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View of H-Unit seen from outside.

Photo: Allen Hailey

# **, UNITED STATES OF AMERICA**

## **@Conditions for Death Row Prisoners in H-Unit, Oklahoma State Penitentiary**

### **1. Introduction**

In November 1991 male prisoners under sentence of death in Oklahoma were transferred to H-Unit, a new unit in the grounds of Oklahoma State Penitentiary (OSP), the state's maximum security prison at McAlester, 100 miles east of Oklahoma City. H-Unit was designed by a committee of prison staff to create a super-maximum security facility within OSP. Constructed entirely of concrete and sited so that the living accommodation is effectively underground, it is an electronically controlled facility designed to minimize contact between inmates and prison staff. Prisoners are confined for 23 or 24 hours a day in windowless cells allowing virtually no natural light and no natural air. No work, recreational or vocational programs are provided.

A prison document prepared before H-Unit opened reported that "The state of the art design of this unit maximizes security and control, while providing inmates and staff with a safe, modern environment in which to live and work".<sup>1</sup> However, inmate representatives and others expressed concern about the design of the finished unit and the conditions under which prisoners were to be confined. In December 1991 Amnesty International wrote to the Director of the Oklahoma Department of Corrections (ODC) expressing concern about reported conditions in the unit, including the lack of natural light and air and the prolonged cellular confinement, which it said may have a detrimental effect on the physical and mental health of inmates. James Saffle, Southeastern Regional Director at the ODC, replied denying that conditions in the unit were inhumane and stating that they met the standards laid down by the American Correctional Association (ACA).<sup>2</sup> He invited Amnesty International to visit the unit.

After receiving further disturbing reports about conditions in H-Unit, an Amnesty International delegation visited the prison on 3 and 4 March 1994. The delegates were a staff member of Amnesty International's International Secretariat and Roy King, Professor of Criminal Justice at the University of Wales in the United Kingdom (UK). Roy King has conducted research into prisons in the UK, Russia and the USA and has served as an advisor to the British Home Office on long term imprisonment and as a member of the US federal prison system's research and advisory group.

The delegation visited the death row sections of H-Unit and other parts of the main prison, including the old death cell house, the Administrative Segregation Unit and the prison's medical centre. They interviewed seven death row inmates at some length as well as the Warden of OSP, Dan Reynolds, and they spoke to other prison staff, including medical and psychiatric staff.

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<sup>1</sup> Undated internal document entitled *History of Oklahoma State Penitentiary*

<sup>2</sup> The ACA and the Commission on Accreditation for Corrections (CAC), with whom it cooperates, administer a national accreditation program for correctional institutions in the USA, and set standards for prison management. State and federal agencies may apply voluntarily to be part of the accreditation system and to be regularly monitored through periodic audits.

At the time of Amnesty International's visit other prisoners had also been transferred to H-Unit and in March 1994 the unit housed 117 prisoners on death row; some 50 prisoners categorised as "reception overflow" (who were there temporarily pending classification and transfer to other units), and around 190 prisoners in administrative or disciplinary segregation or classified as "level three" (medium security) who were housed there through lack of space elsewhere. However, prisoners who are part of the level system are subject to regular review and become eligible for transfer to lower security levels and, eventually, to a medium security institution, after periods of clear conduct (good behaviour). Death row inmates (whose cases usually take years to proceed through the appeal courts) are the only prisoners who are not subject to a classification procedure and who may therefore be confined to H-Unit indefinitely without regard to their individual behaviour. This report focuses mainly on death row prisoners, although many of Amnesty International's findings apply to the general conditions in the unit.

### ***Summary of Amnesty International's findings***

Amnesty International believes that the conditions under which death row inmates are currently confined in H-Unit constitute "cruel, inhuman or degrading treatment" in violation of international standards. This finding is based upon a combination of factors, including the physical conditions inside the cells as well as the length of time confined to them; the isolation and lack of programs; and the fact that death row prisoners may spend many years under such conditions solely by reason of being under sentence of death. Some of the conditions, such as the lack of natural light or air in the cells, are in direct violation of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (SMR). Amnesty International's delegates also found that some conditions also violated the ACA's own standards (for example, the size of the cells whilst in double occupancy given the amount of time confined to them), despite the statement of James Saffle that the design of the unit complied with these standards. (Amnesty International notes that OSP was last inspected by the ACA in April 1991 when H-Unit was nearing final construction.) It is also relevant to note that in some important respects conditions are worse in H-Unit than they were on the former death row, particularly as regards access to natural light and air, the exercise facilities and contact with staff and others.

In reaching its conclusions, Amnesty International has paid particular attention to the findings of Roy King whose full report is available as a separate document. Roy King gives a detailed assessment of conditions in H-Unit as well as an outline of general conditions in OSP and its history. While recognizing the value of staff input into the design of prisons, he concludes that H-Unit is an example of a facility in which there is an overemphasis on considerations of security and control at the expense of considerations of humane treatment. He compares the unit with several other institutions, including Oak Park Heights in Minnesota, another "earth-sheltered" super-maximum facility which, while maximizing security, provides in King's view a considerably more humane and constructive environment than H Unit.

Amnesty International is aware that a number of other US states have built or are planning to build "super-maximum" facilities, some of which have features similar to H-Unit. While AI is not in a position to comment in detail upon other prison facilities in this report, it hopes that its findings may have relevance elsewhere. In reaching its conclusions, Amnesty International notes that most prisoners under sentence of death in the USA are held in segregated death rows. However, few appear to impose restrictions as severe as those in H-Unit and many death row prisoners have

more out-of-cell time and association with fellow inmates; some engage in prison work or other programs.

***Cooperation of OSP staff***

Amnesty International wishes to acknowledge the cooperation and courtesy of the staff of OSP and in particular the Warden, Dan Reynolds, who made every effort to facilitate the visit and to grant the organization's requests to visit the various sections of the penitentiary. Warden Reynolds expressed a willingness to consider the findings of the organization and stated that the confinement of death row prisoners was under review. Amnesty International hopes that its findings and recommendations will be acted upon by the authorities.

View of inside of an H-Unit cell.

Photo: Allen Hailey

## **2. The physical plant and conditions in H-Unit**

H-Unit is an artificially "earth-sheltered" facility - one which has been constructed at ground level and then covered by an earth bank on all sides except the entrance. There are no windows to the outside world from the living accommodation which is effectively underground. It has four self-contained quads, each with 50 cells, most of which are designed to house two prisoners so that the unit has a maximum capacity of 400 inmates. All the cells are identical apart from eight punishment cells designed for single occupancy.

### ***Cell Conditions and out-of-cell time***

The cells in the housing area are 7'7" by 15'5" and have two poured concrete bunks on either side of an uncovered toilet and sink. There is no other furniture in the cells apart from two concrete shelves on the back wall which serve as "tables" and two similar shelves above these for TV sets if prisoners can afford to purchase them from prison stock.<sup>3</sup> Prisoners are not allowed to pin anything on the walls, which are unpainted concrete. The cell doors are solid metal, except for the upper part which has a plexiglass window with thick bars on the outside. The cells are arranged on two floors around three sides of each quad and look out onto a fenced-in corridor, beyond which is an empty central area. The main source of natural light entering the cell house comes through a window in the skylight of this unused central area. According to the ODC this filters into the cells and thus complies with ACA standards which state that all inmate rooms and cells should provide access to natural light (Standard 3-4140). However, when Amnesty International's delegates turned off the electric light in a cell during the middle of what was a very sunny day, they were in almost total darkness with a little light reaching no more than a foot or so inside the door. The only light inside the cells is provided by two bare light bulbs positioned at eye-level at the back of the cell where the bunks and shelves are situated.

There is no natural fresh air ventilation to the cells which are air-conditioned through a pipe system in which air is passed in and out of two vents in the back of each cell. Each cell is linked to an intercom system which is controlled by guards in the central control tower in each quad - only when this is switched on can prisoners communicate easily with guards. There is no alarm button in any of the cells for use in an emergency.

Prisoners are confined to the above cells for 23 hours a day during weekdays and 24 hours a day at weekends. The only out-of-cell time is a 15-minute shower three times a week; an hour's exercise five times a week in an enclosed concrete yard if weather permits; visits (for those who

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<sup>3</sup> prisoners complained that items from the "canteen" (from which prisoners may purchase certain foodstuffs and craft and leisure items) cost more than outside prison; this applied particularly to TVs. Profits from the canteen at OSP are used for the benefit of prison staff as well as for inmate needs, which was contrary to ACA standards, according to the 1991 accreditation report on OSP.

have them); and limited access to the prison's law library.<sup>4</sup> Up to ten inmates

and cells.

Photo: Allen Hailey

View of H-Unit quad

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<sup>4</sup>The law library, which serves the whole of H-Unit, is open 7 hours a day and can accommodate only four prisoners at a time (who work in shifts in small barred cages where they sit facing the wall), so the average use per inmate is necessarily low. Priority is given to prisoners who have a court deadline or execution date.



at a time may also attend a religious service once a week under makeshift arrangements in a corner of the quad. All meals are eaten in the cells.

No work, educational or vocational programs are provided for prisoners in H-Unit, although prisoners may study individually for a General Education Diploma (GED) diploma if they meet the basic standard for this.<sup>5</sup> However, there is no instruction for those who do not meet the required standard to follow such a course or any help given to prisoners who are illiterate. The unit has a small leisure library stacked with paperbacks, a selection of which are delivered to the quads once a week. However, this did not appear to contain any educational books.

In addition to the accommodation described above, H-Unit has eight "high-max" cells in which prisoners may spend up to 30 days in disciplinary segregation (for serious rule violations). These cells have a single concrete bed with fixtures for four-point restraint, and a combined sink and commode. The high-max cells have a double-entry system consisting of an inner and outer door, between which is a small shower area. Although the prisoner can be observed through the double doors there is no alarm bell in these cells either, and communication is through the intercom.

### ***Concerns about the above conditions***

The lack of natural light and air in the windowless cells is in clear violation of the UN Standard Minimum Rules which state under Article 11:

"In all places where prisoners are required to live or work,  
(a) windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation."

Amnesty International's delegate Roy King notes in his report that, although ACA standards require access to natural light, and an opening window in the case of general population prisoners confined to cells more than 10 hours a day, they appear to allow for a light source within 20 feet of the cell rather than directly into the cell itself.<sup>6</sup> Roy King notes that this alternative is not surprising given the many US prisons which have interior cells with open-barred doors facing a windowed corridor. However, he states that this "would seem extraordinary if that were regarded as acceptable for a new building". He goes on to say, "In my view the decision to earth-shelter the facility in such a way as to deny the possibility of cell windows with a view to the outside world represents an unreasonable and unnecessary pursuit of security goals at the expense of humane conditions", and that "Lighting the facility

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<sup>5</sup> Prisoners may take correspondence courses at their own expense; however, Amnesty International was told that few prisoners had the means to do this.

<sup>6</sup> Standard 3-4141, on provision of an opening window for general population inmates confined to cells 10 hours a day qualifies this in a general comment which states: *Natural light should be available from an opening or window that has a view to the outside or from a source within 20 feet of the room/cell.*

View of a cell. Latch below letters on door is the "beanhole" where food is passed to inmates.  
Photo: Allen Hailey

from central skylights seems, at best, to represent a token acknowledgement of the letter of the ACA/CAC Standards" (King para 7.2v).

The gross floor area of the cells in H-Unit measures 58.45 square feet per person in double occupancy (116.9 sq ft in single occupancy) and is in clear breach of ACA standards which require "at least 80 square feet of total floor space per occupant" when confinement exceeds 10 hours a day. ACA standards for prisoners in segregation not only specifies a minimum of 80 square feet, but comments that additional space should be provided for in-cell activity because of the greater periods such prisoners may be confined to their cells (Standard 3-4136). ACA standards require 35 square feet per prisoner of unencumbered space. Roy King found that the amount of unencumbered space in H-Unit also falls short of ACA standards for double-occupancy if this is measured as the space from the bunks to the cell door, and only just meets ACA minimum standards if the narrow space between the bunks is taken into account. Amnesty International finds it disturbing that a new facility designed for double occupancy should have cells built to these dimensions, particularly in view of the length of time prisoners are confined to them.

The lack of furniture in the cells also falls short of ACA standards.<sup>7</sup> Amnesty International's delegates were concerned by the fact that there are no chairs or any back support for inmates working or eating in their cells. This also compares unfavourably with the old death row in F Cellhouse where prisoners had a desk and chair in each cell.

While standards of sanitation in H-Unit generally were high, Amnesty International's delegates were concerned about the health implications of prisoners eating all meals in their cells, given the close proximity of the toilet to the bunks and eating area. As the width between the bunks is only three feet, the toilet is inches from each bunk. Roy King observes in his report that "The siting of the combined sink and commode between the two bed heads offers no privacy when the cell is in double occupancy, and since this area is also the only one to provide a surface for eating meals, all of which have to be taken in cells, it arguably constitutes a health hazard." He adds that "The sink/commode could have been sited to one side of the cell door secluded by a half wall which would have provided both privacy and a healthier environment" (King para 7.2iv).

Amnesty International was also concerned by the absence of alarm bells in cells which could create a hazard in times of emergency. This is particularly important given the conditions of close confinement and cell sharing (see below) as well as in the case of the high-max cells where there is a double barrier between the cell and the area outside.

(Although the high-max cells are designed for short-term occupancy for serious disciplinary infractions, Amnesty International is further concerned by reports that a federal prisoner under sentence of death was held in one of these cells for more than five months for purely administrative reasons. The prisoner - who has since been transferred to the death row section of H-Unit - was epileptic and his lawyer has expressed particular concern that his client

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<sup>7</sup> There was no space to hang clothes, or proper storage room, as required by ACA standards 3-4129. Standard 3-4308 requires that "When a meal must be served in a cell, a small table or shelf and some type of seating must be provided".

View of bunk and shelf, with air vent by bunk.

Photo: Allen Hailey

should have been placed in a cell where he had no means of alerting anyone should he have suffered a seizure.)<sup>8</sup>

All the prisoners interviewed complained of the air quality in the cells and the build-up of concrete dust from the unpainted walls. It was alleged that the ventilation system was totally inadequate and that dust and other debris continuously passed into the cells through the 7 inch ventilation vent. Several prisoners said they suffered from headaches or throat or sinus problems through breathing in dust and that the situation was made worse by the sealed cell doors. Other prisoners have also written to Amnesty International with similar complaints. Warden Reynolds acknowledged that there had been complaints about the dust and that the ventilation system had been looked at but nothing had been found to be wrong. Amnesty International believes that the air-system should again be investigated, and notes that immediate measures to alleviate the effects experienced by inmates would be to allow more out-of-cell time and/or cell doors to be left open for periods of the day, and the painting of cell walls.

Although prisoners may pursue individual hobbycrafts in their cells, Amnesty International is concerned by the lack of activities or any programs for self-improvement for H-Unit prisoners. This is contrary to Article 77(1) of the SMR which emphasizes the importance of providing educational programs, including instruction for illiterate prisoners, and to Article 78 of the SMR which states that "Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners".

### *The exercise yards*

The exercise facilities in H-Unit were of particular concern to Amnesty International's delegates. Prisoners exercise in a 23 by 22 foot yard surrounded by 18 foot high solid concrete walls. The roof is constructed of girders covered with wire mesh. There is no view to the outside, in contrast to the yards Amnesty International's delegates saw elsewhere in the prison which were surrounded by wire fences giving at least some view of the world beyond. The H-Unit yards have no facilities apart from a bench press with weights welded to it which all the prisoners interviewed said was difficult or impossible to use. There was no shelter from the rain or heat of the sun in summer and no drinking fountain.

H-Unit rules provide that no more than five prisoners may exercise on the yard at a time. The only facility available for recreation is a handball and the yard is so small that, even with only five inmates it is not possible to do anything else if handball is being played. There is nowhere to sit and Amnesty International's delegates were told that this made the yard almost impossible to use for inmates who were elderly or suffered from joint diseases

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<sup>8</sup> The prisoner was sentenced to death in 1993 under the federal Anti-Drugs Abuse Act, 1988, and is held by Oklahoma under contract to the federal government. He was reportedly placed in a high-max cell from November 1993 until late April 1994 because the ODC said it had insufficient information on which to classify him.

Corner of exercise yard, roof is covered with mesh net.

Photo: Allen Hailey

and/or were on crutches, and that some inmates therefore did not use their yard allocation or used it only infrequently.<sup>9</sup>

Prisoners also said that the exercise period was sometimes cancelled if the weather was bad or for no apparent reason; most of those interviewed said they did not always receive their full five hour weekly exercise allocation and others sometimes chose not to go in order to get some time apart from their cell mate. Although Amnesty International did not see the exercise yard on the old death row cell block, prisoners said that it was far superior to those on H-Unit, being much larger and with facilities for multiple activities, including basket-ball and tables at which prisoners could sit and play dominoes, and that many more prisoners were able to use it and associate at the same time.

Roy King notes in his report that the size of the yards in H-Unit meet the ACA standard for segregated units, which requires a minimum allocation of 15 square feet per prisoner. However, he found this standard to be "preposterously low". He states that "In my view the space available for exercise is unduly restricted, particularly in that prisoners who do not wish to play handball have no room to move around and keep out of the way." (King para 7.3i).

The enclosed structure of the exercise yard also raises the question of whether this can truly be considered an outdoor facility, as only the meshed roof is open to the air and there is no view of the outside. In view of the fact, also, that exercise is permitted only on five days a week, Amnesty International believes that the exercise facilities on H-Unit fall short of the UN Standard Minimum Rules which state under Article 21 (1) that:

"Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."

### ***impact of the above conditions on prisoners***

The solid walls of the exercise yard, together with the lack of windows in cells, mean that prisoners are virtually confined to a concrete world in which they never see a blade of grass, earth, trees or any part of the natural world. Most prisoners interviewed said this was the most stressful aspect of their confinement on H-Unit, and they contrasted this with the old death row in F Cellhouse which, while old and without air conditioning, had cells with opening windows with a view to the outside and access to fresh air. Several prisoners likened confinement in H-Unit to being locked in a tomb. It was also alleged that some prisoners had developed severe depression since being on H-Unit. Amnesty International's delegates were told that some prisoners who formerly used to play basket ball and were generally sociable now spent all their time in darkened cells, rarely bothering to take even the minimal exercise allowed.

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<sup>9</sup>Prison medical staff confirmed that many inmates suffered from various joint problems. One of the prisoners interviewed said that his elderly cell mate and two other prisoners who suffered from heart disease were allowed to walk on the run in the evenings as an alternative to exercise but this appeared to be an *ad hoc* concession rather than part of a general policy.

View of stairway leading to second level of quad. Control room located to right of stairs.  
Photo: Allen Hailey



### ***Isolation/non-contact nature of the facility***

H-Unit was designed to be a "non-contact" facility, minimizing direct physical contact between prisoners and prison staff, and each quad is managed from a central control room through which guards can operate the unit electronically. Correctional staff do not routinely patrol the cell area, apart from the "key-men" who open the beanholes<sup>10</sup> three times a day to pass food to the prisoners. Most communication between guards and prisoners takes place through the intercom in each cell, which is operated from the control room. When prisoners are let out to shower or go to the yard, the cell doors are operated electronically and they are supervised by staff from the other side of the bars. On the few occasions when prisoners do have direct contact with guards - for example when being taken to attorney visits, the law library or the medical room - prisoners are placed in handcuffs and leg-irons and are escorted by at least two correctional officers.

The increased isolation on H-Unit compared to F Cellhouse was also cited as a major source of stress by the prisoners interviewed. Although most had a cell partner at the time of Amnesty International's visit, this did not alleviate the isolation and was itself a cause of concern in the conditions of close confinement (see below). Amnesty International was told that prisoners have significantly less contact both with guards and other inmates than they had in F Cellhouse, where the cells were open-fronted and they could communicate with one another as well as with the guards who regularly passed along the run (cell corridor). In H-Unit, communication even with someone in the next cell is prevented by the solid doors, and the only means of communication with someone passing along the run is through the bean hole sited at the bottom of each cell door when this is unlocked. The only contact most prisoners have with another inmate apart from their cell partner and during exercise is with the "run-man" - a prisoner on each quad who mops and sweeps the run and takes orders for the canteen or hands out library books.

Amnesty International's delegates were told that when the intercom system is switched off prisoners have no means of attracting attention other than by banging or kicking on the cell doors and that this can result in accusations of disruptive behaviour. As noted above there is also a potential danger of not being able to summon help quickly in an emergency given the absence of bells in the cells. The intercom system has also, conversely, led to a real or perceived loss of privacy by prisoners who, although they can use it to communicate with guards, have no control over when it is switched on. Some prisoners told Amnesty International that they were convinced that guards sometimes eavesdropped on their telephone conversations, for example. It was also alleged that guards had used the intercom system to create "imaginary voices" in the case of a mentally disturbed prisoner who was suffering from hallucinations.

Amnesty International recognizes that prisoners can be disruptive and make undue demands. However, the organization is concerned that a non-contact environment and the

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<sup>10</sup> The small hole in each cell door through which food and other items may be passed.

Row of cell doors.

Photo: Allen Hailey

remoteness between prisoners and correctional staff may breed a sense of indifference toward prisoners' legitimate needs. Amnesty International has received many complaints from H-Unit prisoners that their requests to prison staff, including requests for medical attention, go unanswered for weeks or are ignored altogether, and that in some cases only pressure from outside has brought a response.

The non-contact nature of H-Unit also extends to outside contacts, including visits with attorneys. In F Cellhouse death row prisoners had full contact visits with their attorneys although they were hand-cuffed and shackled during visits. Visits now take place in a room in which the prisoner is separated from his attorney by a plexiglass screen, with an opening at the bottom through which papers can be passed. The prison chaplain is also physically separated from prisoners during religious services, also a change from practice in F Cell House where prisoners (in handcuffs) and the chaplain worshipped together in one room.

Death row prisoners have never been allowed contact-visits with relatives and this policy has continued on H-Unit where they are separated from their family by a plexiglass screen and can only converse through a telephone. Although prisoners are allowed eight 2-hour visits a month, some rarely receive visits. Three of the seven prisoners interviewed by Amnesty International's delegates only rarely received visits.

Prisoners have contact with the outside world by means of correspondence, radios and TV, magazines and newspapers if they can afford to purchase these. They may also make one 15 minute personal telephone call a week through a mobile phone which is brought to their cell and there is also a separate line for phone calls to attorneys. However, in Amnesty International's view this does not compensate for the general isolation caused by lack of contact with guards, prisoners and others.

Roy King questions the rationale for creating non-contact facilities in his report (see 4.2 *Physical security and non-contact philosophies of control*) and he cites research and experience elsewhere to suggest that activities for prisoners and the development of good contacts with staff can provide better security than non-contact facilities. He also observes that, ironically, "non-contact facilities often prove more expensive in terms of staffing because of the need to have several staff present when cuffing and shackling prisoners and escorting them. As a result staff often have nothing to do in the intervals between these activities, and so non-contact facilities do not provide satisfying or rewarding jobs for correctional officers" (King para 4.2). This appears to be borne out in H-Unit where Amnesty International's delegates were told that it took more correctional officers to run the death row quads on H-Unit - 33 officers in three shifts - than to run the same number on the old death row in F Cellhouse (where 3 officers worked on each of two runs on each shift). The increase in staff/inmate ratios on H-Unit is even more remarkable in view of a recent report on Oklahoma's prisons which states that staffing ratios at OSP as a whole actually *declined* by 34% between February 1992 and March 1994.<sup>11</sup> It is also significant that the prisoners themselves said they did not feel safer on H-Unit but in fact felt more threatened by being enclosed in a cell with another inmate in a situation where they had less contact with others outside the cell.

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<sup>11</sup> *Plaintiff's Report to the Court and the Parties on the Status of Compliance*, March 1994, by Louis W. Bullock, at P. 14. (a report on Oklahoma's compliance with various court orders regarding its prison system since the 1970s.)

Door to cell.

Photo: Allen Hailey

### ***Double celling***

When death row was first transferred to H-Unit prisoners were confined one to a cell. However, at the time of Amnesty International's visit most cells were occupied by two prisoners as the unit was near to full capacity. Although the presence of a cell-mate can be beneficial in relieving isolation under certain conditions, this was widely reported to be a source of great stress in the conditions of close confinement on H-Unit. Prisoners described the experience as being permanently locked in a box with someone from whom there was no escape. The fact that prisoners both showered and exercised with their cell partner increased tensions and some prisoners said they refused exercise - or arranged to exercise on alternate days only - in order to have some brief time and space to themselves.

Before the visit, Amnesty International had received allegations of inappropriate double-celling, for example of prisoners being placed with inmates who had a history of institutional violence; non-smokers being put in cells with smokers; elderly prisoners being put in with very young inmates; or mentally disturbed prisoners sharing a cell. During the visit Amnesty International was told that efforts were made to house prisoners with cell partners of their choice. However, double celling clearly remained a concern to many prisoners. At least one non-smoking prisoner (who was elderly and allegedly asthmatic) was reportedly still being held in a cell with a heavy pipe-smoker, despite having made several requests in 1993 for a cell transfer. Amnesty International's delegates were told that several prisoners had been physically attacked by their cell partners since the unit opened. There is clearly an inherent danger in placing disturbed or depressed prisoners in such close proximity for 23-24 hours a day in locked cells with no alarm buttons and with no clear view to the outside. In F Cellhouse prisoners were held in individual open-barred cells and could easily attract attention if anything was wrong. It is interesting to note that while security was given as a prime reason for making H-Unit a non-contact facility, prisoners should be confined together in circumstances possibly more dangerous than before.

The undesirability of having two prisoners locked together in close confinement is recognized in the SMR which state under Article 9(1)  
"where sleeping accommodation is individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room."

Amnesty International is concerned that a new facility such as H-Unit should design closed cells for double occupancy under these circumstances.

### ***Food service***

All the prisoners interviewed complained about the food service in H-Unit and Amnesty International received similar complaints before its visit. The food is transported in trolleys from the prison kitchen some distance from H-Unit and prisoners complained that the portions were too small; the food was sometimes undercooked so that they were fearful of eating the meat; and the food was often cold (in fact the Warden acknowledged that the heating element on one of the trolleys had been missing for months without being replaced, although he promised to put this right when Amnesty's delegates raised concern about the food temperature). Amnesty International was

told that many prisoners who could afford to do so bought additional supplies of tinned or packet food from the canteen. Complaints about the food appear to apply generally to OSP where some other units were as far away or further from the kitchen than H-Unit, and complaints about cold food were noted in the ACA's April 1991 report.

The food portions on H-Unit were also reportedly smaller than in F Cellhouse where the food had been served out individually to prisoners who had more control over what they were given and could ask for extra portions of vegetables. When this was raised with Warden Reynolds, he said that a reduction in the amount of money for food per prisoner meant there had to be stricter control of portions.<sup>12</sup> Although he denied these were inadequate, he said he would try to increase the amount of vegetables, despite the budgetary restrictions.

Roy King observes in his report that: "It is hard to overestimate the importance of food in prison ... There is now a considerable body of research which demonstrates the high salience of food in the minds of prisoners. I was extremely concerned that no prisoner spoke well of the food. There can be no excuse in the richest and most technologically advanced society in history for not providing prisoners with nutritionally adequate food, properly cooked and served hot ...". He recommended that a thorough review of the kitchen and food service be carried out as a matter of urgency (King para 8.2).

### ***Medical and psychiatric services***

Amnesty International has received many complaints about the medical care of prisoners in H-Unit. The last ACA inspection of the prison in April 1991 found the medical and mental health care programs at OSP in general to be "excellent".<sup>13</sup> However, prisoners in H-Unit have complained about a lack of access to medical, dental and psychiatric services as well as about the quality of these services. Amnesty International's delegates were not qualified to evaluate the medical facilities or treatment provided at the prison. Nevertheless there are a number of concerns which the organization believes should be investigated.

Amnesty International has been told there are several severely mentally disturbed prisoners in H-Unit who receive little or no psychiatric treatment. They include prisoners who allegedly suffer from hallucinations; who refuse to take basic care of themselves and whose cells or clothing are filthy; or who threaten injury to themselves or others. At the time of Amnesty International's visit there was only one full-time psychiatrist attached to Oklahoma's prison service and his main duty at OSP was to serve the Special Needs Unit. This is a 44 bed unit within the prison for the treatment of mentally disturbed prisoners, which is staffed by other mental health professionals as well as the psychiatrist. However, no prisoners from death row were being treated in the Special Needs Unit at the time of Amnesty International's visit. Three death row prisoners had been transferred to the Special Needs Unit some 18 months previously but had been moved back to H-Unit after about 30 days. The psychiatrist told Amnesty International that he had little contact with mentally ill prisoners on H-Unit and indicated that they did not receive adequate treatment or monitoring. This psychiatrist was dismissed from the prison service in late March 1994 after his

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<sup>12</sup> food costs had fallen from \$2.75 to \$2.42 per inmate per day

<sup>13</sup> CAC Visiting Committee Report for OSP, 15 May 1991.

license was revoked for allegedly misrepresenting his background in his employment application. He was the second psychiatrist to be dismissed by the ODC in five months and the department was without a full-time psychiatrist at the time of writing.<sup>14</sup>

Although there are two doctors and a dentist on duty at OSP and a nurse visits H-Unit daily to dispense medicines, prisoners have frequently complained that their requests for medical attention or dental treatment are ignored or go unanswered for weeks, even when they are in pain.<sup>15</sup> As Roy King notes in his report, there were some allegations that death row prisoners were denied adequate treatment because they were considered 'already dead men' - although this was strenuously denied by the prison medical staff who said that prisoners were not necessarily in a position to evaluate what treatment was needed and that they sometimes sought attention in order to get off the quad. Amnesty International notes that in so restricted an environment a visit to the infirmary may be seen as a rare highlight without this meaning that a prisoner is simulating illness, and that access could have been made easier had there been a medical facility attached to H-Unit as was apparently originally intended (see below). Also, several prisoners have alleged that they were denied medication on H-Unit that had previously been prescribed (they include an elderly inmate who reportedly suffers from psoriasis). Several prisoners also said that they had not received any medical examinations on H-Unit. This may contravene ACA standards which state that "all inmates should receive thorough physical examinations at least biennially, and inmates age 50 or above at least annually..." (ACA standard 3-4348).

Amnesty International has received disturbing reports from several prisoners about the case of Bobby Dale Smith, a death row prisoner who died after suffering a heart attack on H-Unit in June 1993. His cell mate has alleged that he called for help by banging on the cell door after Bobby Smith became ill in the early hours of the morning, but it was over an hour before unit staff could be persuaded to attend to him and take him to the prison infirmary, even though he had a history of heart disease. The allegations received on this case, if true, suggest a disturbing indifference by H-Unit staff to the needs of a seriously ill prisoner. The cell-mate, who was a close friend of Bobby Smith, has also described his distress at the insensitive manner in which he was informed of Bobby Smith's death and has stated that he has never been questioned by the prison authorities about the circumstances in which Bobby Smith became ill or the alleged delay in responding to this.

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<sup>14</sup> The prison department's chief psychiatrist was dismissed in November 1993 after the state Board of Medical Licensure revoked his license for sexual harassment of co-workers (report in *The Daily Oklahoman*, 20 November 1993). Both psychiatrists had reportedly had their licenses revoked by other states before being employed by the ODC.

<sup>15</sup> OSP has a general infirmary staffed 24 hours a day with licensed nurses and there are two doctors and a dentist on duty at the prison during week-days from 8-4pm (the doctors are also on call for emergencies when off-duty). The ratio of medical staff to prisoners may have declined in recent years as the number of prisoners at OSP increased from 779 in April 1991 to more than 1,300 in March 1994. The recent status report on Oklahoma prisons (see note 10) also observed that the size of the medical unit at OSP appeared inadequate for a 1,300 person facility.

View of exercise yard from 2nd level of quad.

Photo: Allen Hailey



### ***Further comments about the design and operation of H-Unit***

Amnesty International was informed that H-Unit was planned and designed largely by a committee of DOC staff. Roy King acknowledges the importance of having input by experienced correctional staff into the design of prison units and notes that some useful features had been built into the design of H-Unit, for example the wide staircases which were safer for staff and prisoners and, in principle, the low siting of the beanholes in the cell doors.<sup>16</sup> However, he also found that the design as a whole overemphasized considerations of security and control, and paid too little attention to inmate needs.

This was illustrated in several ways, including the fact that, initially, there were no facilities for confidential attorney visits. Arrangements were later made for attorneys to sit in small cubicles through which there was no room to pass documents until this was also changed after prisoners filed a lawsuit and the present arrangements were implemented (see above).

There were also no facilities for religious services built into the design of the unit. At one time, death row prisoners used to attend services in the prison chapel. Although this was changed before the transfer to H-Unit, arrangements were made for prisoners to worship together in a small room in F Cellhouse. In H-Unit, however, religious services take place in a closed-off area near the sallyport (entrance) on each quad. There are no chairs and prisoners have to sit in handcuffs on the concrete floor which reportedly causes discomfort to those who are elderly or have joint problems. Amnesty International was told that a prisoner had once brought his blanket to sit on but this had not been allowed. Prisoners also told Amnesty International's delegates that the holding of services so near to the run disturbed other inmates.

There are other features, too, which appear to cause unnecessary hardship or discomfort to prisoners or their relatives. In the old visiting room there were machines from which relatives could purchase food and drink and also hand such items to a guard to give to the prisoner to consume during visiting hours. No such facilities are provided on H-Unit although they could easily be installed at no security risk, given the non-contact nature of the visits. There have also been complaints about the lack of air in the small, enclosed booths in which the prisoners sit for visits - something which could be alleviated relatively easily by placing air vents in the doors, for example.

Other examples of poor design highlighted in Roy King's report and already mentioned are the lack of alarm bells and the way the toilets are sited in the cells. While acknowledging that this is a planned consequence of the non-contact policy of the unit, King also finds it wasteful that the area in the middle of each quad - which he describes as "the largest, airiest space in the unit" - should be left unused.

Roy King also finds that the absence of on-site kitchen and medical services (which were reportedly built into the original design but abandoned on cost grounds) "seriously undermines the viability of the Unit" (King para 4.1).

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<sup>16</sup> The beanholes were sited low after a guard was stabbed through the chest through a cell door opening in another unit. However, as the beanhole is the only means of communicating with anyone on the run in H-Unit, the low siting means that prisoners must kneel on the floor to call through the hole.

### ***Rational for confinement of death row prisoners in H-Unit***

There were a number of violent incidents at OSP in recent years which preceded the construction of H-Unit. The most serious was a riot in 1985 in which several correctional officers were taken hostage and three were seriously injured. Since the riot most OSP prisoners have been "locked-down", that is, confined to their cells for 23 hours a day, and only "level four" prisoners (the lowest security level) work and are out of their cells most of the day. In April 1989 another prison guard was seriously injured by a prisoner in the Administrative Segregation block, and this appears to have led directly to the construction of the super-maximum facility in H-Unit.

Before their transfer to H-Unit death row prisoners were already confined to cells for 23 hours a day and, unlike other prisoners, were unable to progress through the level system to conditions of lesser security. Yet they were the first to be transferred to H-Unit, despite the fact that the violent incidents referred to above did not take place on death row. Although death row prisoners have "level four" privileges for canteen purchases and phone calls, their physical conditions of confinement on H-Unit appear worse in some respects than those in the Administrative Segregation unit (D Block) where prisoners who have severe disciplinary problems are confined.<sup>17</sup>

There is evidence that death sentenced prisoners as a group do not present a greater security risk than other prisoners in terms of their institutional behaviour, despite the crimes for which they have been convicted. In a July 1993 judgment on the lawsuit concerning attorney visits in H-Unit, the US District Judge stated that "Death row inmates pose no greater security risk than any other high-maximum security inmate. There is significant evidence that they present less of a management problem than many offenders convicted of less serious crimes. There are many persons who have been convicted of murder who are not on death row, who are allowed to work through the security classifications and/or levels and ultimately be released back into society ... Institutional behaviour is generally better for death row inmates because such behaviour may be used as evidence in mitigation or commutation proceedings"<sup>18</sup>.

In view of these circumstances, there is ground for questioning why death row prisoners should have been the first to be transferred to H-Unit, or why they were transferred there at all without any individual assessment of their behaviour.

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<sup>17</sup> D Block is one of the newer blocks in the main prison; there is much more natural light and fresh air than on H Unit and the single cells have a window. Although prisoners in Administrative Segregation exercise individually, the exercise runs have open fencing which give a view of the outside.

<sup>18</sup> Memorandum Opinion in *Mann v Reynolds*, filed 21 July 1993.

Death row garment factory, Huntsville, Texas, 1994.

c. F Carter Smith

## Death row conditions in other US states

Prisoners under sentence of death in most US states are housed in segregated death rows in maximum security institutions. While death row prisoners are generally more closely confined than other inmates and few have access to work, rehabilitation or other programs, conditions have improved in a number of states in recent years, usually as a result of litigation. Amnesty International is aware of few states which now impose the same degree of restrictions upon death row inmates regardless of their behaviour as in H-Unit, or where the cell conditions for such prisoners - particularly in a modern unit - are so harsh.

Several states provide considerably more out-of-cell time than Oklahoma. They include California, where all death row inmates are allowed 9-12 hours outdoor exercise a week and Grade A prisoners (those with a good behaviour record) have 42 hours out-of-cell time a week; Georgia where death row prisoners have an average of 7 hours out of their cells each day; North Carolina, where death row prisoners are out of their cells all day and eat in the prison cafeteria; Virginia, where death row is divided into five pods and prisoners spend about 5 hours a day out of their cells in each pod; and Missouri where death row prisoners with a good behaviour record are held in the general population of the state's maximum security facility, spend most of the day out of their cells and may engage in routine prison work assignments. Some states, such as Tennessee, have introduced a classification system for death row prisoners with different levels of restriction which prisoners can progress through according to their behaviour record.

While the amount of exercise allowed varies from state to state, Amnesty International is aware of no other death row where the exercise yard is quite so poorly equipped as on H-Unit and many states provide an indoor room where prisoners may recreate if the weather is bad. Even in states where prisoners remain confined to their cells for very lengthy periods, there may be more opportunity for contact with other inmates through open barred cells than on H-Unit. Many states also provide contact visits for death row prisoners.

Texas is one of a few US states to have introduced a work program for death row inmates. Since 1987 120 prisoners under sentence of death in Texas (about a third of the total) have been allowed to work in a tailoring factory in Ellis Unit, Huntsville, where death row is situated. The prisoners freely associate with one another during the four-hour shifts and serve their own drinks and meals. In an interview published in a UK newspaper in February 1994, the head of death row security at the Texas Department of Corrections said that fewer guards were needed to oversee the factory than in the segregation section of death row as prisoners working in the factory (who did not want to lose this privilege) were more manageable and presented less of a security problem. Although the prisoners had access to knives, scissors and other tailoring tools, there had been only four inmate fights in the factory in seven years, none involving weapons.<sup>19</sup> There is a waiting list to join the factory and prisoners are periodically assessed. Texas death row prisoners not on the work program are confined to their cells for 21 hours a day, with three hours daily recreation.

As Amnesty International has noted in earlier reports, the prolonged isolation and lack of programs for death row prisoners can exacerbate the inherent cruelty of being under sentence of death and lead to severe depression and even psychosis.<sup>20</sup> Many US prisoners have their death

<sup>19</sup> From an article in *The Observer Magazine*, Sunday 27 February 1994.

<sup>20</sup> See, for example, *United States of America: The Death Penalty*, 1987, 147-154.

sentences vacated on appeal, often after spending years on death row and some have been released. The provision of work, rehabilitation or training programs would increase the chances of such prisoners being rehabilitated or at least pursuing a more productive life in prison. Practice in some other states shows that there are alternatives to cellular confinement and isolation on death row of benefit to both staff and inmates.

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## Standards on treatment of prisoners

### *International standards*

The right of all individuals to be free from torture or cruel, inhuman or degrading treatment or punishment is proclaimed under Article 5 of the United Nations (UN) Universal Declaration of Human Rights (UDHR). Such treatment is also prohibited under other international treaties and instruments, including Article 7 of the International Covenant on Civil and Political Rights (ICCPR) to which the US is a State Party.<sup>21</sup>

Article 10(1) of the ICCPR further states that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". The Basic Principles for the Treatment of Prisoners adopted by the UN General Assembly in December 1990 state *inter alia*: "Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the UDHR and ... the ICCPR ..." (Principle 5).

In addition to these general principles, detailed standards relating to conditions of detention are set out in the Standard Minimum Rules for the Treatment of Prisoners (SMR), adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955. Although the SMR do not have the legally binding effects of a treaty, they nevertheless provide guidelines based upon generally accepted minimum conditions of treatment and good management. As has been shown, conditions in H-Unit fall short of the SMR in several important respects, including standards which Amnesty International believes are fundamental to the humane treatment of long-term prisoners. These include the SMR on access to natural light and fresh air, exercise, and activities for the benefit of the physical and mental health of inmates.

There is not a large body of international case law relating to general prison conditions or on facilities directly analogous to H-Unit. However, the Human Rights Committee (which monitors states' compliance with the ICCPR) found violations of Article 10(1) of the ICCPR in several Uruguayan cases in the early 1980s in which prisoners complained of prison conditions which included isolation combined with constant non-contact surveillance, a lack of access to natural light and exercise, together with other cruel treatment (including malnutrition and harassment by guards).

Roy King in his report draws upon the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) which was established under the 1987 European Convention for the Prevention of Torture. The CPT has conducted periodic surveys of prison conditions among the 25 European states which have ratified the Convention and it is the first body specifically to address conditions of detention within the framework of international human rights law. Roy King notes that in 1991 the CPT found conditions in Brixton, Wandsworth and Leeds prisons in the United Kingdom to amount to inhuman and degrading treatment on grounds of prolonged cellular confinement (22.5 hours a day) and lack of out-of-cell activities, together with general overcrowding and lack of integral sanitation in cells. Similar conclusions were reached in 1993 in regard to two prisons in France. Roy King notes that cell space and sanitation is better in H-Unit than in the European examples. However, he concludes that the

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<sup>21</sup> The US Government ratified the ICCPR in June 1992.

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combined effects of the other deprivations on H-Unit - specifically the length of time locked up in windowless cells, the poor exercise facilities, lack of contact with staff, non-contact visits and the lack of educational, vocational and work programs - amount to inhuman and degrading treatment according to the standards set in CPT reports. Roy King notes that death row prisoners had already spent 2 years and 4 months in H-Unit at the time of his report - considerably longer than prisoners were held under the conditions criticized in the CPT reports.

### *US domestic standards*

The Eighth Amendment to the US Constitution prohibits the imposition of "cruel and unusual" punishment. Under the federal Civil Rights Act of 1871, alleged victims of constitutional violations may sue state or federal officials directly in the federal courts. The act has been used extensively by prisoners in recent years to seek improvements in their prison conditions. While some specific practices or conditions have been held to be unconstitutional under any circumstances, most US courts have considered the "totality" of conditions prevailing in a particular institution in assessing whether or not they amount to "cruel and unusual" punishment, rather than setting absolute standards. The US Supreme Court has held that there must be procedural safeguards in the imposition of administrative or disciplinary segregation, but it has not ruled against segregation or solitary confinement *per se*, nor has it made any pronouncement against the routine segregation of prisoners under sentence of death.

During the 1980s US courts held that conditions on a number of death rows amounted to cruel and unusual punishment in violation of the Eighth Amendment and ordered improvements. However, most of the settlements were individually framed to take account of the circumstances in the particular state or institution and did not set standards which were binding on other states. Although OSP was included in a major lawsuit on conditions from 1972 until the early 1980s,<sup>22</sup> there has been no litigation on H-Unit itself (apart from individual issues such as attorney visitation). Although lawsuits remain the main remedy for redressing constitutional violations, the onus is on the prisoner/s to initiate proceedings which can be lengthy and expensive. International standards, on the other hand, require that states investigate and remedy violations of human rights whether or not the victim has made a legal complaint.

As has been mentioned, the ACA has promulgated standards on prison conditions which US states may adopt voluntarily, and which the ACA monitors through periodic audits. Although the ACA Standards provide valuable guidance for penal practice and policy, Roy King finds some of the standards to be deficient (for example lighting and yard space), particularly when applied to a new facility. Roy King notes that during its last audit of OSP in April 1991, the ACA accredited the prison with 100% compliance with the 40 mandatory standards contained in the *Standards for Adult Correctional Institutions* and 98.8% compliance with the 420 non-mandatory standards - this was almost the same level of compliance as with Oak Park Heights in Minnesota which provides a very different standard of confinement. He suggests that the accreditation process may have become too routine, with too little independent scrutiny of the real quality of treatment provided. Nevertheless he questions whether, in the light of conditions in H-Unit, the ACA would still

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<sup>22</sup> Issues included in the lawsuit against OSP and other Oklahoma prisons included racial discrimination, the use of dark, unsanitary punishment cells, lack of adequate medical care and overcrowding. The lawsuit effectively came to an end in 1983 when the court accepted the state's remedial measures and promises to maintain standards and ceased regular monitoring.

conclude now, as they did in 1991, that "*It is evident that the OSP continues to confine prisoners securely, to provide a safe and humane living and working environment with opportunities for personal growth and development*" (King para 9.2). He notes, finally, that the ACA has not set standards of confinement for death row prisoners, and expresses the hope that the ACA will address this as well as the other matters cited.



## Conclusions and recommendations

Amnesty International believes that the conditions under which death row prisoners are currently confined in H-Unit amount to cruel, inhuman or degrading treatment in violation of international standards, including Article 7 and Article 10(1) of the ICCPR. Amnesty International has reached this conclusion on the basis of the combined conditions prevailing: the prolonged confinement to windowless cells and the physical conditions in the cells; the lack of natural light and fresh air; the inadequate exercise facilities; the isolation and lack of contact with prison staff and others; and the absence of any provision for out-of-cell activities such as work, social, recreational or educational programs. Amnesty International has taken into account the fact that death row prisoners may be confined in such conditions for a very long time and without regard to their individual behaviour, and that there do not appear to be grounds for placing such prisoners as a group in these conditions.

Amnesty International believes that the above conditions, applied over a period of time, can have a detrimental effect on the physical and mental health of prisoners. Amnesty International also believes that the right to self improvement should be available to every prisoner regardless of their current status. This applies equally to death row prisoners who spend many years awaiting the outcome of their appeals and a significant proportion of whom will eventually have their death sentences commuted.

The organization has not received allegations to suggest that there is systematic, deliberate abuse of prisoners by staff at OSP. However, it is concerned that the physical design of H-Unit and the non-contact nature of the facility can lead to institutionalized indifference to the legitimate needs of inmates. Amnesty International believes that the provision of a more humane environment, with occupational facilities and better contact with staff and others, would be of benefit to both staff and prisoners without compromising security needs.

### **Amnesty International recommends: -**

1. There should be an urgent review of the custody arrangements for prisoners in H-Unit in order to eliminate those conditions which, in Amnesty International's view, amount to cruel, inhuman or degrading treatment. Particular attention should be given to providing all death row prisoners with more out-of-cell time; better exercise facilities; access to fresh air; and an opportunity to have their custody status reviewed; and, for inmates who do not present a security risk, more association and the provision of work, training and/or educational programs. The provision of contact visits should also be considered.

Although Amnesty International is not qualified to recommend in detail how custody arrangements should be made, it draws attention to observations made by Roy King under para 8.1 of his report regarding the possibility of placing some death row prisoners in the general population of OSP. Amnesty International also wishes to draw attention to some practical recommendations made by Roy King for immediate improvements to conditions on H-Unit itself (under 9.3:- *Miscellaneous recommendations*). These include:

- the provision of better facilities on the exercise yards and possible extension of the size of the yards on H-Unit;
- provision of educational programs and extension of facilities in the leisure library
- alternative arrangements for religious services;
- use of the large open space between the runs and the control rooms for associated activities;

the provision of bells in cells;  
the regular rotation of staff on H-Unit.

2. Amnesty International is not in a position to reach conclusions on the provision of medical care at the prison. However, it recommends that there should be a thorough audit of the medical, dental and psychiatric services for prisoners on H-Unit by a competent and independent authority, in line with the recommendation made by Roy King in para 8.3 of his report, with a view to ensuring that prisoners have prompt access to medical, dental and psychiatric services; that appropriate treatment and medication is provided; and that there is proper oversight of the mental health needs of prisoners.

3. The food service should be reviewed to ensure that prisoners always receive hot meals of adequate quantity and quality.

4. Amnesty International is aware that other prisoners are held under the same conditions of confinement in H-Unit as prisoners on death row, although the status of these prisoners is periodically reviewed. Amnesty International believes that no prisoner should be confined long-term to conditions such as those described above and it endorses the recommendation made by Roy King regarding the institution of clear limits as to the time that prisoners can be kept in the unit (see 8.1 of King).