

USA (Texas)

Allegations of cruel and degrading punishment against women on prison work detail: the use of "detention trailers" or cages

"I couldn't keep up in cutting grass and forced to defecate and urinate in a cage standing up and watered every 90 minutes. ... It's not like you're in a cell where you know they're gonna feed you. You're in a cage. Out in the wilderness. Like an animal."

Testimony of Viktoria Robertson, former prisoner at Gatesville Prison, Texas

Amnesty International has received reports that women prisoners on hard labour assignments may be subjected to punishment which involves their being held for hours in an eight by four feet cage or "detention trailer" -- in temperatures of more than 100 degrees Fahrenheit.

Viktoria Robertson, a former prisoner at Gatesville Prison, Texas, described to Court TV on 21 October 1999, of how women were forced to do hard labour (as part of a "hoe squad") for five to eight hours a day in intense heat. If they could not keep up with the pace of work or got ill, the prisoners would be crammed in a portable steel cage -- with as many as 13 in the cage at any one time. The women were made to stand up and denied bathroom facilities, causing them sometimes to defecate or urinate while in the cage. They were hosed off and "watered" every 90 minutes. The prisoners were told to be caged meant that 45 days were taken off their time off for good behaviour. A hidden court camera substantiated use of the cages.

Amnesty International considers that such treatment would constitute cruel, inhumane and degrading treatment or punishment in violation of international standards which prohibit the torture or cruel treatment of all prisoners without exception. This includes the International Covenant on Civil and Political Rights and the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment -- both of which have been ratified by the US Government.

Amnesty International believes that the gratuitously harsh and punitive nature of the hard labour which prisoners are required to do is unnecessary and may also constitute cruel, inhumane and degrading treatment or punishment. According to Robertson's testimony, the women would work with hoes on rocky ground for hours. The organization is also concerned about the allegations that women are often punished with the cage because they cannot keep up with the work. The UN Standard Minimum Rules for the Treatment of Prisoners states that *prison labour must not be afflictive in nature* and that work shall be of "*a useful nature*" (Rule 71).

Amnesty International is urging the Texas authorities to immediately cease holding prisoners in "detention trailers" in the conditions described above and to investigate claims that prisoners are made to perform gratuitously harsh and punitive labour and are then punished for failing to keep up.

In October 1999, Texas prison officials dismissed Robertson's allegations as "*untruthful propaganda*" and said that a federal court that has supervised Texas prisons for nearly three decades has approved the use of the portable detention cells: "*We believe the detention trailer to be an effective, efficient and humane method for handling unruly inmates who become disruptive and fail to follow direction and thereby cause a disciplinary problem*". On 30 May 2000, a Texas Department of Corrections prison spokesperson told Amnesty International that "detention trailers" were still used in

Texas. He claimed that prisoners in “detention trailers” do get water and bathroom breaks and are not hosed down.

Amnesty International understands that the authorities need to act when prisoners commit breaches of discipline or security but that in all cases the sanctions imposed should be proportionate to the offence and should never breach standards for the humane treatment of those in custody.

Robertson also told Court TV of how she was forced to strip naked for prison staff and perform sexual favours. Amnesty International believes that these allegations raise questions about the nature of the strip searches and whether these take place in presence of male guards. It considers such strip searches to constitute cruel, inhuman and degrading treatment or punishment.

Robertson was released in December 1997 and filed charges against the parole officer she claims sexually harassed her. He was found guilty of the charges in a recent civil proceedings against two of her fellow inmates; 11 of them had filed charges. An Austin judge ordered the former officer to pay the women 4.1 million dollars. However he was acquitted of criminal charges in January 1998.

Background

- Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states: *“No one shall be subjected to torture or to cruel, inhuman and degrading treatment or punishment”*.
- Article 10 of the ICCPR says: *“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”*.
- The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that *“All persons... shall be treated in a humane manner and with respect for the inherent dignity of the human person”* (principle 1) and *“No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...”* (principle 6).

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