UNITED STATES OF AMERICA
RIGHTS FOR ALL
Torture and abuse of prisoners

Torture and ill-treatment — abuses in US prisons and jails

The US Constitution guarantees that "cruel and unusual punishments shall not be inflicted".
The USA has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Yet in prisons and jails across the USA inmates are being tortured or ill-treated.
More than 1,700,000 people are in prisons and jails in the USA. Half of all prisoners are African Americans and over 60 per cent are from racial and ethnic minority backgrounds. Nearly 20,000 are less than 18 years old. The number of people in prisons and jails has more than tripled since 1980. The rate of increase in the number of women incarcerated has been even greater.
Violence is endemic in many US prisons and jails. Overcrowding and inadequate staffing are making the problem worse.
There are reports of physical violence, including rape, by inmates in facilities across the USA. Abuses by prison staff include beatings, particularly in isolated segregation units.
There have been many reports of sexual abuse committed by correctional staff against inmates, especially of women inmates by male guards who, contrary to international standards, routinely supervise female prisoners.
A growing number of children under 18 are being held in facilities with adult prisoners, where they are particularly vulnerable to abuse.
In 1995 the chain-gang — a powerful reminder of past abuses — was used for the first time in more than 30 years. However, shackling prisoners has been a continuing feature of the US penal system. Prisoners are routinely shackled when being transported, whether or not they pose any risk. Pregnant women being taken to hospital are commonly shackled; some authorities shackle pregnant women at their wrists, ankles and waists, despite the increased dangers that they may fall and suffer serious injury.
A wide range of technologies designed to control and incapacitate inmates has been developed in recent years, resulting in practices which are cruel, degrading and sometimes life-threatening. Michael Valent died in March 1997 in Utah State Prison after being shackled in a restraint chair for 16 hours; a hole had been cut into the seat to allow him to defecate and urinate. Although no longer employed in this prison, restraint chairs are widely used in facilities throughout the USA. In some jails they are used to deliberately inflict cruel punishments.
Other methods of restraint, such as chemical sprays and electro-shock devices, are frequently applied, despite the fact that some are inherently unsafe and invite abuse. Electro-shock stun-belts, for example, are increasingly being used. At the press of a button a powerful electric current passes through the wearer, causing severe pain and instant incapacitation.
Thousands of prisoners in super-maximum security ("supermax") units are being held in prolonged solitary confinement, which can result in serious mental and physical problems. Typically, prisoners are held in small windowless cells for between 22 and 24 hours a day. In 1995 a federal ruling stated that conditions at the supermax unit of Pelican Bay State Prison, California, "may well hover on the edge of what is humanly tolerable for those with normal resilience".
Few states have independent bodies to monitor conditions in prisons; local jails in particular receive very little scrutiny.
It is time that the USA lived up to its commitments and took steps to eradicate torture and ill-treatment from its penal system.

'a pattern of needless and officially sanctioned brutality.'

1995 federal ruling on conditions at Pelican Bay State Prison, California

‘there are some people who deserve to be treated like animals’
Don Poston manager of the newly-built W.J. Estelle High Security Unit in Texas

captions:
Prison guards monitor inmates during a “shakedown” (a mass search for contraband items) in Ellis 1 Unit in Huntsville, Texas
© Danny Lyon/Magnum
Cover picture: Prisoner tied to a “hitching rail” in Alabama. In January 1997 a federal magistrate ruled that the state should stop using the rail, describing it as a “painful and tortuous punishment”. A state appeal against the ruling was still pending as of July 1998.
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Send your letters to/ Write to:
Janet Reno
Attorney General
Department of Justice
950 Pennsylvania Ave. N.W.
Room 440
Washington DC 20530
USA
Urge her to use her influence to ensure that rigorous national standards are established to prevent abuses in prisons and jails and, in particular, to stop the cruel use of restraints and the use of electro-shock stun-belts.
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Turn words into action
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The United States of America declared its independence with this resounding affirmation of human rights. It has repeatedly proclaimed its commitment to human rights at home and abroad. The reality for many in the USA can be very different. For the poor, for Latinos, blacks and other minorities, justice and equality are often denied, the right to life and liberty frequently abused.

Police brutality is a daily occurrence. Ill-treatment, even torture, takes place in prisons across the country. Condemned prisoners are executed after unfair trials. The US authorities have failed to stamp out these widespread violations of human rights.
The US government uses the language of international law, human rights and democratic values to justify its policies. Yet the USA has often been reluctant to allow its own record to be scrutinized by the international community and has been selective in its defence of human rights abroad, keen to criticize its enemies but less willing to speak out about abuses by its allies.
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UNITED STATES OF AMERICA
RIGHTS FOR ALL

Asylum-seekers treated like criminals

Behind bars: asylum-seekers jailed without cause

Everyone has the right to seek asylum if they are forced to flee their country to escape persecution. Yet US authorities persistently violate the fundamental human rights of asylum-seekers by detaining them when they seek asylum.

Asylum-seekers are not criminals, but an increasing number are treated like criminals when they arrive in the USA to seek sanctuary. They are placed behind bars with criminal prisoners; they may be stripped and searched, shackled and chained; some are verbally or physically abused. They do not know when they will be released.

International standards require that the detention of asylum-seekers should normally be avoided. Asylum-seekers should only be detained for legitimate reasons, when other measures short of detention will not suffice, and for no longer than absolutely necessary. Yet many asylum-seekers are detained for long periods in the USA, in breach of these standards. A new US immigration act passed in 1996 led to a sharp rise in such detentions and increased the risk that refugees may be returned to countries where they will be in danger of imprisonment, torture or death.

Conditions have deteriorated in many detention centres used by the Immigration and Naturalization Service (INS) under the pressure of rising numbers of detainees. While conditions are not always harsh, Amnesty International knows of asylum-seekers who have been held for long periods in overcrowded cells without access to daylight or exercise facilities. Some asylum-seekers face frequent strip searches and are shackled and cuffed if they are taken to hearings or appointments outside the jail or detention centre.

One asylum-seeker held in a county jail told Amnesty International that she was frequently threatened by her fellow inmates, was made to sleep on the floor for two months and felt at risk of sexual assault from inmates. Others reported that they were given only one change of prison clothing a month, were not given soap and were placed in solitary confinement for minor transgressions of prison rules that they did not understand.

The USA has no national system to oversee and hold accountable those responsible for the detention and treatment of asylum-seekers. Asylum-seekers are held, together with other detainees or convicted criminals, in INS detention centres, private detention centres, prisons and jails. Immigration officials have admitted that they cannot guarantee conditions for asylum-seekers held in jails.

Asylum-seekers are entitled to help with their cases. Yet they are frequently not given access to visitors, to lawyers, to assistance in a language they understand and to help from non-governmental organizations. Some even face obstacles in making telephone calls or receiving letters. They are in a new country, in an often frightening environment, and cut off from relatives, friends, lawyers and outside help.

There is no guarantee that their detention will be reviewed —- practice varies from place to place within the USA and even where asylum-seekers do have their detention reviewed, few are released within a reasonable time. The asylum-seeker often does not have adequate legal representation when such critical decisions are made.

Even children who have been through the trauma of being driven from their home countries are not given the help they need. Some are separated from their families; some are held

in juvenile detention centres with juvenile offenders, which is appalling treatment for such children.

The USA has spoken out strongly on behalf of refugees seeking asylum in other countries. It should live up to its international obligations towards asylum-seekers and provide a safe haven to those who flee to the USA for safety.

Turn words into action

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'Everyone says America is the place for human rights. I thought maybe I had arrived in the wrong country.'
Hawa Abdi Jama, a Somali refugee who was detained in harsh conditions for 14 months before she was granted asylum

captions:
Visiting room in the York County Prison in Pennsylvania. Many asylum-seekers are held in maximum security facilities and subjected to the same conditions as high-risk criminal prisoners.
© Cisco Adler/York Daily Record
Cover picture: Detainees at the Port Isabel, Texas INS facility
© Barbara Karl/SND

ACT NOW!
Send your letters to:/Write to:
President Bill Clinton
The White House
Office of the President

1600 Pennsylvania Avenue
Washington DC 20500
USA
Urge him to ensure that asylum-seekers are detained only as a last resort and are never held in jails.
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Police brutality

Police brutality — breaking the rules and getting away with it

Anthony Baez was playing football in the street with his brothers one December evening in New York in 1994. Their football accidentally hit a parked patrol car. An infuriated police officer grabbed Anthony and held him round the neck, then other officers knelt on his back as he lay face down on the ground. Anthony choked to death. It emerged that the officer had a long history of brutality — there were at least 14 prior complaints against him — yet he was still on duty.

Caroline Sue Botticher, an African American women, died in April 1997 after police from West Charlotte, North Carolina, fired 22 rounds at the car in which she was a passenger. The car had failed to stop at a police checkpoint, but there was no evidence to suggest that anyone in the car was armed.

Tragically, these are not isolated incidents. Each year local state authorities and the US Justice Department receive thousands of complaints of assault and ill-treatment by police officers.

Inquiries into some of the country's largest urban police departments in recent years have uncovered systematic brutality. In each case the authorities had turned a blind eye to routine abuses in high crime districts. In each case police officers had covered up misconduct by fellow officers, hiding behind a "code of silence", in which police officers refuse to report or confirm misconduct by fellow officers.

Across the USA, people who posed no threat have been beaten, kicked, punched and shot by police officers. They have been hurt, or even killed, as a result of being placed in dangerous restraint holds which prevented them from breathing, given electric shocks by stun guns and other weapons, or subjected to excessive use of chemical sprays.

Many people have died, many have been seriously injured, many have been deeply traumatized. Each year US local authorities pay out millions of dollars in damages to victims or their relatives in civil suits, yet prosecutions of police officers are rare.

The overwhelming majority of victims of police brutality in many areas are members of racial or ethnic minorities, while most police departments remain predominantly white. Racial prejudice and distrust between the police and members of minority communities — especially young black and Latino males in inner city areas — are widespread.

It is difficult to gauge the true extent of police brutality or use of excessive force in the USA, as there is no reliable national data. More than 17,000 police agencies operate in the USA, each with its own codes of practice and methods of recording and investigating abuses. A law was passed in 1994 requiring the federal government to collect and analyse nationwide data on police use of excessive force, but Congress has not yet provided the necessary funding.

International standards which have been endorsed by the USA regulate the conduct of the authorities in their fight against crime. They provide that police officers should use force only as a last resort and that the amount of force must be in proportion to the threat encountered and designed to minimize damage and injury. Many US police departments have guidelines which broadly conform to these international standards.

Despite this, police forces throughout the USA regularly violate these standards, using levels of force entirely out of proportion to the threat faced.

Although some police departments have introduced reforms in recent years, often in the wake of severe criticism from inquiries, discipline imposed on officers who use excessive force is

frequently inadequate. Few police officers are ever prosecuted for human rights violations. Their "code of silence" contributes to the continuing climate of impunity.
'Police brutality seemed to occur... whenever we uncovered corruption'

Mollen Commission of Inquiry, 1994, into corruption in the New York City Police Department

captions:
Many instances of police abusing their power only come to light through the determined and tireless work of human rights campaigners, civil rights lawyers and relatives of the victims.
Cover picture: Members of the Florida National Guard "subduing" a suspect © AP

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President Bill Clinton
The White House
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1600 Pennsylvania Avenue
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USA
Urge him to call for the establishment of an effective national system for monitoring and preventing abuses by police. Urge him to call for police agencies to adopt and rigorously enforce internationally recognized standards prohibiting torture, ill-treatment and other use of excessive force by law enforcement officers.
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The death penalty: life and death lottery

Executions in the USA: arbitrary, racist and cruel

More than 350 people have been executed in the USA since 1990. They have been killed by the US authorities in premeditated and deliberate acts of punishment.

Execution — the cold-blooded taking of life by the state — is a violation of human rights; rights that belong to every human being, even those convicted of serious crimes.

Spurred by revulsion at the atrocities of the Second World War, in 1948 the international community adopted the Universal Declaration of Human Rights. At its heart lie the rights of every human being to life and to freedom from cruel treatment. The death penalty is a calculated denial of these rights.

The USA played a leading role in the development of the Universal Declaration of Human Rights. Yet 50 years on, it has the highest known death-row population on earth. More than 3,000 people languish on the assembly line of death.

Some are innocent. More than 70 people have been released from death row in the past 20 years after evidence of their wrongful conviction came to light. A few had come within hours of being executed. How many innocent people have been executed will never be known.

Some are juvenile offenders. International law bans the use of the death penalty on people who were less than 18 years old at the time of the crime, recognizing that children have not yet reached a full understanding of their actions. The USA is one of only a handful of countries that continue to execute juvenile offenders, in defiance of international law.

Some are mentally impaired. The USA has executed more than 30 mentally ill or disabled prisoners since 1994.

Many did not receive a fair trial because the lawyers defending them were inexperienced, incompetent or hostile to their clients. Kenneth Mosley's lawyer told the jury he was a "pitiful, hollow, insignificant, snivelling human being" during his trial in 1997.

Most are poor, and a disproportionate number come from ethnic minorities. Whether or not a defendant is sentenced to death often depends on whether they can afford a good lawyer, whether they are black or white, whether the prosecutor or judge is up for re-election and wants to appear tough on crime.

The application of the death penalty in the USA is racist: a study showed that a black person convicted of killing a white was 15 times more likely to be condemned to death than a black who had killed a black.

Many of those on death row have been convicted of brutal crimes, and the desire for retribution can be understood. But the state cannot condemn and outlaw murder by itself resorting to killing. By executing those it considers to have lost their right to live, the state sends a message to the public at large that killing a defenceless prisoner is acceptable. That message brutalizes society as a whole.

The death penalty has never been shown to deter crime more effectively than other punishments. In the USA it is imposed arbitrarily, unfairly and
in a racist manner. It denies any possibility of rehabilitation.

The cruelty of execution is inescapable, despite attempts to "modernize" it. Luis Mata spent 70 minutes strapped down for execution, the lethal injection needle already inserted in a vein, while his case was argued in court. He lost. Others have spent their last hour with the executioner trying unsuccessfully to insert the needle. Many have suffered prolonged deaths.

The USA is increasingly isolated in its determination to carry out executions. Just four countries — the USA, China, Iran and Saudi Arabia — accounted for more than 84 per cent of the world's recorded executions in 1997.
It is time for the USA, a self-proclaimed leader in the protection of human rights, to join the 100-plus nations which have abandoned the death penalty.

'He was strapped down but they couldn't find a vein... We had to get him to make a fist so that we could kill him'
Prison warden, describing the 1996 execution of
Antonio James

'Race, ethnic origin and economic status appear to be key determinants of who will, and who will not, receive a death sentence.'
UN expert who visited the USA in 1997

captions:
An execution chamber in Ohio showing the witness room, the electric chair and the lethal injection table
© Gary Gardiner/AP
Cover picture: Death-row cell, Arizona © Doug Magee

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