately.

Ofelia Zaqut
Director of the Central Prison