



THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE

## IMPROVING PRETRIAL JUSTICE IN GUINEA

# The Socioeconomic Impact of Pretrial Detention in GUINEA CONAKRY



*Empowered lives.  
Resilient nations.*



# **The Socioeconomic Impact of Pretrial Detention in Guinea Conakry**

Carried out by Mêmes Droits pour Tous Guinée,  
Avocats Sans Frontières Guinée and Sabou Guinée

In collaboration with UNDP and the Open Society Justice Initiative

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# About the Global Campaign for Pretrial Justice

Excessive and arbitrary pretrial detention<sup>1</sup> is an overlooked form of human rights abuse that affects millions of persons each year, causing and deepening poverty, stunting economic development, spreading disease, and undermining the rule of law. Pretrial detainees may lose their jobs and homes; contract and spread disease; be asked to pay bribes to secure release or better conditions of detention; and suffer physical and psychological damage that last long after their detention ends. The purpose of the *Global Campaign for Pretrial Justice* is to reduce unnecessary pretrial detention and demonstrate how this can be accomplished effectively at little or no risk to the community.

Current activities of the Global Campaign include collecting empirical evidence to document the scale and gravity of arbitrary and unnecessary pretrial detention; building communities of practice and expertise among NGOs, practitioners, researchers

and policy makers; and piloting innovative practices and methodologies aimed at finding effective, low cost solutions. In addition, the campaign strives to establish linkages with associated fields such as broader rule of law and access to justice initiatives and programmes.

More information is available at [www.pretrialjustice.org](http://www.pretrialjustice.org) including audio-visual stories from Brazil, Malawi, and Sierra Leone and a series of reports on:

- Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk
- Pretrial Detention and Health: Unintended Consequences, Deadly Results
- The Socioeconomic Impact of Pretrial Detention
- Improving Pretrial Justice: The Roles of Lawyers and Paralegals

# Executive Summary

The socioeconomic impact of excessive pretrial detention is profound, affecting not just the individuals detained, but their families, communities, and even the State. As this report illustrates, that impact is felt most keenly by average Guineans; who, in a country near the bottom of the United Nations Human Development Index,<sup>2</sup> are poor, primarily live at a subsistence level and have no savings or safety net to tide them over during difficult times.

Pretrial detainees may lose their jobs, be forced to abandon their education, and be evicted from their homes. They are exposed to disease and suffer physical and psychological damage that lasts long after their detention ends. Their families also suffer from lost income and forfeited education opportunities, including a multi-generational effect in which the children of detainees are separated from their families, experience social stigma and suffer reduced educational attainment. The ripple effect

does not stop there: the communities and the State must absorb the lost potential and socioeconomic impacts.

Around the world, excessive pretrial detention prods people towards poverty. It pushes working class people towards unemployment, uncertainty, and the edge of poverty and plunges the already poor into even worse destitution.

These negative socioeconomic effects simply should not happen. Excessive and arbitrary pretrial detention is universally prohibited by international legal norms. In fact, though rational pretrial detention plays an important role in criminal justice systems, it should – according to international norms – ordinarily be a last resort, used only under certain, specific conditions.

In 2011, three Guinean nongovernmental organisations – Mêmes Droits pour Tous Guinée, Avocats Sans Frontières Guinée and Sabou Guinée

– collaborated with the Global Campaign for Pretrial Justice and UNDP to measure the socioeconomic costs of excessive pretrial detention in Guinea. They randomly surveyed 105 adult pretrial detainees in two prisons, one in the capital city of Conakry and one in the provinces, seeking information on how their detention affected their socioeconomic position. The results, contained in this report, quantify the pernicious and wide-ranging effects of excessive pretrial detention and show how severely pretrial detention damages the socioeconomic development of detainees, their families and communities.

Among the more significant findings:

**Pretrial detention primarily affects average Guineans; breadwinners who are poor or on low-incomes:**

- The study found that pretrial detainees in Guinea were usually breadwinners: middle-aged married men, with minimal school education.
- At the time of arrest most were earning an income and supporting their immediate families and a number of other dependants.
- Most detainees lived in their own house at the time of their arrest, and around one-third owned a piece of land (most commonly under customary land tenure).

**Pretrial detention affected not only those detained, but also their families:**

- On average, each detainee was supporting over seven dependants, generally children under the age of 10.
- On average, families incurred expenses on food, medication, travel, bribes and other expenses, equivalent to nearly a year's income when compared with the median earning of detainees.
- Detainees identified various social impacts suffered by their families, in particular, social stigma and the separation of families.
- Serious economic consequences were also borne by many families, including falling into debt and having to sell household goods.
- The impacts are felt most keenly by women and children who are predominantly the ones remaining at home and who consequently take on a disproportionate burden when their husbands and fathers are detained awaiting trial.

**Pretrial detention both reflected and exacerbated the inequalities and inefficiencies found in Guinea's justice system:**

- Almost half (42%) of the male detainees were tortured or physically harmed by a state official during their detention.

- One in three spoke French, the language of the courts, which means that two-thirds of detainees were unable to understand the proceedings of the courts without translation.
- On arrest, nearly three-quarters of detainees were not advised of their right to legal representation. As a consequence, the vast majority received no legal assistance – and those who did were dependent on their families for funding.
- Nearly one-third (29%) of the detainees were asked for a bribe; the majority of bribery demands were made by a magistrate.
- The majority of detainees were not brought to court within the legal time limits.
- Guinea's prisons operate at 175% of capacity. Overcrowding is driven, in large part, by pretrial detainees who considerably outnumber sentenced prisoners.

**Pretrial detention negatively affected respondents' health, making it harder for detainees to work after release and worsening their socioeconomic position:**

- Over 90% of the detainees fell ill after their arrest.
- Nearly one-third of those who fell ill after arrest received no medical attention of any kind.
- The majority of illnesses contracted were life-threatening, yet also treatable and preventable.

The excessive use of pretrial detention in Guinea exacts painful, crushing costs on individuals, families, and communities. It strips families of their primary breadwinner, damages employment prospects, saddles families with unforeseen expenses, and erodes the health of detainees and their families. Moreover, these costs are largely avoidable as a more limited and rational use of pretrial detention could be enforced without endangering public safety.

# Introduction

On any given day around the world, about 3.2 million people are held in custody awaiting trial. During the course of an average year, over 14 million people are held in pretrial detention.<sup>3</sup> In Guinea over 67% of the prison population comprises detainees who are awaiting trial, causing overcrowding that forces Guinea's prisons to operate at 175% of capacity.<sup>4</sup> Some pretrial detainees are held for a few days or weeks, but many spend months or years in custody. The excessive and arbitrary use of pretrial detention critically undermines socioeconomic development – and is especially harmful to the poor. Pretrial detention disproportionately affects individuals and families living in poverty: they are more likely to come into conflict with the criminal justice system, more likely to be detained awaiting trial, and less able to make bail. For individuals, the excessive use of pretrial detention means lost income and reduced employment opportunities; for their families, it means economic hardship and reduced educational outcomes; and for the state, it means increased costs,

reduced revenue, and fewer resources for social service programmes.

The impact of indiscriminate and excessive pretrial detention is felt most sharply in countries like Guinea that are the focus of the Millennium Development Goals (MDGs). Key goals on health and education for example are directly inhibited when suspects are kept for lengthy periods in pretrial detention often in overcrowded and unsanitary conditions.

In order to further explore this link the Global Campaign for Pretrial Justice undertook, in 2010, a global review on the socioeconomic impact of pretrial detention looking at the impact on individuals, families, communities and the state.<sup>5</sup> This study builds on that research and aims to look at particular countries and document the experiences of detainees and their families. It forms part of a series of country specific studies that are being carried out in Guinea Conakry, Ghana, Sierra Leone, Mozambique, Kenya and Zambia.

This research will fill a gap in what is known about the effects of excessive pretrial detention. Although pretrial detention affects millions of people a year, studies and quantitative data are lacking. There

is a need for more research in this area, and for a framework that allows policymakers and development experts to measure and understand the true costs of excessive pretrial detention.

# Aims of the Research

The research aimed to look at two main questions:

i) who is in pretrial detention, and ii) the socioeconomic consequences for their families.

The research is intended as a tool to spur further discussion and policy review. It is not intended to provide a broad overview of the criminal justice system; instead, it took a 'snapshot' approach looking

at two prisons on one day. It thus provides an image of who was in detention on that day – but does not provide further analysis on the case-flow. It does however provide information and analysis that is very often missing from standard baseline surveys and provides an insight for those planning and budgeting criminal justice reforms.

# Methodology

The study started out with a research meeting in Accra together with teams from Ghana and Sierra Leone carrying out similar research. The questionnaires were reviewed and refined, potential challenges discussed, and preliminary plans for future advocacy considered. The research teams then further revised the questionnaires following a test with a sample of detainees.

The findings are based on the responses from 105 respondents held in pretrial detention. Sixty-five interviews were carried out at the Central Prison

in Conakry and 40 interviews at the prison in N'zérékoré. The detainees interviewed were selected at random from a list of pretrial detainees provided by the two prisons. Eleven in-depth interviews were carried out with family members associated with the detainees in Conakry and eight with family members of detainees in N'zérékoré. Children were not included in the sample, however, it emerged that a number of children were being held in pretrial detention with adults as a few detainees between the age of 14 and 17 formed part of the random selection. The findings reflect the perspective of the detainees

**TABLE 1**

Total number of detainees in Conakry and N'zérékoré prisons at the time of the study

	Total number of detainees	Prison capacity	Number of pretrial detainees
Conakry	1,055	300	941
N'zérékoré	201	200	142



and their family members. The analysis further makes use of available demographic information on Guinea.

## Detainee interviews

Conakry was originally situated on Tombo Island, and has since spread up the neighbouring Kaloum Peninsula in the west of Guinea. N'zérékoré is the second largest city of Guinea and the largest city in the Guinée Forestière region – a forested mountainous region in south-eastern Guinea, bordering Liberia and Cote d'Ivoire. These two prisons were selected in order provide a reasonable representation of Guinea. The interviews were conducted in the cells and corridors of the prisons. The research assistants explained the purpose of the interview and sought permission from the interviewees before proceeding with the interview (see Annex 1 for the questionnaire and consent form). All interviewees were asked for permission for the research team to contact a member of their family.

## Family interviews

The second part of the study involved in-depth interviews with 19 families. Contacts were provided by the prisoners themselves and the research teams went to meet the families in their neighbourhoods. The lack of a systematic system of street names and addresses made it difficult to locate many of the relatives of detainees. Thus, the interviews were with those family members that were possible to locate during the research period. The 19 families that were located were told the purpose of the interview and asked permission by the interviewer before proceeding with the interview (see Annex 2 for the questionnaire and consent form).

The majority of the family interviews were with the spouse, parents or children of the detainee; in five cases with the spouse, five with the parents and four with the children. The remainder were with aunts, uncles, cousins or other relatives. They ranged in age from 18 to 90. Four were in their twenties to thirties, nine in their forties to fifties, and six over sixty.

# Who is in Pretrial Detention?

*This section provides detail on the people held in pretrial detention. The findings show that detainees tend to be male, around the age of forty with minimal education, but nevertheless are income-earners responsible for supporting a range of dependants.*

## Gender of detainees

*Some 9 out of 10 detainees in the sample were men.*

Some 89% of the respondents in the sample were male which is consistent with ratios in other countries as men have been found to be more likely to be involved in crime, to be arrested and to be incarcerated.<sup>6</sup> The women interviewed were detained in a separate part of the two prisons.

## Age of detainees

*The data suggest that pretrial detainees in the sample are on average close to 40 years of age.*

The average age of pretrial detainees was 40, and the median age was 38. The range of ages among pretrial detainees was from 14 to 83 years of age. Although children were not targeted, some appear to have been held together with adults as the sample included a number of people between the ages of 14 and 17.<sup>7</sup> The age profile suggests an older profile than that found among pretrial detainees in developed countries, where young people (18–25) are over-represented in detention. This is consistent, however, with the findings in African countries such as Malawi, Zambia, and South Africa.<sup>8</sup> According to the World Bank, life expectancy in Guinea is 53 years. Thus pretrial detainees in Guinea may be termed “middle-aged” rather than “youthful”.

# Language of detainees

## First language

The most common first language in the detainee sample was Kpelle (Guerze) (30%), followed by Pular (21%) and French (17%). N'zérékoré is dominated by Kpelle-speakers. Pular (Fula) is the most common language in Guinea. A small number of respondents spoke foreign languages (such as English and Portuguese) suggesting that they may not be Guinean.

## Second language

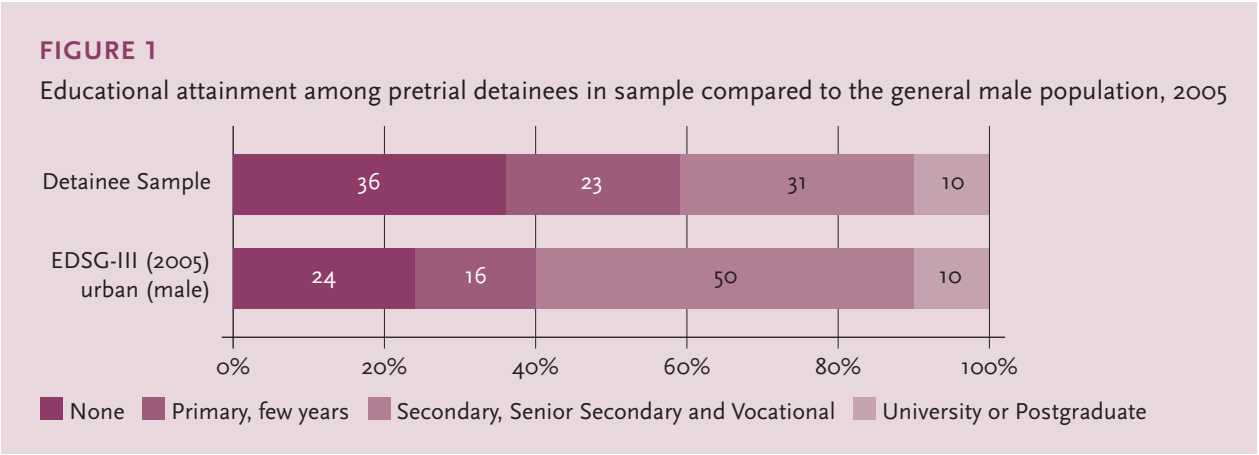
The most common second language listed by pretrial detainees was French (18%), which is the working

language of the courts in Guinea. As 17% had French as a first language, this means that two in three pretrial detainees are not able to understand the proceedings of the courts without translation, which highlights the need for translation services in courts.

## Education of detainees

*Pretrial detainees are more likely than the average person to have no education.*

A surprisingly large percentage (10%) of pretrial detainees had university or postgraduate education; this exactly equals the percentage in the urban male population of Guinea with tertiary education (Figure 1).

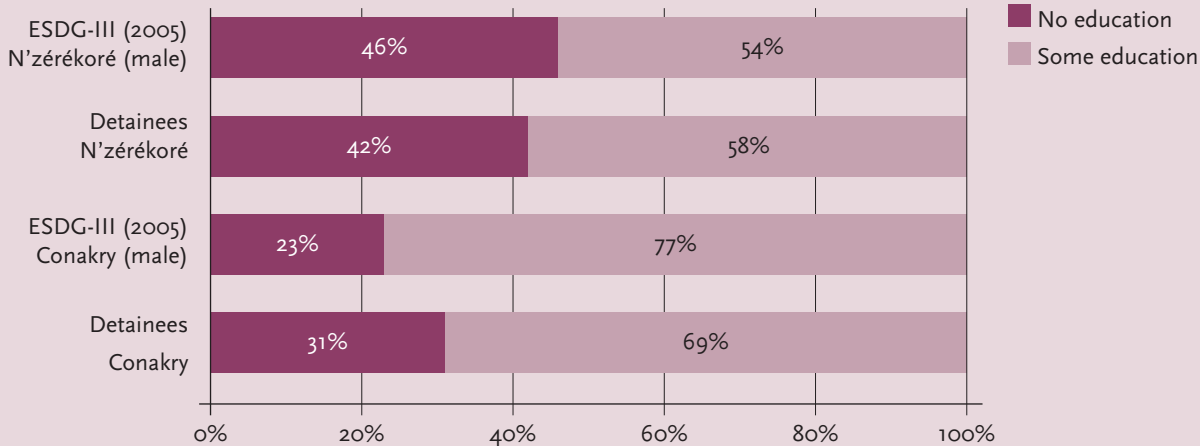


However, almost 36% of pretrial detainees say they never received any formal education. This contrasts with 24% of the Guinean urban male population who have no formal education, according to the 2005 Guinea Demographic and Health Survey (EDSG-III).<sup>9</sup> This suggests that pretrial detainees are more likely than the average urban male person to have no education. This trend seems to be more pronounced in Conakry than in N'zérékoré.

N'zérékoré has, on average, a lower level of educational attainment compared to Conakry and urban Guinea, and this is also reflected in the detainee sample. Figure 2 shows that 31% of those arrested in Conakry compared to 23% of the Conakry population have no education, whereas in N'zérékoré 42% in detention have no education compared to 46% in the general population.

**FIGURE 2**

Proportion of pretrial detainees without education compared to the general male population (2005)



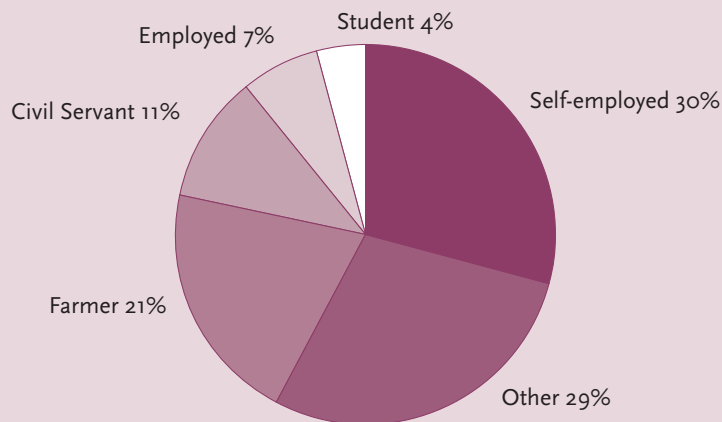
## Employment of detainees

The largest category among pretrial detainees was “self-employed” at 30%, followed by “other” at 29%, farmer 21%, civil servant 11%, employed 7%, and student 4% (Figure 3). None of the pretrial detainees in the Guinea sample said they had “no occupation” at the time of their arrest. Many of the detainees

who selected “other” would probably not have fixed employment but a variety of informal, temporary occupations. Compared with the information from the 2005 Guinea Demographic and Health Survey, the detainees surveyed were more likely than the average urban male to be currently employed, which found that over 30% of adult males had not worked during the previous 12 months.

**FIGURE 3**

Detainee sample occupational profile

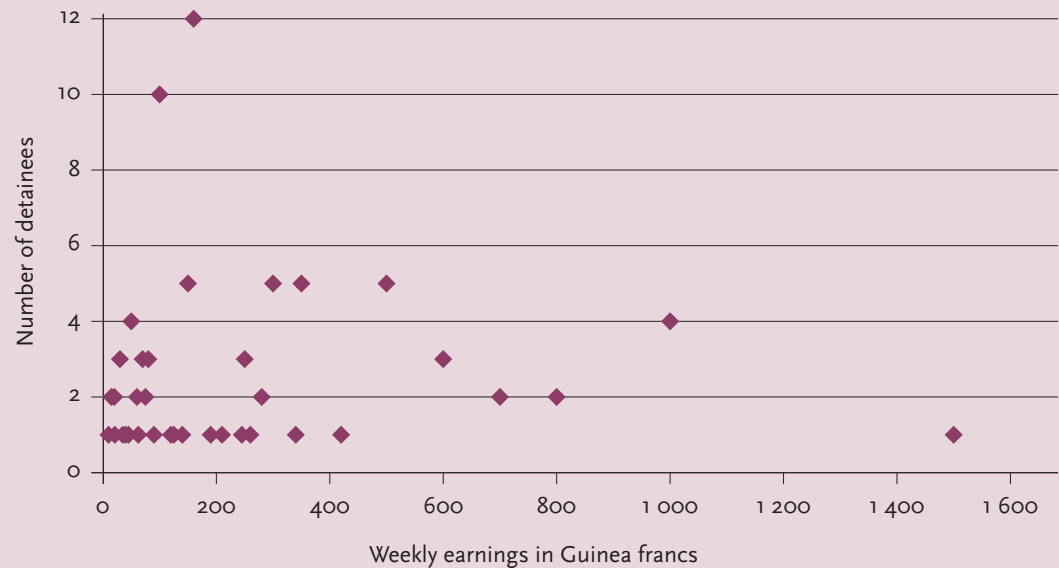


### Earnings of detainees

Weekly earnings of pretrial detainees varied widely, from only \$PPP 43 to a claimed \$PPP 56 000 (10 000–13 000 000 Guinea francs) per week.<sup>10</sup> The median income was \$PPP 858 per week and the average was \$PPP 1 121 per week (excluding the

13 million Guinea francs figure). Although Guinea does not have a minimum wage, in 2009 the minimum, in practice, was in the region of \$PPP 322 (75 000 Guinea francs) per month or \$PPP 80 (18 750 Guinea francs) per week.<sup>11</sup> Only 4% of detainees earned less than this amount (Figure 4).

**FIGURE 4**  
Distribution of detainee weekly earnings in Guinea francs



Note: The figure of 13 million Guinea francs is excluded from the graph.

### Marital status of detainees

*Detainees are likely to be married.*

Most (66%) detainees said they were married, 24% single, 6% widowed and 4% divorced (Figure 5). This compares to figures for Guinea adult males older than 15, of whom 59% are married.

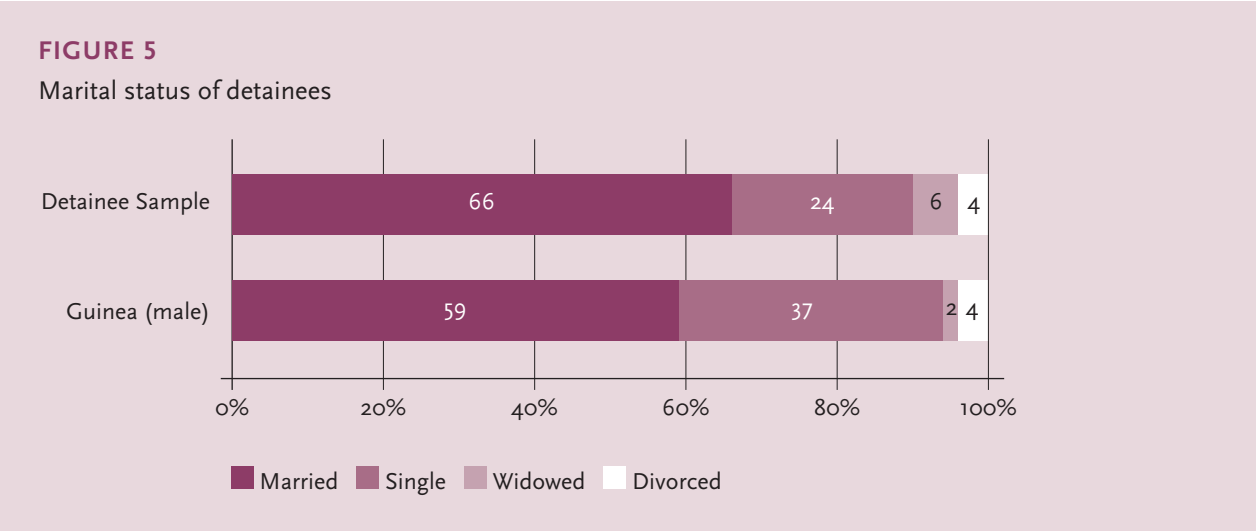
Among those married, 73% have one wife, 20% have two wives and 8% have three wives. This compares to the Guinea urban male population currently married, among whom 71% have one wife, 24% have

two wives and 5% have three or more wives. This suggests that polygamy is not markedly different among detainees compared to the general Guinean population.

### Dependants and children

*Detainees are highly likely to have children.*

Some 81% of detainees said they had children, of whom 17% had one child and 64% had more than one child (Table 2).



**TABLE 2**

Percentage of detainees who have children, by number of children

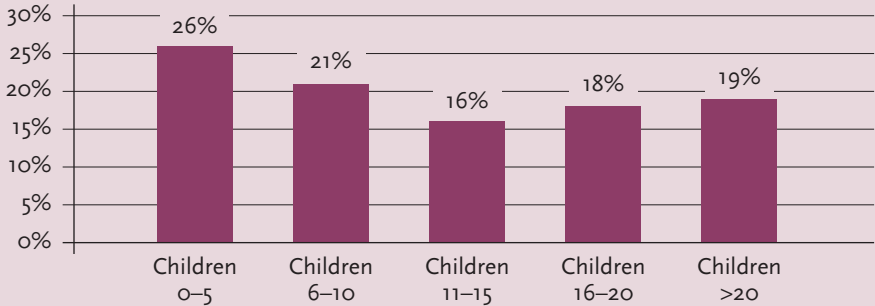
Childless	19%
1 child	17%
2 children	11%
3 children	10%
4 children	10%
5 children	10%
6 children	11%
7 children	6%
8 or more	6%

The total number of children of all detainees together is 369 – three and a half times the number of detainees. This implies a child-to-detainee ratio of 3.5:1 which compares to the average ratio in Guinea of 3.3 living children per adult male.<sup>12</sup>

Most detainees have young, dependant children. 63% of all children of detainees are under the age of 16, and 26% under the age of five (Figure 6). 33% of detainees had one or more dependant spouse living with them, 41% had one or more dependant parent living with them, 54% said they had other dependant children living with them, and 65% listed “other” dependants. In total the average number of dependants living in a Guinean detainees’ house is 7.4.

**FIGURE 6**

Detainees’ children by age-group





# Living conditions

*Over half of all detainees said they were living in their own house at the time of their arrest.*

The average number of rooms in their house was 3.2. Some 20% said they lived in houses made of brick, while 80% said they were made of mud and sticks.

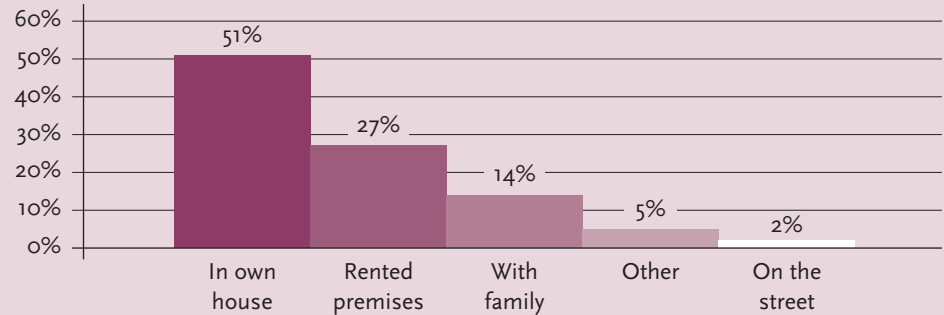
# Asset ownership

*Approximately one-third of detainees owned some kind of assets.*

Detainees were asked about their ownership of various assets, including land. Under the Guinea Land Code, land rights must be registered, but land administration institutions lack the capacity and resources to support comprehensive land registration.<sup>13</sup> As a consequence most of Guinea's land is unregistered and governed by customary law, but also vulnerable to transfer by the state or by large private companies. Customary rights are, to a certain extent recognized, but generally limited to *use-rights*.<sup>14</sup> Conflict over rights to land and natural resources is common, particularly in areas where herders compete with farmers, where mining operations are established, and where refugees fleeing violence in

**FIGURE 7**

Detainee place of residence at time of arrest



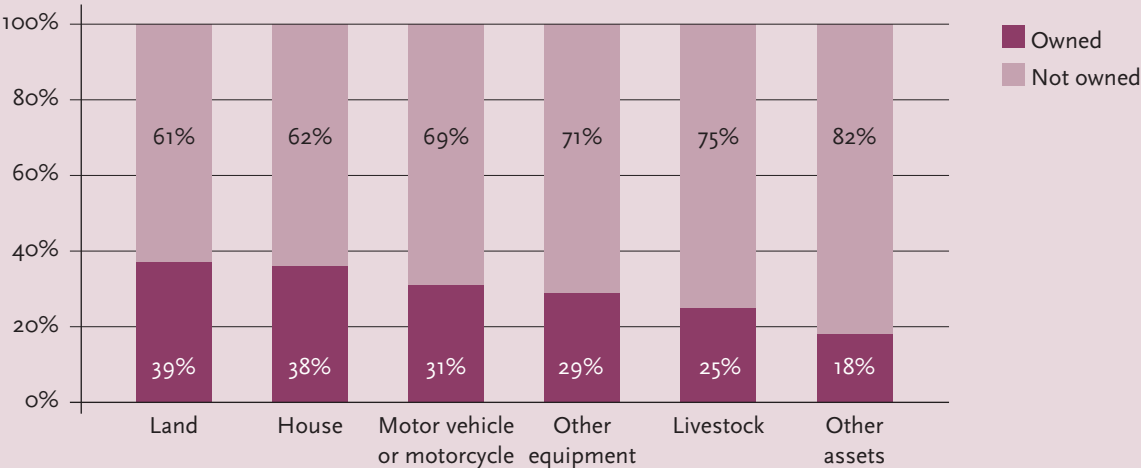
neighbouring countries have relocated.<sup>15</sup> Hence, when detainees said they “owned” land, the nature of the ownership is unclear.

Some 61% said they did not own land. Among the 39% who said they “owned” land, the median size was 3 hectares and the average size of land owned was 11.5 hectares. Guinea has approximately 845 000 agricultural production units, the vast

majority of which are family-owned and operated farms. Half of all farms in Guinea are less than 2 hectares. The average farm size is 9.8 hectares, reflecting the presence of a small number of large commercial farmers.<sup>16</sup> This suggests that the 39% of detainees who “own” land own slightly larger portions of land than average among Guinean farmers. Some 31% said they owned a motor vehicle or motorcycle and 25% owned livestock (Figure 8).

**FIGURE 8**

Proportion of detainees owning various assets at time of arrest



# What is the Impact of Pretrial Detention?

*All detainees identified varying forms of social and economic impact. Social stigma was the most frequently cited followed by the separation of families. From an economic perspective the majority suffered due to a loss of income combined with additional expenses associated with the detention of a family member. Many had to sell basic household goods and had fallen into debt.*

*As the majority of detainees are married men who are supporting a number of dependants, the immediate social and economic impacts are felt most keenly by women and children, who are forced to take on new roles, fend for the family and at the same time assist the detained husband or father.*

## **What is the social impact on families and detainees?**

*The majority of detainees had some contact with their families and reported various forms of social impact suffered by their family as a result of their detention.*

### **Contact with family since arrest**

70% of detainees said they had some contact with their families since their arrest. The most common reason for lack of contact was that they had no means to contact their family. Only 2% of all detainees said they did not want to contact their family, while 2% of the detainees indicated that the reason for the lack of contact was their failure to pay a bribe. Given the high rate of visiting, detainees were in a position to be informed about the impact of their detention on their families.

Visit by family since arrest

Almost two-thirds (62%) said they had been visited by their family since their arrest. When asked for reasons for their family failing to visit, the most common reason for not visiting was a lack of means (13%) or that the family lived too far away (11%).

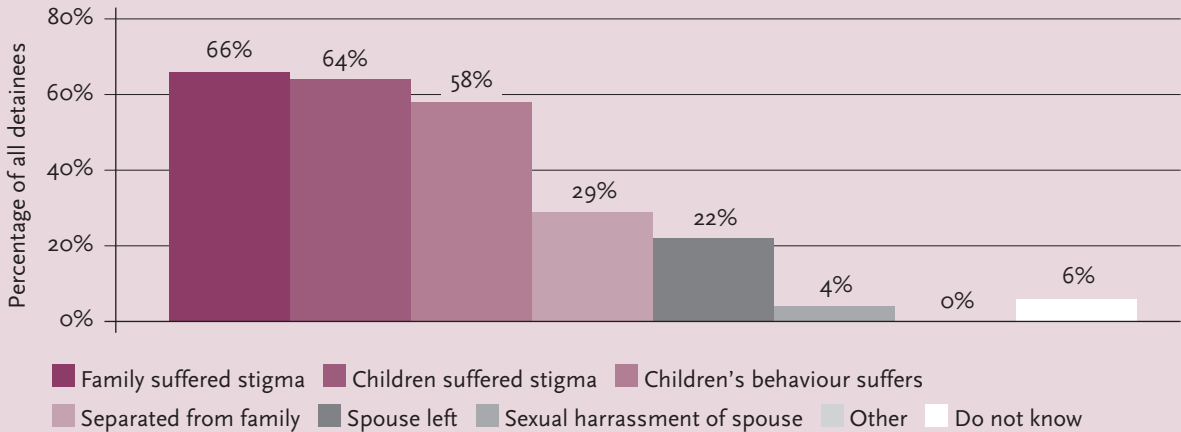
Social impact on families

*The most common impact on the family was social stigma.*

The most common impact identified by detainees was social stigma (66%) followed by impacts on the behaviour of children (58%) and the separation of families. This was confirmed in the family interviews. Thirteen out of nineteen said their children had suffered from discrimination as a result of their fathers' arrest and three said their families had separated (Figure 9).

FIGURE 9

Social impact on family caused by detention, according to detainees



Interviews with family members showed that in some instances the stigma suffered by family members resulted in abuse, or long-term social consequences.

*“Our mother was the victim of a lot of violence. She was insulted, assaulted, and even locked up by the police for three days together with our sister-in-law and their baby. The police then confiscated her valuables including jewellery, money, shoes and clothes.”*

*– Sibling of detainee*

*“My son lost his bride as a result of the detention.”*  
*– Mother of detainee*

## What is the economic impact of pretrial detention?

*The economic impact experienced by the family of detainees encompasses both expenses incurred as a result of the detention as well as loss of the financial support usually provided by detainees. Transport and the costs of bringing food to the detainee were the most common additional expenses incurred as a result of the detention. The loss of support and additional expenses incurred most*

*typically led to the family having less food to eat, or the family falling into debt.*

## Loss of support

As we have seen above, detainees are likely to be married income-earning people with children of a dependant age – on average detainees were supporting 3.5 children and a total of 7.4 dependants. Most detainees earned more than the average minimum wage at the time of their arrest. Consequently, while in detention, they are unable to earn, and so families did not receive these earnings.

## Expenses incurred by the family as a result of detention

The most commonly identified expense incurred by the family in connection with the detention of the detainee related to transport, followed by food, clothing and medical care for detainees (Figure 10).

## Economic impact of expenses incurred and loss of income

The most common economic impacts experienced by the family as a result of the expenses incurred

**27% of families fell into debt, 50% had less food and 17% had to move.**

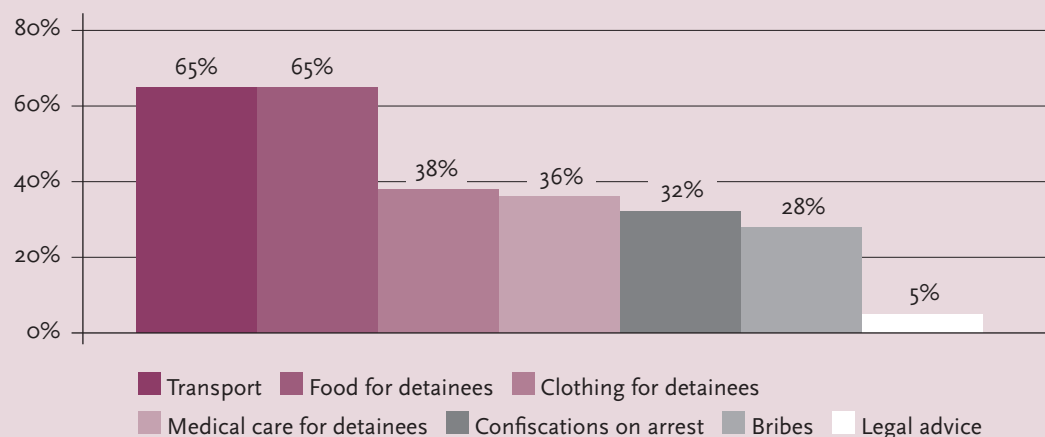
in relation to the detainees' detention were that the family had less food (50%), or had fallen into debt (37%) (Figure 11).

This may expose the family to further imprisonment as detention for civil debt occurs in Guinea – indeed, 7% of the detainees in the sample were held in relation to civil debt charges. More than one in five of the detainees' families (22%) had to sell household goods to cover the costs associated with the detainees' continued detention and 17% had to move.

From the interviews with family members, 13 out of the 19 families contacted were able to quantify their expenses over the period since the arrest of their family members (others incurred expenses but were unable to provide figures). All thirteen incurred expenses on food and transport, on average spending \$PPP 16 953 (3.95 million Guinea francs) on food and \$PPP 8 069 (1.88 million Guinea francs) on transport since the detention of their family member. 11 spent money on bribes averaging \$PPP 19 571 (4.56 million Guinea francs), and 3 families spent

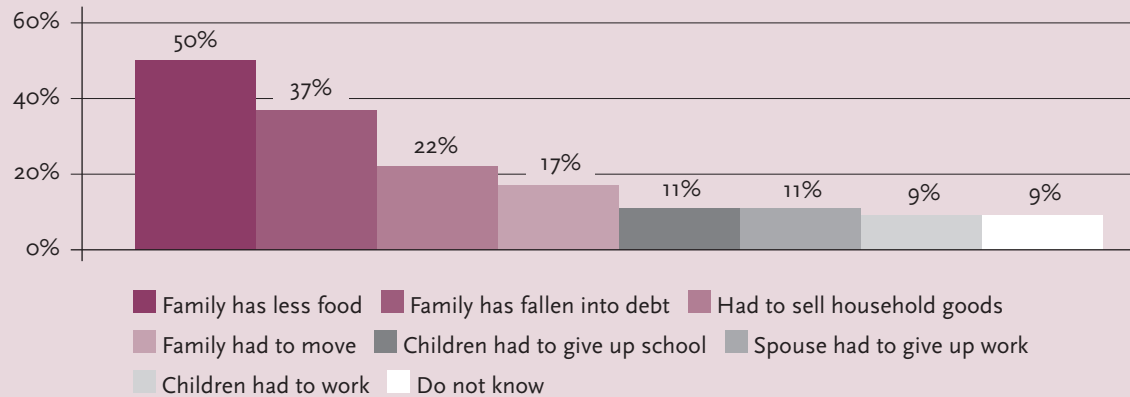
**FIGURE 10**

Percentage of all detainees identifying an expense of a particular type



**FIGURE 11**

Impact on family of expenses occurred as a result of detention



considerable sums on legal aid, on average \$PPP 15 751 (3.67 million Guinea francs) (Figure 12).

In total each family spent on average \$PPP 39 485 (9.2 million Guinea francs) on all expenses, with the median being \$PPP 19 313 (4.5 million Guinea francs). Taking the average time spent in pretrial detention up until the point of the research, of two years and two months (see below), the average amount spent per month would be approximately \$PPP 1 502 (350 000 Guinea francs) per month. The total amount equates to nearly a year's income

compared with the median income of detainees at the time of their arrest.

The responses from the family members of detainees provide further insight into the nature of the economic impacts; some described the devastation of the loss of the detainee's support.

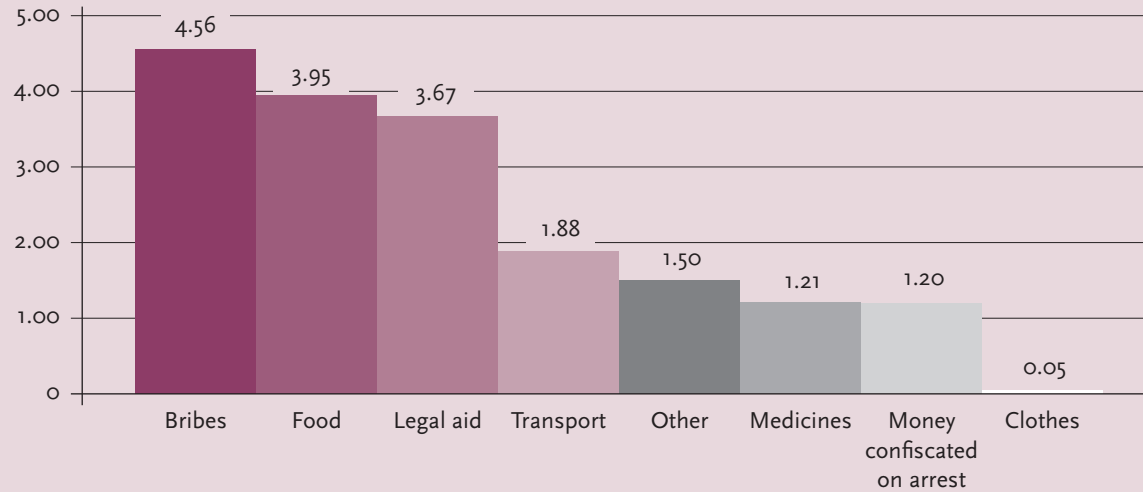
*"My son was occupied with the repair of our house prior to his arrest, but now all the work on the house is spoiled."*

*– Mother of detainee*

**On average, during the detention of a family member, families incurred expenses equivalent to a year's earnings.**

**FIGURE 12**

Average expences incurred by the families of detainees (in Guinea francs, million)



*"We used to try to cover household expenses through petty trading, but it has become difficult to cover the rent and our family risks losing our accommodation."*

*– Mother of detainee*

Bribery also has an impact on families. For those who were unable to pay the bribe demanded, the burden

of the knowledge their family member could have been free if they had enough money, weighs heavily.

*"The police demanded a bribe for the release of our brother, but we did not have it. Our mother spent a lot, but she is old and sick – it is very difficult."*

*– Sibling of detainee*



## What is the impact on the health of pretrial detainees?

*Almost all detainees (92%) fell ill after their arrest. Some 30% of detainees who fell ill after arrest received no medical attention of any kind. The majority of illnesses contracted were life-threatening, yet also treatable and preventable.*

### Health on arrest

96% of those not ill at the time of arrest fell ill after arrest, while 86% of those already ill at the time of arrest remained ill or fell ill again.

Of those who were already ill on arrest, 62% had seen a doctor before arrest and knew the nature of their illness, and a further 32% knew the nature of their illness but had not recently seen a doctor. The survey did not enquire as to the nature of detainees' illness before arrest. As adult HIV prevalence is estimated by various sources such as WHO and UNICEF to be low in Guinea (1.3%), the illness rate among detainees on arrest is unlikely to be attributable to HIV.<sup>17</sup>

Guinea has a very high malaria infection rate of 40 585 per 100 000,<sup>18</sup> and a high malaria mortality rate of 165 per 100 000 (compared to the Africa average of 94 per 100 000).<sup>19</sup> Consequently it is

highly likely that some detainees were suffering from malaria at the time of their arrest (Figure 13).

### Health after detention

92% of detainees said they fell ill after their arrest. Many suffered from multiple conditions: 57% suffered malnutrition, 53% suffered malaria, 52% diarrhoea, 41% skin disease, 4% tuberculosis, and 39% suffered other/unknown diseases. Many of these diseases would have been exacerbated or spread by the overcrowded conditions in Guinean prisons.

### Malnutrition

57% said they suffered from malnutrition after their arrest, which can lead to ulcerations, digestive disorders and secondary infections. Endemic goitre is widespread in Guinea, representing a major problem for public health; the overall rates of goitre stand at around 75% in all regions except Basse Guinée.<sup>20</sup>

### Malaria

53% said they suffered from malaria after their arrest. The WHO indicates in their World Malaria Report 2011 that in Guinea the major plasmodium species of malaria is *plasmodium falciparum* (100%), which results in the most serious form of the disease.<sup>21</sup> Untreated *P. falciparum* infections can quickly lead to cerebral malaria and death.

**92% of detainees fell ill after their arrest.**

### Diarrhoea

Some 52% of detainees said they suffered from diarrhoea which is indicative of a number of serious underlying conditions, including cholera. The main preventative measure is the supply of clean drinking water and adequate ablution facilities. In Guinea detainees seldom have access to external latrines,

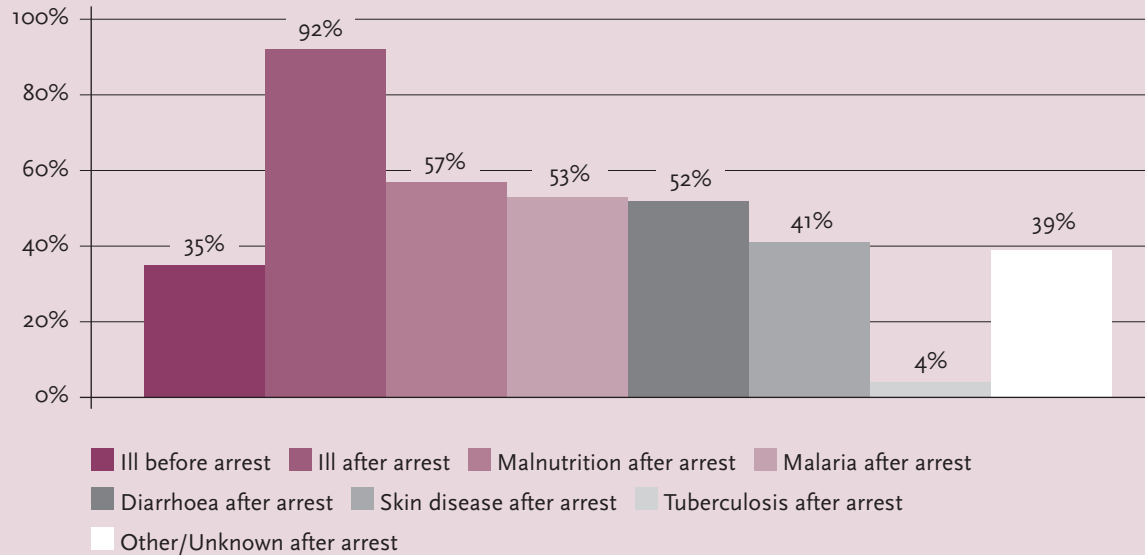
and must rely on buckets in cells, which are emptied irregularly.<sup>22</sup>

### Tuberculosis

Some 4% of detainees said they were ill with tuberculosis after their arrest. Guinea has a tuberculosis prevalence rate of 567 per 100 000;

**FIGURE 13**

Detainee illness as identified by detainees



8 357 cases were reported in 2009.<sup>23</sup> The tuberculosis mortality rate is 73 per 100 000 compared to the Africa-average of 52 per 100 000.<sup>24</sup> TB is both highly communicable and highly treatable, which has important implications for prison management, particularly as prisons operating beyond their design capacity are ideal for the spread of the disease.<sup>25</sup>

### Skin disease

Some 41% said they suffered from skin disease. These could be forms of tuberculosis or symptoms of malnutrition. Other likely skin diseases in Guinean prisons include scabies, lice and infections due to fungal infections, dehydration, and intestinal parasites.<sup>26</sup>

### Medical attention

Although 92% of detainees fell ill in detention after their arrest, only 67% said they received any kind of medical attention – among those ill after arrest, 70% received some medical attention during the course of their, often lengthy, detention. However, 3 out of 10 ill detainees (30%) did not receive medical attention of any kind. The most common form of medical attention was from a nurse (47% of ill detainees said they received medical attention from a nurse).

# What are Detainees' Experiences of the Criminal Justice Process?

## Offences

*Charged offences include a significant proportion of non-violent offences.*

The most common charge against detainees was murder (32%), followed by theft (18%), robbery (10%) and rape (7%). It is notable that one in eight detainees (12%) was held on loitering, civil debt or traffic charges. Combined, known non-violent charges accounted for 30% of the detainees interviewed. One-third (33%) of female detainees were held in relation to civil debt charges. It is unclear what charges are covered by the large category "other" (19%), but may include abuse of confidence, forgery, theft of cattle and practices such as witchcraft (Figure 14).

## Time before being brought to court

*Legal standards on bringing persons to court within 48 hours were not met in the majority of cases.*

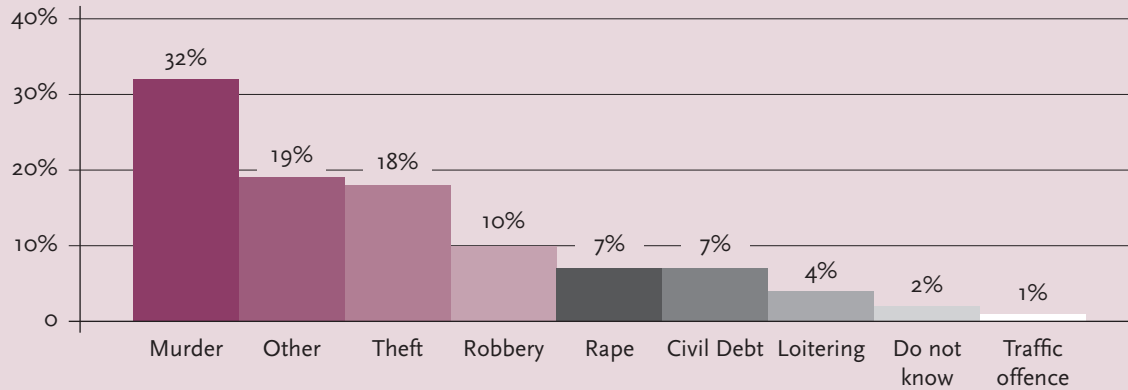
84% of detainees interviewed had already been to court. According to the Criminal Procedure Code accused persons must be brought before court within 48 hours.<sup>27</sup> In more than half of cases it took seven days or more and the median time period was seven days. The average was 64 days and the maximum was four years (1 460 days). In 45% of cases it took more than two weeks for the accused to go to court.

## Time spent in police detention

*The majority spent more than a week in police detention.*

**FIGURE 14**

Offences with which detainees were charged



The number of days between arrest and the first court appearance was almost always lower than the number of days between arrest and transfer to prison, which suggests that in most cases the pretrial detainee was transferred to prison after their first court appearance. This is in line with article 128 of the Criminal Procedure Code which provides that the committal order required to receive and detain the accused should be issued by an investigating judge and transferred to the head of the relevant correctional facility.

The number of days which detainees spent detained in a police station before being brought to a prison varied widely. The shortest time period involved the detainee being transferred on the same day as their arrest, while the maximum time period was five years, two-and-a-half months (1 899 days). The average number of days spent in police detention was two months (64 days) and the median 9 days. This means half of all detainees spent 9 days or more in police detention before being transferred to prison. Prolonged detention in police cells is unsuitable as

police cells are not designed or equipped to hold detainees for extended time periods.

Time spent in pretrial detention

*The median time spent in pretrial detention – up until the point at which the study was carried out – was about 14 months.*

The time spent in pretrial detention was calculated from date of arrest, to the time at which the interviews were carried out (within a two week period).

The minimum time in pretrial detention amongst those in the sample was a few days; the median was

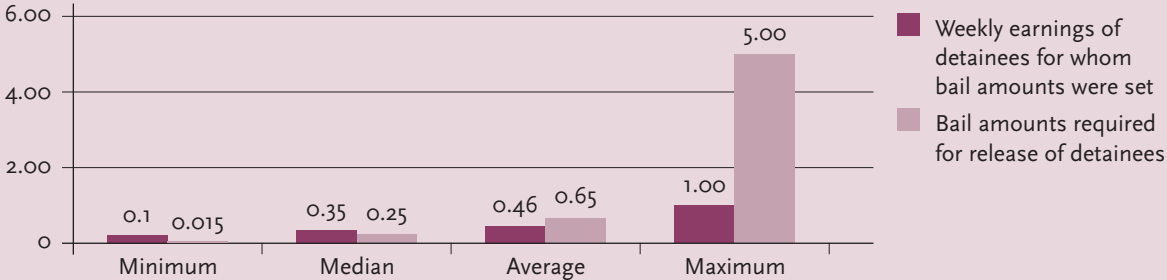
almost a year and two months, while the maximum was 14 years. The average was 2 years and 2 months. The actual distributions of duration require other methods of measurement, so these should be taken as approximations only.<sup>28</sup>

Bail

*Bail amounts appear to be high and out of the reach of most detainees.*

Some 14% of detainees were still in detention despite bail having been set for them. This suggests that unattainable bail conditions may be the reason for their continued detention.<sup>29</sup>

FIGURE 15  
Bail amounts compared to weekly earnings of detainees (in Guinea francs, million)



The average bail amount set for pretrial detainees in custody is 1.4 times the average weekly earnings of pretrial detainees for whom bail was set (Figure 15). In other words, the average bail amount of detainees unable to meet bail requirements was equivalent to about ten days' average earnings of those pretrial detainees (i.e. those for whom bail amounts were set but who could not afford to pay them or who otherwise could not meet bail requirements).

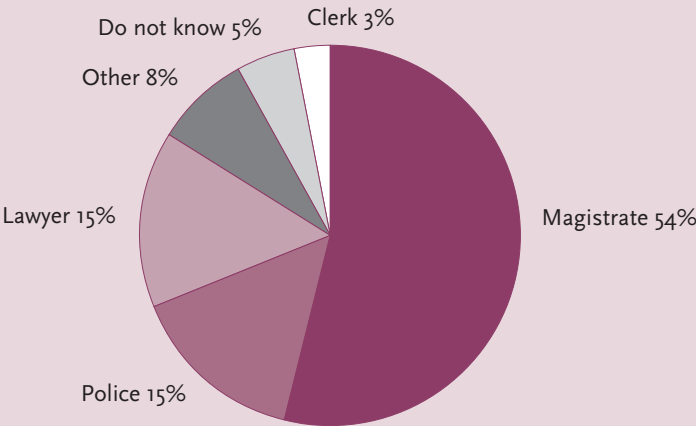
## Bribes

*Bribes were most likely to be solicited by magistrates. A relationship appears to exist between bribes and bail.*

Some 29% of detainees said they had been asked for a bribe, some from more than one official. Over 50% of all bribes solicited involved the magistrate or investigating judge asking for the bribe, 15% a police officer and 15% a lawyer (Figure 16).

**FIGURE 16**

Percentage of all bribes solicited, by officials soliciting bribes

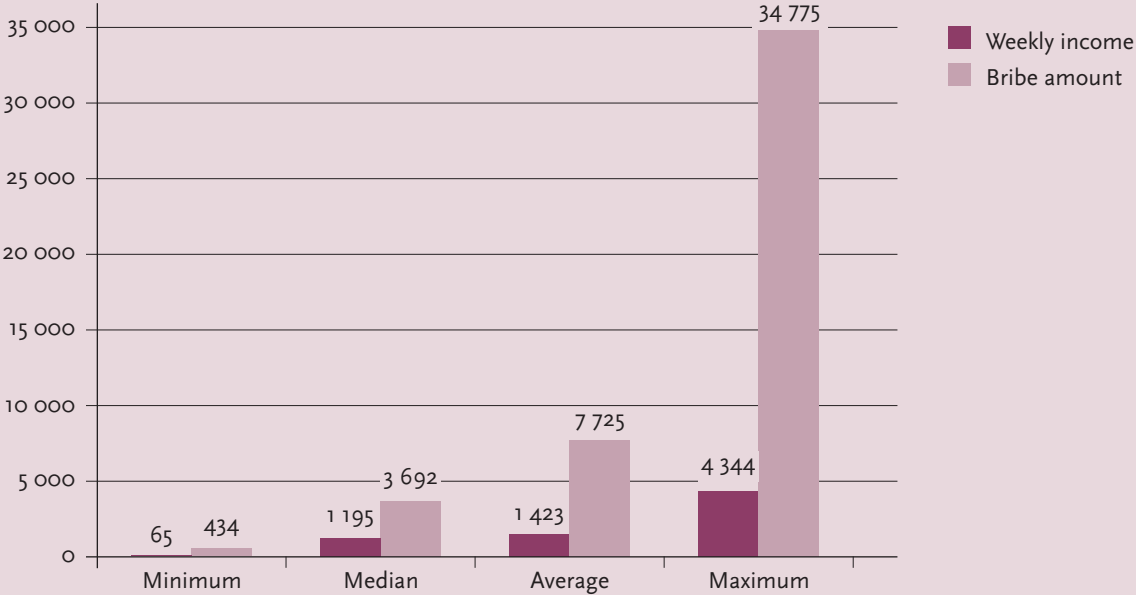


Correlating the individual responses it appears that the more serious charges were more likely to involve bribes. For example some 38% of those charged with murder said a bribe had been solicited from them (in almost 70% of these cases by the magistrate or investigating judge).

The average bribe amount was \$PPP 7 725 (1.8 million Guinea francs) thus equivalent to 5.4 times the average weekly earnings of detainees from whom a bribe was solicited (Figure 17), or almost a month and a half of earnings – compared to 10 days of earnings for the average bail amount.

**FIGURE 17**

Bribe amounts and weekly income amongst bribed pretrial detainee (\$PPP)





Bribe amounts were thus much higher than bail amounts. This is in line with magistrates being the main conduit through which bribes are sought. It suggests the bribe must, in many instances, be paid to ensure that bail, with an associated bail amount, is set (or for bail actually to result in release). The median amount cited for bribes is also approximately equivalent to the weekly salary of a magistrate (in 2009 magistrates earned \$PPP 2 146– \$PPP 3 433 monthly – 500 000 to 800 000 Guinea francs).<sup>30</sup>

## Legal Assistance

*The majority of detainees are not informed of their right to legal assistance. The financial burden of legal assistance falls mainly on the family.*

Only 26% of those interviewed said they had been advised of their right to legal assistance. This implies the requirement that detainees are informed of their right to legal assistance does not appear to be complied with in the majority of cases. Around one in seven detainees (15%) had seen a lawyer, 7% said they had seen a paralegal and 4% said they had seen both a paralegal and a lawyer.

Extensive time had passed since seeing a lawyer for most of the detainees. The median number of days since last seeing a lawyer was 180 days (six months)

and the average was 403 days (one year, one month and one week). Of the minority who had seen a lawyer, two-thirds (68%) said the lawyer had been paid for by their families; 23% said they had paid themselves; 10% said the state paid. None mentioned donors and 36% sited “other” sources of funding.<sup>31</sup> Expressed as a percentage of all detainees, this means legal assistance at state cost was provided to only 2% of detainees.

## What is the extent of torture in pretrial detention?

As many as 42% of detainees said they had been tortured or physically injured by a state official since their arrest, and 25% said they suffered permanent physical injury as a result, while 24% said they suffered long term effects. If one restricts the analysis to men (none of the women said they were tortured) the proportion claiming to have suffered in this way rises to almost half (47%), with 28% suffering permanent physical injury (Figure 18).

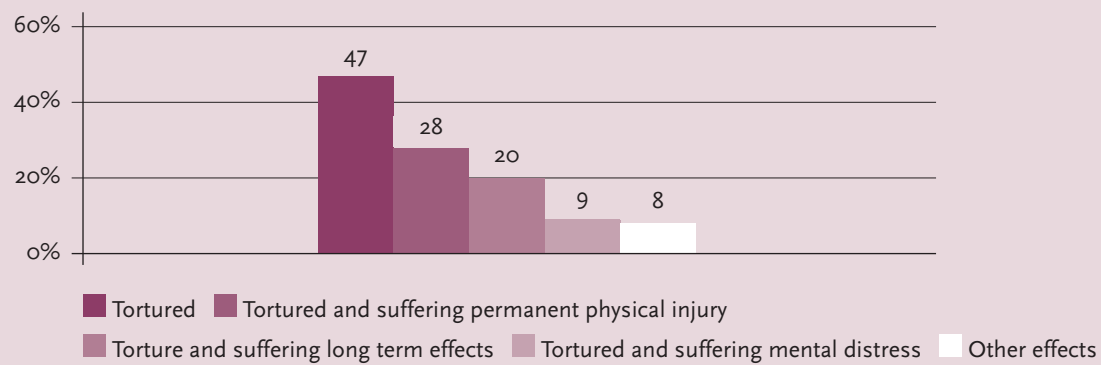
Among those tortured, the majority (82%) indicated that the reason for the torture was in order to extract a confession. Some 11% thought they were tortured as punishment, 5% said they did not know the reason and 2% mentioned other reasons.<sup>32</sup>

**74% of all detainees had not been informed of their right to legal representation.**

**42% of detainees said they had been tortured by a state official.**

**FIGURE 18**

Proportion of male detainees tortured and suffering consequences of torture



# Conclusion

Excessive pretrial detention has a harmful – and largely avoidable – impact on individuals, families, and communities. That impact is most profound and harmful for those who can least afford it – the poor and those relying on daily or weekly incomes, which, in a country like Guinea, is the norm. Pretrial detention wastes human potential and wrecks lives.

As this report has sought to demonstrate, excessive pretrial detention in Guinea:

- disrupts the lives of largely married, dependant-supporting men;
- reduces the income of detainees, pushes their families toward poverty, and damages the education and income potential of their children;
- negatively affects the social wellbeing of pretrial detainees' families, including young children, spouses, and aged relatives, and places a strong burden on women who predominantly have to

face, and adapt to, the multiple socioeconomic consequences; and

- contributes to the spread of disease and furthers corruption and torture.

These factors impact negatively on the attainment of the Millennium Development Goals, in particular on goal one – eradicating extreme poverty and hunger, but also the goals on health and education; and whilst Guinea has made progress towards the achievement of some of the MDGs, the majority of goals will not be attained by 2015.<sup>33</sup>

Many of Guinea's pretrial detainees should not be in detention. At least one-third of the randomly selected pretrial detainees interviewed for this report had been arrested for theft or other non-violent offences. Most are unlikely to pose a threat to society or be at risk of absconding and many also spent long periods of time in pretrial detention.

In many cases those in pretrial detention should be actively contributing to the growth of their society, using their potential to benefit themselves and others. Yet policies and practices that involve lengthy, excessive or indiscriminate use of pretrial detention render this significant cohort less able to contribute to growth and stability. In essence, governments are spending money on a system that undermines their own development policies. They are preventing communities and individuals from making the most of the few opportunities they have. Indiscriminate and excessive pretrial detention deepens social exclusion.

The report highlights a previously under-explored angle and the influence of criminal justice policies and practice on areas such as health, education and socioeconomic development.

#### Recommendations:

- Policy makers in other fields, especially health, education and social welfare, should regularly engage with counterparts working in the justice sector to exchange information and contribute to the review and development of each other's policies.
- Finance and budgeting experts should look at the full costs of excessive and arbitrary pretrial detention including the collateral costs, the loss

of opportunity and the costs borne by families and communities and reflect these in budgeting processes.

- The impact of criminal justice policies on the attainment of the MDGs in Guinea should be further analysed and steps taken to minimise criminal justice policies and practice that unnecessarily drive families deeper into poverty.
- Given the disproportionate burden shouldered by women and children of imprisoned spouses and parents, gender and child welfare specialists should engage more intensively in criminal justice reform and use their platforms to advocate change.
- Donors engaged in justice sector reform should look broadly at the socioeconomic impacts of detention when reviewing and designing programmes, facilitate steps to engage donors working in other sectors and highlight the findings of this research in on-going discussions around the post-2015 Millennium Development Goals.
- Criminal justice policies that are out of line with average socioeconomic conditions should be reviewed and reformed, for example bail conditions and stipulations for who can stand surety.

- There should be a continuous process to review and address factors that drive excessive and arbitrary pretrial detention including political, economic and legal incentives. Relevant laws should be reviewed including outdated offences that allow for very wide powers of arrest; detention for civil debt and the necessary conditions required of the judiciary and the prosecution in order to refuse bail.
- Alternatives to pretrial detention should be actively promoted and utilised, as well as the diversion of minor crimes away from the criminal justice system.
- The work of legal aid providers should be supported through a national legal aid scheme that is adequately staffed and resourced. In particular, paralegals and other legal aid providers stationed at police stations and in prisons should be supported, in order to ensure that detainees are aware of their rights, know how to navigate the criminal justice system and are in a position to access a lawyer for serious and complex cases.

# Notes

1. “Pretrial detention” is defined as the period during which an individual is deprived of liberty (including detention in police lock-ups) through to conclusion of the criminal trial (including appeal). Other terms commonly used for pretrial detainees include “remand prisoners,” “remandees,” “awaiting trial detainees,” “untried prisoners,” and “unsentenced prisoners.”
2. Guinea ranked at 178 out of 187 countries on the 2011 United Nation’s Human Development Index.
3. The International Centre for Prison Studies [www.prisonstudies.org](http://www.prisonstudies.org).
4. Ibid.
5. The Global Campaign for Pretrial Justice, The Socioeconomic Impact of Pretrial Detention, 2011.
6. Redpath, J. Morrell, R. Jewkes, R. and Peacock D., Sonke Gender Justice Network, October 2008, *Masculinities and Public Policy in South Africa*, accessed at <<http://analysis.quanta.org.za/criminal-justice>>.
7. Most countries, in line with the Convention on the Rights of the Child, hold children in detention as a measure of last resort, and if they are held, hold them in separate facilities. The absence of persons younger than 18 from pretrial detention in these countries is a function of the application of law. The present study intended to exclude from the fieldwork persons younger than 18. However, the sampling process unintentionally yielded some children who were held together with adults.
8. Muntingh, L. et al. *Pretrial detention in Malawi: An audit of case flow management and conditions of detention*, Open Society Institute of Southern Africa – Johannesburg (2011); Muntingh, L. et al. *Pretrial detention in Zambia: An audit of case flow management and conditions of detention*, Open Society Institute of Southern Africa – Johannesburg (2011); Karth, V, O’Donovan, M, and Redpath, J. *Between a rock and a hard place: bail decisions in three South African courts*, Open Society Foundation South Africa (2008).
9. Demographic and Health Survey 2005 – EDHS-III Guinée 2005, <http://www.measuredhs.com/pubs/pdf/FR162/FR162-GNo5.pdf>.

10. A PPP rate asks how much money would be needed to purchase the same goods and services in two countries, and uses that to calculate an implicit foreign exchange rate. Using the PPP rate, an amount of money thus has the same purchasing power in different countries. The rate used here was \$PPP = 233 Guinea francs.
11. Republique de Guinee document de stratégie par pays axée sur les résultats 2005–2009 (DSPAR 2005–2009) <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADF-BD-WP-2005-75-FR-GUINEE-DSPAR-2005-20091.pdf>.
12. Demographic and Health Survey 2005: Tableau 4.5.2 Enfants nés vivants et enfants survivants des hommes EDSG-III Guinée 2005 <http://www.measuredhs.com/pubs/pdf/FR162/FR162-GNO5.pdf>.
13. [http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/GUINEA\\_Country\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/GUINEA_Country_Profile.pdf).
14. <http://www.usaidlandtenure.net/country-profiles/guinea>.
15. [http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/GUINEA\\_Country\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/GUINEA_Country_Profile.pdf).
16. [http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/GUINEA\\_Country\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/GUINEA_Country_Profile.pdf).
17. World Health Organisation, *World Health Statistics 2011*, p.32.
18. Notified cases of malaria per 100 000, accessed at <<http://millenniumindicators.un.org>>.
19. World Health Organisation, *World Health Statistics 2011*, p.36.
20. [http://www.fao.org/ag/agn/nutrition/gin\\_en.stm](http://www.fao.org/ag/agn/nutrition/gin_en.stm).
21. [http://www.who.int/malaria/publications/country-profiles/profile\\_gin\\_en.pdf](http://www.who.int/malaria/publications/country-profiles/profile_gin_en.pdf).
22. [http://www.msf.org/source/countries/africa/guinea/2009/reports/MSF\\_Prisons\\_Guinee.pdf](http://www.msf.org/source/countries/africa/guinea/2009/reports/MSF_Prisons_Guinee.pdf).
23. [http://www.who.int/whosis/whostat/EN\\_WHS2011\\_Full.pdf](http://www.who.int/whosis/whostat/EN_WHS2011_Full.pdf), p.83.
24. [http://www.who.int/whosis/whostat/EN\\_WHS2011\\_Full.pdf](http://www.who.int/whosis/whostat/EN_WHS2011_Full.pdf).
25. A mathematical model has shown that transmission rates of tuberculosis are likely to be as high as 90% in overcrowded conditions prevalent in South African prisons – Johnstone-Robertson, S., Lawn, S.D., Welte, A., Bekker, L., Wood, R. Tuberculosis in a South African prison – a transmission modelling analysis, *South African Medical Journal*, Vol. 101, No. 11 (2011).
26. [http://www.msf.org/source/countries/africa/guinea/2009/reports/MSF\\_Prisons\\_Guinee.pdf](http://www.msf.org/source/countries/africa/guinea/2009/reports/MSF_Prisons_Guinee.pdf).
27. Article 60 of the Criminal Procedure Code, <http://sd-2.archive-host.com/membres/up/20780571839269935/Codes/CODEPP.pdf>.
28. The ‘snapshot’ methodology employed in this study asked pretrial detainees how long they had been in detention on the day of their interview. Such a methodology may under-count persons who are in detention for brief periods of time only, and over-count persons detained for lengthy periods. Consequently, a different methodology, one that asked every detainee about the duration of their detention after they had been released could result in a lower mean or median duration of pretrial detention.

29. Another possibility is that pretrial detainees were unable to meet additional requirements for release on bail, such as having a surety. Some 13% of those with bail amounts indicated a surety was required. No other conditions being attached to bail were listed by those with bail amounts. Thus for the majority (84%) the only apparent requirement for bail was payment of the bail amount.
30. <http://www.ppja.org/countries/guinea/guinea-after-the-coup-new-opportunities-for-judicial-reform/view>.
31. More than one source of funding was mentioned by some detainees, hence the total exceeds 100.
32. There is an absolute prohibition against torture in the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which has been signed and ratified by Guinea.
33. <http://www.gn.undp.org/html/omd.html>.



# About the Organisations

## Les Mêmes Droits pour Tous (MDT)

Les Mêmes Droits pour Tous (MDT) is a Guinean human rights organisation founded in March 2004. The organisation was established by lawyers and young professionals committed to remedying human rights abuses in Guinea, particularly through the provision of free legal aid to prisoners held at the Maison Centrale, Guinea's largest prison. MDT has been officially registered with the government as a non-governmental organisation since May 2006 and is currently the main organisation in Guinea providing free legal aid to adult prisoners in Guinea.

MDT's mission is to defend and to promote respect for human rights in Guinea. MDT selects where to work and who to assist based on three general criteria: the severity of the human rights abuses; the vulnerability of the victims; and the absence of assistance from other organisations. Based on these criteria, MDT's primary constituency are detainees

held without trial at the Maison Centrale, the biggest prison in Guinea. MDT has also extended its activities since 2008 to assist victims of human rights abuses who have traditionally been denied access to legal remedies, focusing on victims of torture and gender-based violence (GBV), including female genital mutilation (FGM).

In addition, MDT works on capacity building of security forces, correctional personnel and magistrates, and also focuses on justice sector reform and transitional justice.

## Open Society Justice Initiative

The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies.

The Justice Initiative fosters accountability for international crimes, combats racial discrimination and statelessness, supports criminal justice reform, addresses abuses related to national security and counterterrorism, expands freedom of information and expression, and stems corruption linked to the exploitation of natural resources. Its staff are based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington, D.C.

[www.justiceinitiative.org](http://www.justiceinitiative.org)

## United Nations Development Programme (UNDP)

UNDP is the UN's global development network, an organisation advocating for change and connecting countries to knowledge, experience, and resources to help people build a better life. UNDP is on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and its wide range of partners. Access to justice lies at the centre of UNDP's mandate and is one of the pillars of democratic governance. It is an indispensable factor that contributes to an enabling environment for the

enhancement of human development and reduction of poverty. By promoting access to justice for all with a specific focus on the ability of poor and marginalised people to seek and obtain remedies responding to rule of law and their rights, UNDP seeks to make a significant contribution to the establishment of effective, responsive, accessible and fair justice systems with due consideration to the rights of the poor, women and vulnerable groups.

UNDP focuses on both criminal and civil justice reform through support to national justice reform programmes. In UNDP's experience, the levels of pretrial detention can often be seen as an indicator, or measure, of the functionality of a justice system generally. Many countries that continue the excessive use of pretrial detention have enacted national legislation that closely mirrors international presumptions against its use and in favour of alternative measures.

[www.undp.org](http://www.undp.org)

# Annex – Questionnaires

## STUDY ON THE SOCIOECONOMIC IMPACT OF PRETRIAL DETENTION

### QUESTIONNAIRE FOR DETAINEES

#### INTRODUCTION & CONSENT FORM

Hi, my name is \_\_\_\_\_ and I work for \_\_\_\_\_

I am working as part of a team comprised of ASF Guinée, Sabou Guinée and MDT Guinée in collaboration with UNDP and the Open Society Justice Initiative to study the **'Socioeconomic Consequences of Pretrial Detention'**. The primary aim is to analyze two key questions:

- *'Who is in pretrial detention'* and
- *'What are the socioeconomic impacts of pretrial detention for detainees' families and communities'?*

This study builds on a global report 'The Socioeconomic Impact of Pretrial Detention' and aims to gather country specific information in Sierra Leone. It is a short pilot study and does not aim to provide a comprehensive analysis of the entire criminal justice system.

The interview will last for ..... minutes.

NOTE: Your answers and comments will remain completely anonymous. That is, we will not reveal your name to anyone and our study will not identify you in any way.

Signature of Enumerator: \_\_\_\_\_ Date: \_\_\_\_\_

The Interviewee accepts to be interviewed ... 1 → Start Interview

The Interviewee refuses to be interviewed ... 2 → Thank him / her and go

No	QUESTIONS	Codes	Skip
ID	Questionnaire No	.....	
<b>Section 1. DEMOGRAPHIC &amp; PERSONAL BACKGROUND</b>			
Q1.1	Gender	Male.....1 Female.....2	
Q1.2	How old are you (years)?	/ / / /	
Q1.3	Location where resident at the time of your arrest?	Town :..... District..... Village.....	
Q1.4	What languages do you speak?	1..... 2..... 3.....	
Q1.5	What is the highest level of education you attained?	None.....1 A few years.....2 Primary.....3 Secondary.....4 Senior Secondary.....5 University.....6 Post-graduate.....7 Professional / Vocational training.....8 Other (specify).....9	
Q1.6	What is your occupation?	Not occupied.....1 Student.....2 Civil Servant.....3 Privately employed.....4 Self-employed.....5 Farmer.....6 Other (Specify).....7	
Q1.7	What is your marital status	Single.....1 Married.....2 Divorced.....3 Widow/widower.....4	(2) go to Q1.8 Otherwise go to Q1.9
Q1.8	If married, how many wives	/ / /	
Q1.9	If you are supporting more than one family how many families are you supporting?	/ / /	
Q1.10	Do you have any children?	Yes.....1 No.....2	Yes go to Q1.11 No go to Q1.14
Q1.11	If YES, how many ?	/ / / / /	

<sup>1</sup> Marriage to include "common law" spouse. That is, through traditional marriage, informal marriage, or marriage by habit and repute.

Q1.12	Their ages:	1. Children between [0-5] / / / 2. Children between [6-10] / / / 3. Children between [11-15] / / / 4. Children between [16-20] / / / 5. Children over 20 : / / /																																
Q1.13	How many of your children were living in your household at the time of your arrest?	/ / /																																
Q1.14	Was anyone else other than your child/ children reliant on you prior to your arrest?	Yes.....1 No.....2																																
Q1.15	Who and how many persons per category?	<table border="1"> <thead> <tr> <th>Category</th> <th>No. of people</th> </tr> </thead> <tbody> <tr> <td>1. Spouse(s)</td> <td></td> </tr> <tr> <td>2. Parents</td> <td></td> </tr> <tr> <td>3. Relatives' children</td> <td></td> </tr> <tr> <td>4. Other (specify)</td> <td></td> </tr> </tbody> </table>	Category	No. of people	1. Spouse(s)		2. Parents		3. Relatives' children		4. Other (specify)																							
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Q1.16	Where were you living at the time of your arrest?	Own house.....1 Rented house.....2 Staying with friend/family.....3 No fixed address.....4 Other (Specify).....5																																
Q1.17	How many rooms are there the house you lived in at the time you were arrested?	/ / /																																
Q1.18	What is the house, where you lived at the time of your arrest, made of?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1. Brick walls.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Mud and sticks.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Tin.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Other (specify).....</td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	1. Brick walls.....	1	0	2. Mud and sticks.....	1	0	3. Tin.....	1	0	4. Other (specify).....																			
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Q1.19	What assets do you own?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>If Yes, how many</th> </tr> </thead> <tbody> <tr> <td>1. House.....</td> <td>1</td> <td>0</td> <td>/ / /</td> </tr> <tr> <td>2. Car / Motorbike...</td> <td>1</td> <td>0</td> <td>/ / /</td> </tr> <tr> <td>3. Land.....</td> <td>1</td> <td>0</td> <td>/ / / ha</td> </tr> <tr> <td>4. Animals (livestock)</td> <td>1</td> <td>0</td> <td>/ / /</td> </tr> <tr> <td>5. Equipment<sup>2</sup></td> <td>1</td> <td>0</td> <td>/ / /</td> </tr> <tr> <td>6. None.....</td> <td>1</td> <td>0</td> <td></td> </tr> <tr> <td>7. Other (Specify)...</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	If Yes, how many	1. House.....	1	0	/ / /	2. Car / Motorbike...	1	0	/ / /	3. Land.....	1	0	/ / / ha	4. Animals (livestock)	1	0	/ / /	5. Equipment <sup>2</sup>	1	0	/ / /	6. None.....	1	0		7. Other (Specify)...			
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<b>Section 2. CRIMINAL JUSTICE PROCESS</b>																																		
Q2.1	How long ago were you arrested ?	1. Days / / / 2. Weeks / / / 3. Months / / / 4. Years / / / 5. Don't remember																																
Q2.2	How long were you detained at a police station before being brought to prison?	1. Hours / / / 2. Days / / / 3. Weeks / / / 4. Months / / /																																

<sup>2</sup> Large equipment such as farm machinery, sewing machine, refrigerator – not small items such as pots and pans, hoe etc.

		5. Years / / / 6. Don't remember	
Q2.3	Have you appeared in front of a judicial officer/ in court since your arrest?	Yes..... 1 No..... 2	Yes, Go to Q2.4 No, Go to Q2.6
Q2.4	How long a period passed between your arrest and your appearance before a judicial officer/in court	1. Days / / / 2. Weeks / / / 3. Months / / / 4. Years / / / 5. Don't remember	
Q2.5	Did the judicial officer grant you release awaiting trial provided you complied with certain conditions (that you were unable to comply with)?	Yes..... 1 No..... 2 Don't Know...3	Yes, Go to Q2.5.1 No/Don't know, Go to Q2.7
Q2.5.1	An amount of money to be deposited as bail?	/ / / / / / / / Currency.....	
Q2.5.2	Someone acting as a surety but without depositing money?	Yes.....1 No.....2	
Q2.5.3	Other conditions of release (Specify other conditions)	.....	
Q2.6	If you have NOT appeared before a judicial officer/ in court do you know why not?	1. Refused to pay a bribe.....1 2. No transport to the court.....2 3. No judicial officer available.....3 4. Too many people awaiting trial.....4 5. Don't know the reason.....5 6. Other (Specify).....	
Q2.7	Has any state official suggested you pay a bribe?	Yes.....1 No.....2	Yes, Go to Q2.8 No, Go to Q2.10
Q2.8	If you paid a bribe who did you give the bribe(s) to? [Can answer more than one.]	YES No 1. Police officer.....1 0 2. Court clerk.....1 0 3. Magistrate.....1 0 4. Lawyer.....1 0 5. Social welfare officer 1 0 6. Don't Know.....1 0 7. Other (Specify).....	
Q2.9	What was the highest amount you were expected to pay as a bribe?	/ / / / / / / / Currency.....	
Q2.10	Has your trial begun (i.e. trial proceedings in court)?	Yes..... 1 No..... 2 Don't know.....3	Yes, Go to Q2.11 No, Go to Q2.12
Q2.11	When:	Day Month Year / / / / / / / /	
Q2.12	What are the offences with which you think you have been charged? [can answer more than one]	Don't know.....1 Murder.....2 Rape.....3 Robbery with violence.....4 Theft.....5 Debt.....6 Abuse of confidence.....7	

		Traffic offence..... 8 Other (specify).....	
Q2.13	Have you been informed of your right to legal representation?	Yes..... 1 No..... 2 Don't Know.....3	
Q2.14	Have you seen a lawyer or paralegal who is assisting you with your matter?	Yes..... 1 No..... 2 Don't Know.....3	Yes, Go to Q2.15 No/Don't know, Go to Q3.1
Q2.15	Who did you see?	Lawyer..... 1 Paralegal.....2 Both.....3 Don't Know.....4	
Q2.16	How many days after your arrest did you see the lawyer / paralegal for the first time?	1. Days / / / / 2. Weeks / / / / 3. Months / / / / 4. Years / / / / 5. Don't remember	
Q2.17	Who paid for the assistance you received?	Yes No 1. Paid yourself.....1 0 2. Paid by a relative.....1 0 3. Paid by a CSO.....1 0 4. Paid by the government / state.....1 0 5. Paid by a donor.....1 0 6. Don't know who paid.....1 0 7. Other (Specify) .....	
<b>Section 3. IMPACT / CONSEQUENCES OF DETENTION</b>			
Q3.1	Were you earning some form of income at the time of your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.2 No, Go to Q3.4
Q3.2	By which means?	Formal employment.....1 Informal employment.....2 Self-employed.....3 Other – explain.....4	
Q3.3	Average value of your weekly income / earnings?	/ / / / / / / / / / Currency.....	
Q3.4	Have you had contact with your family since your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.6 No, Go to Q3.5
Q3.5	If NO, why not?	No one to contact.....1 Refused to pay a bribe.....2 No means to contact them.....3 I didn't want to.....4 Other (specify)	
Q3.6	If YES, have they been able to visit you?	Yes..... 1 No..... 2	Yes, Go to Q3.8 No, Go to Q3.7

Q3.7	If NO, why do you think they did not visit you?	<div style="display: flex; justify-content: space-between;"> <span>Yes</span> <span>No</span> </div> No one to contact.....1 0 Refused to pay a bribe.....1 0 They live too far away.....1 0 They don't have the means.....1 0 Don't know .....1 0 Other (specify).....																					
Q3.8	Has your family suffered financially because of your detention?	Yes..... 1 No..... 2 Don't Know..... 3	<b>Yes go to Q3.9</b> <b>No/Don't know go to 3.12</b>																				
Q3.9	What expenses have you or/and family incurred as a result of your detention?	<table border="1"> <thead> <tr> <th>Expenses</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1. Transport to / from prison by family members</td><td></td></tr> <tr><td>2. Provide food to detainee</td><td></td></tr> <tr><td>3. Provide clothing for detainee</td><td></td></tr> <tr><td>4. Provide medical care for detainee</td><td></td></tr> <tr><td>5. Payment of bribes to state officials</td><td></td></tr> <tr><td>6. Payment for legal advice</td><td></td></tr> <tr><td>7. Items/cash confiscated on your arrest</td><td></td></tr> <tr><td>8. Don't Know....</td><td></td></tr> <tr><td>9. Other: .....</td><td></td></tr> </tbody> </table>		Expenses	Amount	1. Transport to / from prison by family members		2. Provide food to detainee		3. Provide clothing for detainee		4. Provide medical care for detainee		5. Payment of bribes to state officials		6. Payment for legal advice		7. Items/cash confiscated on your arrest		8. Don't Know....		9. Other: .....	
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Q3.10	What economic impact have the expenses in Q3.9 had on your family / household?	Had to sell household goods.....1 Spouse had to give up work.....2 Child(ren) had to give up school.....3 Family had to work to replace lost income.....4 Family had to move house / location.....5 Family has fallen into debt.....6 Family has less food.....7 Don't know .....8 Other (specify).....9																					
Q3.11	What has been the social impact of your arrest on your family?	<div style="display: flex; justify-content: space-between;"> <span>Yes</span> <span>No</span> </div> 1. Spouse left you.....1 0 2. Family suffered from stigma.....1 0 3. Separation of children from family.....1 0 4. Children suffered from stigma.....1 0 5. Children's behaviour suffered.....1 0 6. Sexual harassment of your spouse.....1 0 7. Don't know .....1 0 8. Other (specify).....																					
Q3.12	Have you been assaulted / tortured / physically hurt by a state official since you were arrested?	Yes..... 1 No..... 2	<b>Yes, Go to Q3.13</b> <b>No, Go to Q3.17</b>																				
Q3.13	If Yes, what was the consequence of the assault/torture?	Permanent physical injury.....1 Long term physical disability.....2																					

		Mental distress.....3 Don't know.....4 Other (specify).....	
Q3.14	What was the reason for the assault / torture?	To extract a confession.....1 To punish.....2 Don't know.....3 Other.....4	
Q3.15	Have you been assaulted by a fellow detainee / prisoner since you were arrested?	Yes..... 1 No..... 2	<b>Yes, Go to Q3.16</b> <b>No, Go to Q3.17</b>
Q3.16	If Yes, on how many separate occasions?	/ / /	
Q3.17	Were you ill at the time of your arrest?	Yes..... 1 No..... 2	<b>Yes, Go to Q3.18</b> <b>No, Go to Q3.19</b>
Q3.18	If YES, do you know the nature of your illness at the time of your arrest?	Yes, seen by a doctor prior to arrest.....1 Yes, I know the nature of my illness.....2 No, I never saw a doctor .....3 No, can't tell.....4	
Q3.19	Have you fallen ill since you have been arrested?	Yes..... 1 No..... 2	<b>Yes, Go to Q3.20</b> <b>No, Go to Q3.21</b>
Q3.20	If YES, what is the nature of your illness?	<div style="display: flex; justify-content: space-between;"> <span>Yes</span> <span>No</span> </div> 1. Malnutrition.....1 0 2. Diarrhea disease.....1 0 3. Skin disease.....1 0 4. Malaria.....1 0 5. TB.....1 0 6. Don't know.....1 0 7. Other (Specify).....	
Q3.21	Have you received any medical service from a professional medical practitioner since you've been arrested?	Yes..... 1 No..... 2	<b>Yes, Go to Q3.22</b> <b>No, Go to Q3.23</b>
Q3.22	If YES, what kind of medical services – specify?	<div style="display: flex; justify-content: space-between;"> <span>Yes</span> <span>No</span> </div> 1. Given medication from pharmacy..... 1 0 2. Saw a doctor in the prison..... 1 0 3. Saw a nurse in the prison..... 1 0 4. Went to hospital outside prison..... 1 0 5. Other (specify)	
Q3.23	*** Are you willing for our research team to contact and speak with your family? ***	Yes..... 1 No..... 2	<b>Yes, Go to Appendix B</b> <b>No, Stop Interview</b>

**Verification – To be filled after the interview**

V00	Date of the Interview	/ / / / / /
V01	Name of Enumerator(s)	
V02	Name of Supervisor	
V03	Name of Data Clerk [Not filled by the Enumerator]	
V04	Result of the Interview	1. Finished 2. Not finished

**GENERAL COMMENTS/OBSERVATIONS**

Please note in particular:

- Any costs or losses the *interviewee* (the detainee) has incurred as a result of his arrest and detention which have not been recorded in the above survey instrument.
- Any costs or losses the interviewee claims his *family / household members* have incurred as a result of the interviewee's arrest and detention which have not been recorded in the above survey instrument.
- The conditions of the prison where the interviewee is held and that of the cell the interviewee generally occupies.
- Whether pretrial detainees at the prison where the interview took place are kept separately from sentenced prisoners.

**FAMILY MEMBER DETAILS**

F00	Name of the family member?																									
F01	Name of the Head of Family?																									
F02	Location of the family member?	Town:  District:  Village:  House Number:																								
F03	Reference Point / Description of the place?																									
F04	Telephone number of the family member?	1. 2.																								
F05	Other information on how family members can be reached?																									
F06	Is your family member likely to visit you in these coming days?	Yes.....1 No.....2																								
F07	When are they coming?	<table border="0"> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Monday.....1</td> <td>0</td> <td></td> </tr> <tr> <td>Tuesday.....1</td> <td>0</td> <td></td> </tr> <tr> <td>Wednesday.....1</td> <td>0</td> <td></td> </tr> <tr> <td>Thursday.....1</td> <td>0</td> <td></td> </tr> <tr> <td>Friday.....1</td> <td>0</td> <td></td> </tr> <tr> <td>Saturday.....1</td> <td>0</td> <td></td> </tr> <tr> <td>Sunday.....1</td> <td>0</td> <td></td> </tr> </table>		Yes	No	Monday.....1	0		Tuesday.....1	0		Wednesday.....1	0		Thursday.....1	0		Friday.....1	0		Saturday.....1	0		Sunday.....1	0	
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# STUDY ON THE SOCIOECONOMIC IMPACT OF PRETRIAL DETENTION

## QUESTIONNAIRE FOR FAMILY MEMBERS

### INTRODUCTION & CONSENT FORM

Hi, my name is \_\_\_\_\_ and I work for \_\_\_\_\_

I am working as part of a team comprised of ASF Guinée, Sabou Guinée, MDT Guinée in collaboration with UNDP and the Open Society Justice for a study on the 'Socioeconomic Consequences of Pretrial Detention'. The primary aim is to analyze two key questions:

- 'Who is in pretrial detention' and
- 'What are the socioeconomic impacts of pretrial detention for detainees' families and communities'?

This study builds on a global report 'The Socioeconomic Impact of Pretrial Detention' and aims to gather country specific information in Guinea. It is a short pilot study and does not aim to provide a comprehensive analysis of the entire criminal justice system.

The interview will last for \_\_\_\_\_ minutes.

NOTE: Your answers and comments will remain completely anonymous. That is, we will not reveal your name to anyone and our study will not identify you in any way.

Signature of Enumerator: \_\_\_\_\_ Date: \_\_\_\_\_

The Interviewee accepts to be interviewed ... 1 → Start Interview

The Interviewee refuses to be interviewed ... 2 → Thank him / her and go

No	QUESTIONS	Codes	Skip
ID	Questionnaire No	.....	
<b>Section 1. DEMOGRAPHIC &amp; PERSONAL BACKGROUND</b>			
Q1.1	Sex	Male .....1 Female.....2	
Q1.2	How old are you? (years)	/ / / /	
Q1.3	Do you have any children?	Yes..... 1 No..... 2	Yes go to <b>Q1.4</b> No go to <b>Q1.6</b>
Q1.4	If YES how many?	/ / /	
Q1.5	Their ages:	1. Children between [0-5] / / / 2. Children between [6-10] / / / 3. Children between [11-15] / / / 4. Children between [16-20] / / / 5. Children over 20 : / / /	
Q1.6	How are you related to detainee?	Spouse ..... 1 Parent ..... 2 Child ..... 3 Sibling ..... 4 Grandparent ..... 5 Aunt / Uncle ..... 6 Niece / Nephew ..... 7 Other (Specify).....	
<b>Section 2. CRIMINAL JUSTICE PROCESS</b>			
Q2.1	How did you learn about the arrest of your relative?	Telephone call from arrestee.....1 Telephone call from police.....2 Telephone call from prison official .....3 Telephone call from someone else .....4 Oral Message .....5 Other (Specify).....6	
Q2.2	How long after the arrest did you hear about it?	1. Hours / / / 2. Days / / / 3. Weeks / / / 4. Months / / / 5. Years / / /	
Q2.3	What information were you given?	Location of arrestee.....1 Reason for arrest ..... 2 When you could visit the arrestee .....3 Opportunity to stand as surety .....4 Told that you would be required to pay a bribe .....5 Other (Specify).....	
Q2.4	Did you face challenges contacting your family member?	Yes.....1 No.....2	Yes, Go to <b>Q2.5</b> No, Go to <b>Q3.1</b>
Q2.5	If YES what challenges did you face contacting your family member?	Refused to pay a bribe..... 1 No means to contact them..... 2 Other (Specify).....	



Section 3. IMPACT / CONSEQUENCES OF DETENTION																								
Q3.1	Was your family member (the one who was arrested) earning some form of <b>income</b> at time of arrest?	Yes..... 1 No..... 2	Yes, Go to <b>Q3.2</b> No, Go to <b>Q3.3</b>																					
Q3.2	If YES by which means?	Formal employment..... 1 Informal employment..... 2 Self-employed..... 3 Other (specify)..... 4																						
Q3.2.1	Were other members of the family reliant on the detainee's earnings?	Yes..... 1 No..... 2	Yes, Go to <b>Q3.2.2</b> No, Go to <b>Q3.3</b>																					
Q3.2.2	If YES, who and how many persons per category?	<table border="1"> <thead> <tr> <th>Category</th> <th>No. of people</th> </tr> </thead> <tbody> <tr><td>1. Children</td><td></td></tr> <tr><td>2. Spouse(s)</td><td></td></tr> <tr><td>3. Parents</td><td></td></tr> <tr><td>4. Relatives' children</td><td></td></tr> <tr><td>5. Other</td><td></td></tr> </tbody> </table>	Category	No. of people	1. Children		2. Spouse(s)		3. Parents		4. Relatives' children		5. Other											
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Q3.3	Has your family <b>suffered financially</b> because of the detention?	Yes..... 1 No..... 2	Yes, Go to <b>Q3.4</b> No, Go to <b>Q3.6</b>																					
Q3.4	What <b>expenses have your family incurred</b> as a result of the detention?	<table border="1"> <thead> <tr> <th>Expenses</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1. Transport to / from prison</td><td></td></tr> <tr><td>2. Provide food to detainee</td><td></td></tr> <tr><td>3. Provide clothing for detainee</td><td></td></tr> <tr><td>4. Provide medication for detainee</td><td></td></tr> <tr><td>5. Payment of bribes to state officials</td><td></td></tr> <tr><td>6. Payment for legal advice</td><td></td></tr> <tr><td>7. Payment of medical expenses</td><td></td></tr> <tr><td>8. Other: .....</td><td></td></tr> </tbody> </table>	Expenses	Amount	1. Transport to / from prison		2. Provide food to detainee		3. Provide clothing for detainee		4. Provide medication for detainee		5. Payment of bribes to state officials		6. Payment for legal advice		7. Payment of medical expenses		8. Other: .....					
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Q3.5	What <b>impact</b> have the expenses you just mentioned had on your family / household?	Had to sell household goods..... 1 Spouse had to give up work..... 2 Child(ren) had to give up school..... 3 Child(ren) had to work to replace lost income..... 4 Had to move house / location..... 5 Fallen into debt..... 6 Family has less food..... 7 Other (specify) ..... 8																						
Q3.6	What has been the <b>social impact</b> of the arrest on your family	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td>1. Had to move house / location.....</td><td>1</td><td>0</td></tr> <tr><td>2. Separation of children from family.....</td><td>1</td><td>0</td></tr> <tr><td>3. Family suffered from stigma.....</td><td>1</td><td>0</td></tr> <tr><td>4. Children suffered mentally .....</td><td>1</td><td>0</td></tr> <tr><td>5. Sexual harassment .....</td><td>1</td><td>0</td></tr> <tr><td>6. Other (Specify).....</td><td></td><td></td></tr> </tbody> </table>		Yes	No	1. Had to move house / location.....	1	0	2. Separation of children from family.....	1	0	3. Family suffered from stigma.....	1	0	4. Children suffered mentally .....	1	0	5. Sexual harassment .....	1	0	6. Other (Specify).....			
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V03	Name of Data Clerk [Not filled by the Enumerator]	_____
V04	Result of the Interview	1. Finished 2. Not finished

GENERAL COMMENTS/OBSERVATIONS





Around the world, excessive pretrial detention prods people toward poverty. It pushes working class people toward unemployment, uncertainty, and homelessness. It tips those on the edge of privation into poverty and plunges the already poor into even worse destitution. It limits the development of whole communities, wastes human potential, and misdirects state resources.

For the first time, the costs of excessive pretrial detention in Guinea have been tallied, and the results are staggering: lost employment, hunger, debt, divorce, and other outcomes. Based on interviews with scores of pretrial detainees and their families, this report documents in gritty detail the disastrous effects of excessive pretrial detention. *The Socioeconomic Impact of Pretrial Detention in Guinea* combines statistics, data analysis, and first-hand accounts to show precisely how damaging excessive pretrial detention is—and who pays the costs.