

PUBLIC
July 2000

AI Index: AMR 51/108/00

USA (Mississippi): HIV-infected prisoners threatened with retaliation while conditions of confinement deteriorate

Amnesty International is reiterating its call to the Mississippi authorities to investigate allegations that prisoners involved in a lawsuit challenging medical care for prisoners with HIV/AIDS at the Mississippi State Prison (MSP) in Parchman are still being threatened with retaliation by prison staff.

The organization is also calling on the authorities to investigate reports that medical care and conditions in the HIV Unit have deteriorated.

Lawyers from the National Prison Project of the American Civil Liberties Union (ACLU), who have only this week gained access to the HIV Unit, reported that they believe medical treatment for HIV-infected prisoners has deteriorated dramatically after a permanent gag court order was imposed in January. The court order -- which prohibited the ACLU lawyers from communicating with HIV-infected prisoners about their medical care and conditions of their confinement -- has only recently been lifted by the Mississippi Court of Appeals.

According to reports, the prisoners are still being subjected to medical maltreatment and non-treatment, and unsanitary conditions. They continue to be segregated, in housing with no air conditioning despite temperatures exceeding 100 degrees Fahrenheit [38 degrees Celsius]; they are still routinely served food that is spoiled, unclean, or otherwise unfit for consumption; and are still being threatened with retaliation for going to court.

According to fellow-inmates, two prisoners who died within the last two weeks had been ignored and neglected by medical staff. One of the leading prisoners in the lawsuit -- who was allegedly brutally assaulted by guards after the hearing last year resulting in him receiving hospital treatment -- is reportedly again under serious threat for his litigation efforts.

Amnesty International believes that the treatment alleged violates international standards for the humane treatment of prisoners, particularly in view of the serious medical needs of prisoners with AIDS and the need to keep these prisoners in a sanitary environment. These standards include the International Covenant on Civil and Political Rights, to which the USA is a state party.

Amnesty International wrote to the Mississippi authorities in February this year regarding its concerns about the conditions of confinement for prisoners with HIV/AIDS. The authorities replied simply stating that HIV-infected prisoners are now receiving adequate medical care and that their living conditions are in compliance with previous court orders. The organization believes that this reply fails to address its specific concerns about the treatment of prisoners with HIV/AIDS, including the retaliation by guards and the unsanitary prison conditions. Moreover,

ACLU lawyers report that while some cosmetic changes have been made -- particularly as the prison was forced to "clean-up" under the impact of the ACLU lawsuit and the publicity it generated -- appalling medical care and living conditions persist, according to reports from the prisoners.

Amnesty International is again calling on the Mississippi Department of Corrections to investigate these allegations and to ensure that disciplinary action is taken against any staff member who has in any way attempted to intimidate, harass or ill-treat any inmate. The authorities should take steps to ensure that prisoners suffering from HIV/AIDS in Parchman and throughout Mississippi are confined in humane and sanitary conditions in accordance with their health needs and with US and international standards.

The organization is also asking for information on any changes implemented following a court order issued in July 1999 requiring the state to meet the standards of care for people with HIV/AIDS established by the standards of the National Institute of Health and for general information about the conditions under which HIV/AIDS prisoners are currently confined in the Mississippi prison system -- particularly regarding access to prison facilities and programs.

Background

While the gag order has been lifted, Amnesty International is concerned that the court order forces the prisoners to be "represented" by the lawyer chosen by the judge, even though all the HIV-positive prisoners have signed a petition asking the judge to remove him and to allow the ACLU to represent them. The ACLU attorneys, who filed a legal brief in April on behalf of the prisoners, are currently challenging these issues at the Fifth Circuit Court of Appeals in Mississippi.

The ACLU claims that the court-appointed attorney treated his clients with hostility, violated their confidence and did not keep up with changing medical standards. In March 1999 a medical expert testified that the treatment the Mississippi Department of Corrections provided was so grossly inappropriate that it was threatening the prisoners' survival, shortening their lives and causing them great and needless suffering. The trial judge essentially adopted the expert's findings and decided that the authorities' failure to treat was shortening the prisoners' lives.

An HIV specialist who visited the prison on behalf of the ACLU in June 1999 to read prisoners' medical files, concluded in his report that the HIV treatment remained "abysmal", despite officials' efforts to make it appear that things had changed. The district judge entered court order a few weeks later and decided that the ACLU could not represent the prisoners.

Mississippi is one of only three states which as a matter of routine policy completely segregates prisoners with HIV/AIDS from the general prison population (the other states are Alabama and South Carolina). Such practice is contrary to national and international standards for the provision of care to prisoners who are affected by HIV/AIDS. While acknowledging that isolation for limited periods may be required on medical grounds, these standards provide that such prisoners should not be segregated based on their HIV status and that all prisoners with HIV should have access to the same jobs, programming, vocational and educational opportunities as the rest of the prison population.

ENDS.../

For further information, please see statement issued in February 2000.