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## RECOMMENDATIONS

of 23 February 2010

of the Contrôleur général des lieux de privation de liberté  
concerning the Mulhouse prison facility (Haut-Rhin).

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Five inspectors from the *Contrôle Général des Lieux de Privation de Liberté* inspected the Mulhouse prison facility (Haut-Rhin) from 20 to 24 July 2009.

The factual observations made during the inspection were sent to the prison director on 18 September 2009. The head of this facility responded to these observations on 2 October 2009.

The complete inspection report was sent for comment to the Minister of State, Keeper of the Seals, Ministry of Justice and Liberties, and to the Minister of Health and Sport on 30 October 2009. Their responses were received 23 and 28 December 2009, respectively.

Further to this procedure and in accordance with Act No. 2007-1545 of 30 October 2007, the *Contrôleur général des lieux de privation de liberté* makes the following recommendations:

1 - Serene and peaceful relations must be restored in a facility where internal divisions between management and personnel under its authority have become predominant. Constant internal disputes seriously disrupt the operation of this facility. The inmates are well aware of this situation and know how to work it to their advantage in order to undermine the internal regulations. The usual inter-prisoner violence, noted in this prison, is one of the consequences of this uneasy and unhealthy climate. It should be mentioned that the French *Contrôleur général* has never encountered such a deplorable situation in a penal institution since the beginning of his mission. Nevertheless, he did note that an audit was commissioned in a very timely manner by the Interregional Directorate of Prison Services regarding the operation of this facility.

2 - The conditions in which the inmates are forced live are unacceptable: the premises are run down, the floor is degraded, the paint chipping, and the furniture in the cells is in poor condition; the toilets are so small that it is impossible for the majority of people to sit down correctly. Hygiene suffers owing to the presence of many "pests" (cockroaches, rats). The showers, located on the upper floor and not in each cell, are ill-equipped and poor ventilation is

blamed for numerous traces of mould on the walls and blistering paint. The electrical network and the plumbing are in very poor condition. Extensive renovation work must be undertaken rapidly so that the inmates can live decently. We note that some renovation work has been carried out since the inspection, including the installation of a controlled mechanical ventilation system in each of the showers, the progressive replacement of the windows within the scope of a multi-year plan and the renovation of the electrical network. Nevertheless, the fear is the progress level of the renovation operations over time, particularly since cells are repaired according to their vacancy, which will only lead to maintaining this disgraceful situation for a long time to come.

3 - The situation for persons with reduced mobility should better be taken into account since, in this facility as well as many others, nothing is adapted to their specific needs. The only improvement is a mobile ramp that was produced locally for one of the prison buildings. Rails are installed and then removed by the wardens for each entry and exit. This situation leads to isolation of these individuals who don't have access to the various activities.

4 - The condition of the holding cells located in the basement of the administration building, used during the transit of prisoners upon their arrival or departure, is particularly unacceptable and should not be used to hold detainees, even for a very short time. The inmate transfer circuits should be reviewed and the use of these cells should be prohibited. The very existence of these cells can only add to the "shock of incarceration", whereas everything should actually be done to alleviate it.

5 - The visiting rooms, in the form of a large collective hall without separations, are not conducive to preserving family ties. Having to deal with the indescribable ambient noise, families find it impossible to peacefully speak with their incarcerated family members.

6 - The management of prisoners' requests should be given special attention. Here, responses are not often provided, as in many other institutions, breeding resentment that inevitably degrades relations between inmates and the prison staff.

7 - The *Contrôleur général* noted with interest that there was, in theory, a medical on-call programme implemented by the hospital, and consequently more developed than programmes that currently exist in the majority of prisons of this size. However, it still needs to be able to truly handle all situations requiring the presence of a doctor. In practice, it appears that this is not always the case. The investigation to be conducted by the regional hospital agency, announced by the Minister of Health and Sport, should pay particular attention to the cases that highlighted a lack of adequate medical intervention during the visit.

8 - Access to psychiatric care should take the level of urgency into account. Indeed, the system encountered on site during the inspection involved simply administering "stocks", in which requests are handled in the order they are received by mail. This poor organisation could delay the examination of a patient in crisis and lead to serious consequences.

9 - It was good to see that there is a desire to seek out companies willing to supply work to the workshops, despite the current economic difficulties. Similarly, the personal commitment of Judicial Protection of Young Persons staff in the juvenile ward and the free distribution of the regional daily newspaper are positive actions that should be highlighted.

10 - The establishment's situation appears deteriorated to such a point that it would be advisable to focus on the construction of a new, reasonably sized prison facility.

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