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AMNESTY INTERNATIONAL'S WORK ON PRISON CONDITIONS
OF PERSONS SUSPECTED OR CONVICTED OF POLITICALLY MOTIVATED CRIMES
IN THE FEDERAL REPUBLIC OF GERMANY:

ISOLATION AND SOLITARY CONFINEMENT

May 1980

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*Original language: German

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*Original language: German

PREFACE

The attached dossier documents Amnesty International's concern about and work on certain aspects of the conditions of prisoners suspected or convicted of politically motivated crimes in the Federal Republic of Germany (FRG) between 1977 and March 1980. Central to this work has been a special research project on these prison conditions. This focused on the effects of the isolation aspects of the high security conditions in which many of the prisoners have been and are detained. The results of this research were submitted to the Federal German authorities on 13 February 1979 and to the German Länder authorities on 2 August 1979 in the form of a Memorandum on Prison Conditions of Persons Suspected or Convicted of Politically Motivated Crimes in the Federal Republic of Germany. The full text of the Memorandum is included in this dossier.

In addition the dossier contains the Report of a Meeting between Representatives of the Federal Ministry of Justice of the FRG and an Amnesty International Delegation on 5 June 1979 and the texts of relevant correspondence between Amnesty International and the FRG authorities.

Included in the correspondence is a letter sent by Amnesty International to the FRG authorities on 10 October 1979 advising them of certain recommendations made by Amnesty International delegates and a letter from the FRG authorities of 14 January 1980 rejecting these recommendations.

INTRODUCTION AND SUMMARY

There are two main reasons for publishing this dossier. Firstly, Amnesty International has established that the conditions of solitary confinement and small group isolation in which a considerable number of prisoners have been and still are held while in high security detention in the FRG are of concern to Amnesty International under Article 1c of its Statute. This requires the organization to oppose the "torture or other cruel, inhuman or degrading treatment or punishment" of all prisoners. It has therefore called upon the FRG authorities to abolish the use of solitary confinement and small group isolation as regular forms of imprisonment, stressing that ways must and can be found to accommodate security needs with humane treatment. Certain recommendations made by Amnesty International about the setting up of an advisory committee were rejected by the FRG authorities.

Secondly, Amnesty International believes that the findings of its study on the effects of high security imprisonment involving isolation are of international relevance. The limits of its mandate do not allow Amnesty International to develop its own standards in relation to the general issues of prison reform and for any assessment of such issues it has traditionally relied on the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR). The UNSMR, last revised in 1977, are not, however, adapted to the specific problems posed by the effects of isolation in high security detention, in which many prisoners suspected or convicted of politically motivated crimes are detained. Amnesty International hopes, therefore, that the publication of this dossier will contribute to the setting of standards in this field both nationally and internationally by the appropriate authorities, organizations and bodies such as the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to take place in Caracas, Venezuela, between 25 August and 5 September 1980.

The problem posed by high security imprisonment involving the isolation of prisoners suspected or convicted of politically motivated crimes in the FRG has arisen in the context of a wave of urban political violence which began in the late 1960s and has continued throughout the 1970s. In the FRG the two groups most prominently involved in such violence have been the Red Army Fraction and the 2nd June Movement, with the Revolutionary Cells emerging later. The first prominent arrests were of members of the Red Army Fraction in 1970. By 1974, when many more members of these organizations had been arrested, allegations of torture through solitary confinement and, in some cases, of the use of sensory deprivation techniques, had become widespread. Research into these allegations revealed that more and more such prisoners were being held for long periods in isolation, both before and after conviction. By 1976-7 it was clear that in many cases they had been held for as long as four, five or six years in conditions of isolation varying from total isolation and solitary confinement to isolation in small groups. However, the question of the extent to which these prison conditions came within the scope of Amnesty International in terms of the provisions in its Statute regarding "cruel, inhuman and

degrading treatment or punishment" was a complex one and towards the end of 1977 the organization's International Executive Committee commissioned a study of this matter.

In the course of this study, allegations and counter-allegations were examined in detail. A large number of lawyers and relatives of prisoners, as well as three former prisoners, were interviewed. A considerable number of medical reports was collected and several medical experts in the FRG who had examined prisoners were interviewed. Medical and prison experts in the FRG and other European countries were consulted, as was an American expert on isolation in prisons. Medical and legal literature on isolation in general and in prisons in particular was collected and the findings about individual prisoners in the FRG were assessed in the light of this material. The literature included a Council of Europe Study on the Treatment of Long-Term Prisoners, published in 1977. Relevant court orders and judgments were also collected. The FRG authorities were not contacted at this stage; no prisons were visited and no prisoners were medically examined by Amnesty International.

In December 1978 the final report of this study was presented to Amnesty International's International Executive Committee and on 13 February 1979 the organization sent the Memorandum to the Federal Minister of Justice, Herrn Dr. Hans-Jochen Vogel, in Bonn and subsequently had a meeting with the Federal authorities on 5 June 1979.

The Memorandum refers to the general effects of isolation on the physical and mental health of those subjected to it. Such effects have been observed in prisoners serving long-term sentences even under normal prison conditions as well as in persons isolated in hospitals, arctic and space stations and submarines. Such isolation has a negative effect on an individual's ability to respond to his or her environment, both psychologically and physically (affecting the autonomic nervous system). Although the effects of isolation may vary according to the individual's personality and history, long-term isolation has a more negative effect on an individual's health the more severe it is and the longer it lasts. These effects militate against reform and rehabilitation, which is counter to Article 10.3 of the 1966 United Nations Covenant on Civil and Political Rights, to which the FRG is a party, which stipulates, among other things, that "the penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation...".

Other internationally recognized norms, such as the United Nations Standard Minimum Rules, stress that "the regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings" (Rule 58).

The prison conditions of the inmates whose cases were examined in the course of the study amounted to severe forms of isolation. The study found on the basis of the materials examined that many prisoners showed clear symptoms which fitted into the general pattern described above, yet were extremely pronounced, and in some cases reminiscent of the effects produced by sensory deprivation in experimental situations. Amnesty International concluded that in individual cases prolonged solitary confinement and social isolation had impaired the health of prisoners and that the prison conditions of persons suspected or convicted of politically motivated crimes in the FRG are of concern to the organization. Amnesty International further concluded that ways can and must be found to accommodate prison security with humane treatment, avoiding the severe forms

of isolation inherent in the prison conditions which the Memorandum describes. The organization therefore urged the government to seek alternatives to solitary confinement and small-group isolation as regular forms of imprisonment.

At the beginning of August 1979, after Amnesty International delegates had met representatives of the Federal Ministry of Justice on 5 June 1979, the organization sent copies of the Memorandum to the Ministries of Justice of the Länder and the Senator for Justice of West Berlin.

Amnesty International's contacts with the FRG authorities took place against a background of continuous confrontation between prisoners and authorities, repeatedly culminating in hunger-strikes by the prisoners. The prisoners often rejected any cooperation with the authorities, which included refusals to allow medical examinations by prison doctors or other doctors appointed by the authorities.

The Amnesty International delegates recommended that a committee be set up to provide independent advice to the Federal and Länder authorities on the issue of prison conditions of persons suspected or convicted of politically motivated crimes, both in general and in individual cases. The organization advised the FRG authorities of these recommendations on 10 October 1979.

The Memorandum and above-mentioned recommendations for the establishment of an independent "ombuds"-type committee were included among the topics for discussion at the 50th sitting, in October 1979, of the Standing Committee on Penal Affairs (Strafvollzugsausschuss) of justice ministers of the Länder, convened by the Justice Minister of Baden-Württemberg. The reply from the Baden-Württemberg authorities, on behalf of all the Länder, dated 14 January 1980, did not include any comment on the substance of the Memorandum. However, it rejected the proposal of an independent committee on the grounds that prison conditions are supervised by the responsible ministry, the courts and parliamentary bodies and that it was not necessary to establish any further bodies, even of an advisory nature, nor to accept medical supervision from a non-state institution.

In its reply of 22 February 1980 Amnesty International expressed regret that, so far, its constructive proposals had been turned down, and stated its continuing concern that while it remains the aim of the Länder to integrate politically motivated prisoners as far as possible into the normal regime and to lessen the isolation of the prisoners, a large number of them were still in severe isolation. The organization noted with regret that to date "small group isolation has not been abolished as a regular form of imprisonment as Amnesty International has consistently urged in its contacts with the FRG authorities".

Amnesty International is continuing its work on the prison conditions of persons suspected or convicted of politically motivated crimes in the FRG in accordance with its position that alternatives should be sought to the use of solitary confinement and small group isolation as regular forms of imprisonment.

dk/vn

13 February 1979

Dr. Hans-Jochen Vogel
Federal Ministry of Justice
Stresemannstrasse
53 Bonn - Bad Godesberg
Federal Republic of Germany

Dear Dr. Vogel,

Over the last few years Amnesty International has received numerous allegations that certain prisoners in the Federal Republic of Germany, in particular those suspected or convicted of politically motivated crimes, have been subjected to conditions which damage their health. It has been alleged that isolation and sensory deprivation techniques have been used as torture to "break" those prisoners.

Amnesty International recognizes as prisoners of conscience only persons who "are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence" (Article 1.a of Amnesty International's Statute, a copy of which is enclosed).

None of the prisoners to whom the allegations mentioned above refer has been adopted by Amnesty International as a prisoner of conscience. However, Amnesty International also opposes "by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence." (Article 1.c of Amnesty International's Statute).

Amnesty International has studied the prison conditions of persons convicted or suspected of politically motivated crimes, the alleged use of sensory deprivation and the use of isolation and their effects on the health of individual prisoners.

On the basis of this study, Amnesty International believes that in individual cases prolonged solitary confinement and social isolation has impaired the health of prisoners and that the prison conditions of prisoners suspected or convicted of politically motivated crimes in the Federal Republic of Germany are of concern to this organization under its Statute (Article 1.c).

Amnesty International's study focused on the prison conditions of members of the "Rote Armee Fraktion", the "Bewegung 2. Juni" and to some extent the "Revolutionäre Zelle".

A short memorandum on these prison conditions and the effects of isolation on these prisoners is enclosed.

On the basis of its study, Amnesty International has concluded that pathological disturbances, apparent in many cases of prisoners detained in solitary confinement and small-group isolation show that these prisoners suffer from a separation syndrome, described by Dr. W. Sluga in long-term prisoners, in a most pronounced form.

In a number of these cases, the disturbances in the intellectual and emotional sphere and the disturbances of the autonomic nervous system are so pronounced as to be reminiscent of the effects produced by sensory deprivation in experimental situations.

Such effects of isolation militate against reform and rehabilitation.

Furthermore, on the basis of discussion with experts, Amnesty International believes that ways must and can be found to accommodate security with humane treatment, avoiding the severe forms of isolation inherent in the prison conditions described in the attached memorandum.

Amnesty International therefore urges your Government to seek alternatives to the use of solitary confinement and small-group isolation as regular forms of imprisonment for prisoners suspected or convicted of politically motivated crimes. Amnesty International appreciates the problems posed by this question but believes it to be the obligation of every civilized nation to actively pursue a policy of humanitarianism which extends to prisoners.

Amnesty International understands that your Government has established a Committee for Prison Conditions (Haftbedingungen-Komitee) within the Federal Criminal Bureau (Bundeskriminalamt) which is involved in the drawing up (on behalf of the prosecuting authorities) of proposed prison conditions for prisoners suspected or convicted of politically motivated crimes, which generally form the basis for the orders of the Judge responsible for the investigation (Untersuchungsrichter), laying down prison conditions in individual cases.

Furthermore, Amnesty International understands that the Federal Ministry of Justice has established a Working Group of experts, studying the problem of prison conditions for prisoners, suspected or convicted of politically motivated crimes.

Amnesty International would be most grateful if your Government would receive an Amnesty International delegation to discuss with your Government the issues involved.

Amnesty International would also welcome an opportunity for Amnesty International representatives with medical expertise and expertise in prison security to meet with the Committee for Prison Conditions of the Federal Criminal Bureau and with the Working Group established by the Federal Ministry of Justice.

Amnesty International would appreciate a reply at your earliest convenience.

Yours sincerely,

Martin Ennals
Secretary General

AMNESTY INTERNATIONAL

MEMORANDUM

on

Prison Conditions of Persons Suspected or
Convicted of Politically Motivated Crimes
in the Federal Republic of Germany

London, February 1979

Introduction

The following Memorandum is based on a study of the prison conditions of persons suspected or convicted of politically motivated crimes in the Federal Republic of Germany.

The study focused on the prison conditions of members of the 'Rote Armee Fraktion', the 'Bewegung 2. Juni' and to some extent the 'Revolutionären Zellen'.

The Memorandum briefly describes the conditions of imprisonment, assesses the effects of isolation and refers to recognized norms of imprisonment. Four illustrative cases are attached.

1. Prison Conditions

1.1. Solitary Confinement

The term 'solitary confinement' in this memorandum covers those forms of incarceration that totally remove a prisoner from inmate society. It often means that the prisoner is visually and acoustically isolated from all other prisoners, as well as having no personal contact with them.

The prison conditions in investigative detention (Untersuchungshaft) of suspected members of the organizations mentioned above are usually harsher than those of normal prisoners in investigative detention. Although single-cell detention is usual for prisoners in investigative detention, normally this does not preclude social contacts with other prisoners, e.g. during exercise periods, showers, church service, cinema, etc. Prisoners suspected of involvement in politically motivated crimes, however, are kept in complete solitary confinement for at least part of the investigative detention, which, in the case of these prisoners, is always very long - rarely less than two years and sometimes as long as five years. Prisoners suspected of involvement in politically motivated crimes always spend the first months of their imprisonment in solitary confinement, but in many cases solitary confinement has lasted for more than a year and sometimes up to three years.

The prison conditions for prisoners in investigative detention are laid down in orders by the judge responsible for the investigation (Untersuchungsrichter). It is understood that a Committee for Prison Conditions (Haftbedingungen-Komitee) within the Federal Criminal Bureau (Bundeskriminalamt) is involved in drawing up - on behalf of the prosecuting authorities - proposals for prison conditions for prisoners suspected of politically motivated crimes, which generally form the basis for these orders in such cases. These judicial orders have become more or less standardized throughout the Federal Republic of Germany.

The following conditions (taken from a recent order) may be seen as typical:

The suspect is forbidden contact with any other prisoner. The window of the cell is to be covered with a special security mesh or blind to prevent 'uncontrolled contact'. No supplementary lighting such as lamps is permitted. Participation in any social function, or any form of contact with other prisoners, is to be excluded (including attendance at church service). Meals are to be served in the cell by two prison officers, not (as under the normal regime) by other prisoners. There is to be continuous 'unobtrusive' observation.

Similar conditions often apply to convicted prisoners.

Under the Contact Ban Law (Kontaktsperregesetz) absolute isolation may be imposed, not only from inmate society, but also from the outside world, during periods of danger to life and limb. This law has so far been applied once.

1.2. 'Silent Wings' (Tote Trakte)

In the past, a number of prisoners have been detained in solitary confinement in so-called 'Silent Wings', where sensory stimulation was severely reduced. The features of these 'Silent Wings' have included permanent lighting, almost absolute silence, cells where walls and furniture were painted white, while nothing could be hung on the wall, and almost continuous observation. Features in recently built high security wings reportedly resemble those in these 'Silent Wings'.

1.3. Small-Group Isolation (Umschluss)

When prisoners are taken out of solitary confinement they have frequently been placed in conditions of small-group isolation. Under this regime a prisoner is housed in a cell alone but may associate for a certain amount of time each day with one or more other prisoners suspected or convicted of politically motivated crimes. These groups are usually small. (A group of eight prisoners allowed to associate in Stammheim prison between April and August 1977 was exceptionally large). At present the size of such groups varies between two and five persons. In Zweibrücken two prisoners have had no contact with other inmates but each other for four years, after each had spent three years in solitary confinement.

1.4. Integration

A number of prisoners suspected or convicted of politically motivated crimes has been integrated in the normal prison regime, in the sense that no real distinction is made between their treatment and that of other prisoners.

1.5. Arbitrariness

The prison conditions stipulated for each individual do not seem to relate directly to any individual assessment of the prisoner. Maximum security precautions, including solitary confinement at least at the beginning of the period spent in investigative detention, are imposed on all prisoners suspected or convicted of politically motivated crimes, no matter what the nature of their involvement. Extreme security measures have also been taken in cases of prisoners charged with non-violent crimes.

Prisoners who were successfully integrated in the normal prison regime have been taken out of such a regime to make up a group in small-group isolation.

The Contact Ban Law, invoked during the Schleyer kidnapping for a period of six weeks, imposed absolute isolation on all prisoners suspected or convicted of politically motivated crimes, irrespective of any personal assessment. Thus, in a considerable number of cases, prison conditions were imposed that did not relate to the behaviour of individual prisoners. Such an individual assessment is stressed as essential by penological experts.

1.6. Contacts with the outside world

Prisoners in investigative detention are allowed a visit at least every two weeks 'as a rule' (Art. 24, UVollzO). The usual duration of a visit is 15 minutes (Art. 25, UVollzO). In exceptional cases more visits can be allowed. Visits from lawyers on legal matters are additional to these and, where politically motivated prisoners are concerned, may be very frequent.

Convicted prisoners have a right to at least one hour's visiting time a month (Art. 24. StVollzG), and this may be broken up into several short visits.

Applicants can be refused permission for visits on several grounds, in particular on grounds relating to security or the order of the prison. In the case of politically motivated prisoners all persons with radical views are likely to be excluded. As this includes almost all of the prisoners' friends, these are largely restricted to visits from close relatives only. While prisoners in investigative detention can receive many visits from lawyers, once a final conviction has been made these, too, generally cease. Although (censored) correspondence is allowed, this means that many of the politically motivated prisoners have hardly any direct contact with the outside world.

A relatively new development is the introduction of the Trennscheibe - a glass wall separating visitors from (politically motivated) prisoners. Although the law introducing the Trennscheibe refers only to its use in cases of visits from lawyers, the Trennscheibe has been widely used in visits from other persons. This has been held in a large number of decisions to be illegal regarding visits by relatives and in these cases its use has been generally discontinued.

Although personal contact with the outside world is limited, the prisoners have a relatively wide access to newspapers, magazines, books and radio, and are often allowed television sets.

2. Effects of Isolation

2.1. General

The dangers of isolation for the physical and mental health of prisoners are generally recognized. The European Commission of Human Rights stated:

"The international literature on criminology and psychology indicates that isolation can be sufficient in itself gravely to impair physical and mental health. The following conditions may be diagnosed: chronic apathy, fatigue, emotional instability, difficulties of concentration, diminution of mental faculties, disorders of the neuro-vegetative system."

(Ruling of the Commission on the Applications Nos. 7572/76, 7586/76 and 7587/76 by Gudrun ENSSLIN, Andreas BAADER and Jan RASPE)

All these symptoms relate to a person's ability to respond to his environment: severe isolation reduces these abilities, and makes a person less stable.

Such negative effects of isolation can be expected even under normal prison conditions. In a Council of Europe publication on the Treatment of Long-Term Prisoners, referred to by the European Commission of Human Rights in its above-mentioned decision, Dr. W. Sluga describes a syndrome found in long-term prisoners. The characteristics of this syndrome are summarized in the Council of Europe publication as follows:

"...emotional disturbances, disturbances in comprehension and ability to think, infantile regressive changes in the mode of life, and difficulty in making social contacts."

The effects consist in:

"a marked loss of efficiency, a decline in the ability to concentrate, stereotyping and monotony of reaction mechanism, and a considerable loss of reality. The longer the imprisonment lasts, the more neurotic defence mechanisms recede whilst personality characteristics bordering psychotic deformation become more frequent.

According to Dr. Sluga, it may therefore be established by clinical diagnosis that chronic deprivation of liberty causes personality changes amounting to a diminution of personal attributes."

The syndrome represents a regressive personality reaction and as a separation syndrome will be "all the more pronounced the greater the isolation of the prisoners."

Marked symptoms of severe isolation found in prisoners held in solitary confinement and small-group isolation in the Federal Republic of Germany fit into this pattern. They are well documented in numerous reports by a wide range of medical experts, showing pathological disturbances in the following fields:

- (i) psychosomatic disturbances, in particular disturbances of the autonomic nervous system (the system that is responsible for the response of the body to the environmental conditions) e.g.
 - very low blood pressure and circulation problems, leading to dizzy spells, headache;
 - severe problems of the digestive tract (stomach and intestines);
 - sleep disturbances;
- (ii) disturbances relating to the intellectual capabilities e.g.
 - severe concentration problems;
 - articulation problems;
 - in extreme cases hallucinatory symptoms;

- (iii) disturbances in the emotional sphere, generally moving towards a depressive reaction, with ultimately suicidal tendencies.

These symptoms represent a pronounced form of the 'functional psychosyndrome'.

2.2. Sensory Deprivation

Experiments whereby individuals were deprived of precise sensory input have shown that the human organism, and with it the human psyche, cannot adapt itself to reality without a certain amount of constant stimulation. In such experimental situations, subjects can no longer respond adequately to their environment. This quickly leads to symptoms that otherwise appear only in cases of mental illness. Disturbances in concentration, incapacity to think clearly, severe restlessness, emotional imbalance, irritability and hallucinatory phenomena occur, while decline in weight and changes in the bodily processes show that the autonomic nervous system is affected.

Extreme forms of isolation, especially in situations where sensory input is severely reduced, can lead to symptoms tending towards those described in the experimental situations mentioned above.

The European Commission of Human Rights stated:

"Complete sensory isolation coupled with complete social isolation can no doubt ultimately destroy the personality; thus it constitutes a form of inhuman treatment which cannot be justified by the requirements of security, the prohibition on torture and inhuman treatment contained in Article 3 of the Convention being absolute in character (cf. the Report of the Commission on Application No. 5310/71, Ireland v. the United Kingdom; Opinion, page 379)."

2.3. Assessment

How an individual prisoner will cope with isolation depends on both the prisoner's personality and the severity of the prison regime, in particular on the measure of communication the prisoner retains, the chances of development and the right to make his own decisions in matters which are left to him, as well as on the length of imprisonment and the prisoner's age (Treatment of Long-Term Prisoners, page 11). The Council of Europe Report concludes that in analysis of the effects of isolation on individual prisoners "the conditions of imprisonment should be given special attention."

Dr. Sluga adds:

"above all, stereotyping in the optical world of the prison has a considerable influence in changing personality."

Pathological disturbances, apparent in many cases of prisoners detained in solitary confinement and small-group isolation show that

these prisoners suffer in a most pronounced form from the separation syndrome found in long-term prisoners. In a number of cases the disturbances in the intellectual and emotional sphere, and the disturbances of the autonomic nervous system are so pronounced as to be reminiscent of the effects produced by sensory deprivation in experimental situations.

3. Norms of Imprisonment

3.1. Resocialization

It is an accepted international norm that - at least for convicted prisoners - "the penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation". (Article 10.3 of the International Covenant on Civil and Political Rights, 1966).

Under the domestic legislation of the Federal Republic of Germany resocialization is the sole aim of imprisonment (para 2 StVollzG). The isolation of the prisoner from society is not an independent aim of imprisonment (BT-Dr. 7/3998, 5f, BT-Dr. 7/918, 44f). This principle is based upon the Constitution. (cf Calliess/Müller-Dietz, Kommentar zum Strafvollzugsgesetz).

Yet it is generally acknowledged that the effects of isolation militate against reform and rehabilitation. Sluga points out that the personality changes he describes as the "functional psycho-syndrome" lead to a "stiffening of the personality", which diminishes the possibility of resocialization. The same conclusion is reached in a Canadian study into Psychiatric Implications of Sensory Deprivation in a Maximum Security Prison (14 Can. Psychiatric Ass'n J 330 (1969)).

The Council of Europe Study too stresses that action should be taken to counterbalance the effects of isolation and recommends that situations be created within the prison similar to those obtaining in life outside. In the Federal Republic of Germany, the requirement that prison conditions must at least allow for resocialization is a legal imperative:

"The stipulation of the aim of imprisonment as an imperative, however, makes clear that the structural conditions of the penal institution must be geared to assisting integration in society."*

(Calliess/Müller-Dietz, op. cit.)

This applies to all prisoners and is not dependant on their rehabilitative prospects. In this context it is relevant to point to:

"...the frequent absence of repentance in criminals; the dominant feature is often resentment at the injustice of a long sentence. This is reality and therefore cannot be a subject for treatment by psychotherapy."

(Dr. W. Sluga)

*Original language: German

If therefore the political stand of the prisoners is unusual, their attitude towards imprisonment is not.

3.2. Security

The Council of Europe Report states:

"... in institutions where a higher standard of security is needed, this reasonably high standard against the outside world generally allows a more liberal regime inside the institution."

Discussions with experts lead Amnesty International to conclude that it is possible to accommodate security with humane treatment and that the present extreme social isolation of prisoners held in high security conditions is therefore gratuitous.

A P P E N D I X

Four illustrative cases:

1. IRMGARD MÖLLER
2. WERNER HOPPE
3. ASTRID PROLL
4. INGRID SCHUBERT

Irmgard MÖLLER

Frau Möller was arrested in July 1972. Having served her initial prison sentence she is presently facing trial on new charges, and has been in prison continuously since her arrest in 1972.

Frau Möller has been held under conditions varying between solitary confinement and small-group isolation. In 1975 medical experts Dr. Stöwsand and Dr. Naeve, who examined the prisoner at the request of the Court, found pathological disturbances of the kind described above i.e. in the emotional/intellectual sphere and in relation to the autonomic nervous system. Dr. Stöwsand referred to these as

"typical symptoms of detention in isolation, in the sense of sensory deprivation and social isolation",*

and concluded:

"under the conditions of detention in isolation the patient is neither fit for imprisonment nor fit to stand trial."*

Prison doctor, Dr. Naeve, although he concluded that Frau Möller was fit for incarceration for the time being and partially capable of standing trial, also found that,

"The long-term and at times almost complete isolation of the prisoner in investigative detention from other prisoners, the forced extensive prevention of contact with other human beings, has without doubt led to a substantial impairment of mental functions and general fitness."*

It seems however that Frau Möller continued to serve her sentence under varying degrees of isolation.

Amnesty International was informed that although she is presently offered social contact she declines this because she refuses to undress before and after communal activities (Gemeinschaftsveranstaltungen), as is ordered by the Judge. She also refuses visits and is said to spend virtually 24 hours a day in isolation. Such an attitude could be the result of a withdrawal, induced by continuous isolation (the 'Lock-up Request' is specifically referred to as a psychiatric syndrome typical for prisoners in a Canadian study into Psychiatric Implications of Sensory Deprivation in a Maximum Security Prison -- 14 Can. Psych. Ass'n J-330 (1969)).

No recent reports are available on the state of health of Frau Möller.

*Original language: German

Werner HOPPE

Herr Hoppe was arrested on 15 July 1971 and sentenced to 10 years' imprisonment. From the time of his arrest until his removal to the clinic Hamburg-Altona in September 1978 he was held under varying degrees of isolation ranging from total isolation and solitary confinement to association (for a period of a few months) with up to seven prisoners in Stuttgart-Stammheim prison.

Herr Hoppe was removed to hospital from Hamburg Holstenglacis prison where he was allowed association with one other person for four hours per day.

Even in 1974, Herr Hoppe's state of health caused concern and prison doctors pointed to Herr Hoppe's case as an example of the adverse and possibly lasting effects of isolation in approaches to the prison authorities in November of that year (this is referred to in Dr. Stöwsand's medical report on Frau Möller, mentioned above).

Since June 1978 Amnesty International has received reports that Werner Hoppe was unable to swallow food without vomiting, that he suffered from bleeding in the bowels, sharp pains in his right shoulder and difficulty in walking. By the time of his transfer to the clinic he had lost a great deal of weight. Although treatment in hospital improved his condition, the doctors in charge of the case stated that there remained

"a real psychosomatic crisis-situation endangering his life".*

The hospital doctors recommended that social contacts be extended.

Professor Rasch who examined Herr Hoppe in Hamburg-Altona hospital found the patient in an impaired state of health and weak (reduzierter Allgemeinzustand). The pathological disturbances apparent in the psychosomatic and emotional/intellectual sphere are most pronounced. There is no indication that the patient feigns his symptoms in any way.

Professor Rasch concluded that a return to prison, even under normal circumstances, would endanger Herr Hoppe's life, as would detention in a prison hospital. Even if released, full recovery would be doubtful according to Professor Rasch.

Professor Rasch's finding that Herr Hoppe is unfit for incarceration has been confirmed by Professor Freyberg.

On 8 February 1979 it was reported that Herr Hoppe's sentence had been suspended and that the prisoner would be removed from the hospital and set free.

*Original language: German

Astrid PROLL

Frau Proll was arrested in May 1971 and spent three years in varying degrees of isolation, of which two separate periods of 2 and 2½ months were in rigorous solitary confinement ('strenge Einzelhaft') in the women's psychiatric wing (the so-called 'Toter Trakt') of Köln-Ossendorf prison. It was officially recognized that the sensory input in this wing was severely reduced. The Public Prosecutor acknowledged that the cells were painted in bright white and that (on the order of the investigating judge) the light was kept on 24 hours a day.

The medical report drawn up by Dr. Schmidt-Voigt on 25 January 1974 discloses severe pathological disturbances which can be equated to a most pronounced form of Sluga's 'functional psycho-syndrome'. The symptoms show in particular in the autonomous nervous system, more specifically in extreme low blood pressure:

"Main diagnosis:

Severely reduced blood pressure (hypotension) with a marked pathological disturbance in the adoption of the peripheral circulation, in particular when standing up (orthostatic hypotension), with a considerable increase in the sensitivity of the autonomic-sympathic nervous system and a pronounced state of exhaustion of the autonomic nervous system."*

Disturbances in the emotional and intellectual sphere are also apparent.

Finding that Frau Proll is incapable of standing trial and cannot recover in prison, Dr. Schmidt-Voigt states:

"The cause of the development of existing disturbances in the health of the patient, which have become more pronounced in the last months, is to be found -- as well as in a constitutional predisposition -- above all in the living conditions which have been changed in an exceptional way by the investigative detention."*

The Court acknowledged that

"According to the report of the medical expert, which in this respect, too, is informative, a stabilization of the blood circulation of the accused cannot be achieved even if the investigative detention is continued in another prison and under other conditions."*

There was a concrete danger of permanent damage to the health of the prisoner, unless she was released from investigative detention. The prisoner therefore had to be released.

Frau Proll, who is facing extradition from the United Kingdom, claims that she is still suffering from the effects of isolation.

*Original language: German

Ingrid SCHUBERT

Frau Schubert was arrested in October 1970. Her original sentence of six years' imprisonment was extended to 13 years after a new trial on additional charges. During her seven years of imprisonment she was held under regimes varying between solitary confinement and small-group isolation (apart from a very brief period in integration). Frau Schubert died by hanging on 12 November 1977 at the men's prison of München-Stadelheim, where she was kept completely isolated from the other (male) inmates, following the Contact Ban period, during which she was kept in total isolation.

From private correspondence by the prisoner, dated shortly before her death, it appears that she suffered from depression. She also stated that for hours at the time she could not distinguish between reality and illusion. It seems probable that her death resulted from a suicidal depression, subsequent to long periods of isolation.

REPORT OF A MEETING BETWEEN REPRESENTATIVES OF
THE FEDERAL MINISTRY OF JUSTICE OF THE F R G
AND AN AMNESTY INTERNATIONAL DELEGATION ON
5 June 1979

1. On 5 June 1979 a meeting took place at the Federal Ministry of Justice of the Federal Republic of Germany in Bonn/Bad Godesberg between representatives of the Ministry and an Amnesty International delegation.

Present: For the Federal Ministry of Justice:

- Staatssekretär des Bundesministeriums der Justiz, Herr Dr. Erkel
- Abteilungsleiter der Abteilung Strafrecht, Herr Ministerialdirektor Schneider
- Unterabteilungsleiter der Rechtspflege Abteilung, Herr Ministerialrat Pütz
- Vertreter des Referats Strafvollzug, Herr Staatsanwalt Boll

For Amnesty International:

- Mr Korff, Researcher for Western Europe at the International Secretariat of Amnesty International
- Prof. Dr. Heijder, Professor of criminal law, former member of the International Executive Committee of Amnesty International (The Netherlands)
- Dr. Arndt Meyer-Lie, Chief Medical Officer in Civil Service, Prison Doctor, member of the Amnesty International Medical Group (Sweden)

2. The subject of the meeting was prison conditions of politically motivated prisoners in the Federal Republic of Germany, about which issue Amnesty International had sent a memorandum to the Federal Republic of Germany Government on 13 February 1979.

3. After referring to Amnesty International's work, its Statute and mode of operation, the Amnesty International representatives reiterated the concern of the organization stated in the Memorandum, that solitary confinement and small-group imprisonment are severe forms of isolation which have affected the health of individual prisoners. It was urged that ways be sought to find alternatives to these forms of imprisonment.

4. The representatives of the Federal Government explained that the politically motivated prisoners are a special kind of criminal, and pose completely new problems to the authorities. They are absolutely unapproachable and reject any contact with authorities. They also violently reject all social contacts with non-political prisoners and demand to be put in groups of at least 15 politically motivated prisoners. The events at Stuttgart-Stammheim, where a relatively large group was created, showed the dangers involved in this.

Although most of these prisoners have worked for charitable causes and showed social consciousness at some stage of their lives, they broke with this and resorted to violence. Their present ideas are completely unrealistic, but they are completely fixated on them. In day-to-day matters their attitude is equally unrealistic. A number of prisoners however have seen reason and have come to terms with their past. These could then be re-integrated and have on occasions been released before the end of their prison sentence.

The aims of imprisonment in the Federal Republic of Germany are humanitarian, but security must be taken into account. It is attempted to strike the right balance between these demands, but the prisoners refuse to cooperate. It is very difficult to find the correct answer to the problems posed by these prisoners.

The present isolation of politically motivated prisoners is exaggerated; the competent authorities attempt by all possible means to alleviate this isolation by allowing radio, TV, entire libraries and many visits by lawyers. The Federal Government would be prepared to arrange with the competent Governments of the Länder for representatives of Amnesty International to be given an opportunity to visit prisons so that they may examine themselves the conditions under which these prisoners are detained. (See below, 6.) The Federal Republic of Germany authorities would be happy if the prisoners would accept more contact with non-political prisoners, but this they reject violently. They even attack such other prisoners. The competent authorities are unable to make contact with them. Experts have been discussing the problem but no new solutions came out of their discussions either. The prisoners refuse to cooperate and even refuse to see doctors. To the extent that the prisoners are at present isolated, this is their own choice.

5. The Amnesty International representatives expressed the hope that the balance between security and the humanitarian aims of imprisonment, including resocialization, would be reassessed and that more opportunity for social contact would be provided. Isolation is contrary to resocialization, and personal assessment is essential. From their sources it appeared that not all prisoners reject contact with non-political prisoners.

Medical science and criminal law are not opposites: one starts where the other ends and the border changes with time. The fact that these people were punished as criminals does not mean that it should not be attempted to use medical science to help the prisoners. However, isolation has been recognized worldwide as a medical problem and is the opposite from what is required from a medical point of view.

6. Amnesty International requested that the Memorandum be discussed with the Ministers of Justice of the Länder at the Konferenz der Justizminister.

The offer made by the representatives of the Federal Ministry of Justice that Amnesty International could take a look at prison conditions would be passed on to the International Executive Committee with a report of the meeting. It was agreed that a draft version of this report would be sent to the Federal Ministry of Justice so as to ensure that the view of the Federal Republic of Germany Government would be accurately represented. The Amnesty International delegates thanked the representatives of the Federal Ministry of Justice for the open and friendly discussion and expressed the hope that contact could be maintained.

(As agreed by Amnesty International and the Federal German authorities)

Letter from the Secretary General of Amnesty International to all ministers of justice of the German Länder.

2 August 1979

Dear Sir,

I am writing to you with regard to the prison conditions of persons suspected or convicted of politically motivated crimes in the Federal Republic of Germany. In February of this year, Amnesty International sent a Memorandum on this issue to the Federal Minister of Justice, Dr Hans-Jochen Vogel. A copy of this Memorandum is attached.

Concluding that in individual cases prolonged solitary confinement and social isolation had impaired the health of prisoners, AI urged the Federal Government to seek alternatives to the use of solitary confinement and small-group isolation as regular forms of imprisonment.

In an open and constructive meeting with AI, representatives of the Federal Ministry of Justice expressed the desire of the authorities to lessen the isolation of prisoners, but explained the problems posed by the prisoners themselves in attaining this end.

AI is aware of these problems; it does not support the specific demands made by the prisoners. However, the prisoners' general request for a lessening of their social isolation is in line with the findings of AI's Memorandum, and does not appear to be contrary to official policy. AI has requested the Federal Government to discuss the Memorandum with the Länder at the next Konferenz der Justizminister.

On the basis of these considerations, AI extends to the governments of the Länder the appeal it made to the Federal Government to seek alternatives to the use of solitary confinement and small-group isolation as regular forms of imprisonment for persons suspected or convicted of politically motivated crimes.

AI wishes to make it clear that in its appeal it is not representing the prisoners or any interested party. AI's concerns are based upon its Statute article regarding "cruel, inhuman or degrading treatment or punishment". A copy of our Statute is enclosed.

I should be grateful for any comments your government may wish to make on the contents of the Memorandum and should be pleased to answer any queries you may have. I am looking forward to a reply at your earliest convenience.

Yours sincerely

Martin Ennals
Secretary General

Der Senator für Justiz
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International Secretariat
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Gesch.Z.: 4434/6 - V/1

13 September 1979

Dear Mr. Ennals,

Thank you for your letter of 2 August 1979, in which you request a review of the conditions of imprisonment of prisoners suspected or convicted of politically motivated crimes. The Memorandum referred to in your letter was, regrettably, not enclosed, so that I am not in a position to comment on it.*

I would like, however, to make some remarks about the prison conditions imposed on prisoners detained on suspicion or conviction of politically motivated crimes. It certainly cannot be denied that the security measures required because of the particular dangers presented by these prisoners inevitably lead partially to additional restrictions on these prisoners. This particularly affects those prisoners who, as a result of the length of the proceedings brought against them, have to remain in investigative detention for a long time. However, I am not in a position to counter these negative effects by, say, reducing the essential security measures, which are supposed to prevent escape or the abetting of escape of the prisoners concerned.

I am personally concerned to give the prisoners in this category the chance to be prepared for reintegration into society under normal prison conditions. In cases where this was justified, I have therefore ordered the transfer of the relevant prisoners into the normal prison regime. However, such a measure can be carried out only after a careful evaluation of the prisoner's personality. Furthermore, I intend to detain the prisoners in such a degree of security as to allow them social contacts as far as possible equivalent to the other prisoners. The establishment of an especially secure wing of the investigative detention prison Moabit serves - among other things - this purpose. But in this context I would like to point out that - as far as prisoners held in investigative detention are concerned - it is the courts which are ultimately responsible for the laying down of the conditions of detention, and that I am not allowed to exercise decisive influence over the courts.

Yours respectfully,

Meyer

* This error was subsequently corrected and a copy of the Memorandum forwarded.

dk/hs

Herrn
Dr. Hans-Jochen Vogel
Bundesminister der Justiz
Heinemannstr.6
5300 Bonn
Federal Republic of Germany

10 October 1979

Re: 4432 - 28 649/79

Dear Sir,

Thank you for your letter of 12 September 1979, and for the proposed amendments to the Report of a Meeting between Representatives of the Federal Ministry of Justice of the Federal Republic of Germany and an Amnesty International Delegation on 5 June 1979. After consultation with the delegates, it has been decided to incorporate all the proposed amendments; the report will be submitted to the International Executive Committee of Amnesty International in its amended form.

Furthermore, I have the honour to inform you of certain recommendations made by Amnesty International's delegates, subsequent to their meeting with representatives from the Federal Ministry of Justice.

The delegates recommend that a committee be set up to provide independent advice to the Federal and Land authorities on the issue of prison conditions of persons suspected or convicted of politically motivated crimes, both in general and in individual cases. A particular consideration of the delegates in making this recommendation has been that, despite the expressed willingness of the authorities to seek ways to lessen the isolation of these prisoners, the Federal authorities informed the delegates that the prisoners reject any contact with the authorities. The delegates feel that it would facilitate the search for alternatives to the use of solitary confinement and small-group isolation as regular forms of imprisonment if the Federal and Land authorities were advised by a committee that can command both the confidence of these prisoners and the trust of the authorities.

In view of the acknowledged threat posed to the health of prisoners by long-term isolation of the kind inherent in the present prison conditions of a large number of these prisoners, the delegates further recommend that the committee should be in a position to order the medical examination of these prisoners. The delegates feel that the prisoners might well agree to cooperate fully with such medical examinations ordered by a committee which has their confidence if assurances about confidentiality could be given to them.

Without prejudice to the general aim of abolishing solitary confinement and small-group isolation as regular forms of imprisonment, the delegates recommend that it be agreed that if, on the basis of a medical examination ordered by the committee with which the prisoner in question has cooperated fully, the committee recommends changes in the prisoner's conditions of imprisonment, such as a widening of social contacts, the authorities without delay seek to implement such recommendations.

Amnesty International strongly commends these recommendations to you for consideration. In a letter sent today, Amnesty International has also strongly commended these recommendations to the Ministers of Justice of the Länder, and the Senator for Justice of West Berlin for consideration at the meeting of the Strafvollzugsausschuss der Länder, which I understand will take place in the near future, and where the issue of prison conditions of persons suspected or convicted of politically motivated crimes is to be further discussed.

Reiterating the appeal made in my letter of 2 August 1979 to the Ministers of Justice of the Länder that alternatives be sought to the use of solitary confinement and small-group isolation as regular forms of imprisonment, I would like to express the willingness of Amnesty International and of Amnesty International's delegates to discuss further with the Federal and Land authorities the issues involved, and in particular means by which the recommendations made by the delegates might be implemented. I am looking forward to a reply at your earliest convenience.

Yours sincerely,

Martin Ennals
Secretary General

Text of telex from the Secretary General of Amnesty International to the Senator for Justice of West Berlin. Telex dated 15 October 1979.

Dear Sir,

Amnesty International has been informed today of a hunger- and thirst-strike of a small number of female prisoners presently detained in so-called "small-group isolation" in Moabit prison in West Berlin. Reportedly, the hunger- and thirst-strike is caused by a decision to transfer a number of these prisoners to a prison in Lübeck, thus further increasing the already severe isolation of the remaining prisoners.

In my letter of 2 August 1979 I have explained Amnesty International's position with regard to the prison conditions of persons suspected or convicted of politically motivated crimes, urging that alternatives be sought to solitary confinement and "small-group isolation" as regular forms of imprisonment for these prisoners. In a letter of 10 October 1979, I informed you and the Minister of Justice of the Bundesländer of certain recommendations made by Amnesty International's delegates for consideration by the Landesjustizminister at the meeting of the Strafvollzugsausschuss which takes place next week. These recommendations were made in the hope that they would facilitate the search for alternatives to the present forms of imprisonment of the prisoners. In your letter of 13 September 1979 (Ref. 4434/6 - V/1) you write that where integration of such prisoners in the normal prison regime is impossible, it is your aim to detain them in conditions of such security as provide the prisoners with social contacts "as closely as possible comparable to those of the other prisoners". The federal authorities too have expressed their willingness to lessen the isolation of the prisoners. Amnesty International hopes that the discussion at the meeting of the Strafvollzugsausschuss will be in this same spirit.

On the basis of these considerations I strongly urge that any measure that further limits the social contacts of prisoners be reconsidered as an immediate means to end the present hunger- and thirst-strike of the prisoners and to save lives. I am looking forward to a reply at your earliest convenience.

Martin Ennals
Secretary General

- 28 -

Der Senator für Justiz
Salzburger Str. 21-25
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International Secretariat
10 Southampton Street
London WC2E 7HF
England

Gesch.Z.: 4434/6 - V/1

6 November 1979

Dear Mr. Ennals,

In response to your telex of 16 October 1979, allow me first to confirm that it is intended to transfer to Lübeck prison a female prisoner who is detained on suspicion of and/or for having committed politically motivated crimes. This intention is in line with a decision taken at the November 1977 conference of the Federal Justice Minister and the Justice Ministers and Senators of the Länder, which agreed upon a ratio for distributing prisoners suspected or convicted of politically motivated crimes. It is my intention to attempt to maintain the ratio in the future also. The extraordinary burdens created by the detention of prisoners in this category should also in future be shared equally among the Länder. A particularly heavy burden has fallen on Berlin in this respect. I shall therefore continue to aim to transfer prisoners in this category to penal institutions in other Länder of the Federal Republic. I would like to stress, however, that - as has happened in the past - I shall be prepared to make exceptions, when any one of the prisoners concerned has shown by his conduct that he has dissociated himself from terrorism and when he is not expected to commit such crimes again.

In addition, I can inform you that all the prisoners who had begun a hunger-strike between 10 and 15 October 1979 have since broken this off and are again taking food.

Yours respectfully,

for the Senator for Justice
Bung

Justizministerium Baden-Württemberg
Der Staatssekretär
Postfach 537
7000 Stuttgart 1

Amnesty International
z.Hd. v. Herrn Martin Ennals
Secretary General
10 Southampton Street
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England

Stuttgart, 14 January 1980
4434 a - V1/6

Re: Conditions of imprisonment of terrorist delinquents

- Ref. 1. Your letter of 2 August 1979 (dk/gf)
2. Our letter of 10 August 1979 (4434a - V1/6)
3. Your letter of 10 October 1979 (dk/hs)
4. Your telex of 12 December 1979

Dear Mr. Ennals,

At its meeting of 22-27 October 1979 in Breisach, the Standing Committee on Penal Affairs of the Länder has again dealt with the matter of the arrangement of prison conditions for violent terrorist delinquents. The representatives of the Länder justice administrations present at that meeting have asked me to inform you of the result of the discussions:

1. The Committee maintains its view that prisoners in the above-mentioned category should be incorporated as far as possible into the normal prison regime, unless insurmountable obstacles are raised which pertain to the personality of the individual prisoner. This aim was already formulated in the report, presented in 1978, by a working group on the question of the detention and treatment of violent terrorist delinquents in penal institutions, the contents of which were endorsed by the Senators and Ministers of Justice of all Federal Länder.
2. The prisoners have only themselves to blame, if this goal has not yet been achieved. I may remind you of the incidents in prisons in Berlin and Baden-Württemberg, with which you are certainly familiar.
3. The same applies to violent terrorist delinquents in investigative detention. If in numerous cases these prisoners need to be separated, then this is based also on the fact that in very many cases the possibilities of contact have clearly been abused.

These considerations have certainly influenced the courts when separating terrorist prisoners in investigative detention or when confirming a separation already ordered.

Furthermore, the prison conditions of prisoners in investigative detention are laid down by the courts.

4. I need not emphasize that the prison conditions of violent terrorist delinquents are fully in accordance with the regulations in force at

present (eg Code of Criminal Procedure, the Law on the Implementation of Imprisonment, the Regulations regarding the Implementation of Investigative Detention). The observance of these constitutional conditions in the penitentiary system is supervised by numerous bodies and committees: the ministry concerned; independent courts; parliamentary committees. Therefore I cannot see the need for additional committees, even if they were to be only of an advisory nature.

5. The justice departments have ensured that the terrorist prisoners - like all prisoners - receive appropriate medical attention. Insofar as there has been damage to health, the cause is once again to be found in the prisoners' conduct. I need only remind you of the hunger- and thirst-strikes which have been conducted, and of the fact that the prisoners reject medical examinations or treatment. There is no case for ordering a medical examination by a non-governmental organization.

Yours sincerely,

Dr Volz

Text of telex from the Deputy Secretary General of Amnesty International to the Home Secretary Dr Uwe Barschel, the Minister for Justice Carl-Eduard Clausen and the Minister for Health and Social Services Dr Walter Braun of Schleswig-Holstein. Telex dated 6 February 1980.

It has been brought to the attention of Amnesty International that five prisoners at the prison of Lübeck-Lauerhof -- Brigitte Asdonk, Christa Eckes, Inga Hochstein, Christine Kuby and Annerose Reiche -- have been on hunger-strike since 24 January following an incident which occurred in a wing of that prison. It appears that since 29 January these prisoners have also been on thirst-strike which is currently interrupted. We also understand that the prisoners are in hospital at the moment.

So far Amnesty International has received information to the effect that the incident which precipitated the present hunger-strike took place during a strip search and transfer to cells in the new high security wing, that an unusually large number of officials was involved at the time and that injuries were caused to the prisoners. Amnesty International has not been able to verify this information and should therefore be grateful for any clarification which you might provide.

Amnesty International would also be grateful for more information about the conditions of the prisoners held in high security at Lübeck. According to -- again unverified -- information received, the above-mentioned women are the only prisoners in the wings where they have been held and are kept in single cells within the wing except that association (umschluss) is allowed in the company of one other prisoner for a short period each day. This appears to have been the situation since August 1979 when the women were first moved into a high security wing, after being transferred from Hamburg. Some of the prisoners have been held in solitary confinement and/or small group isolation for the full length of their imprisonment: all of the prisoners have been kept in such conditions for most of their prison term, ranging between 2 and 10 years, and all for at least the last 2-4 years.

In this context we should like to take the opportunity to refer to the Memorandum on Prison Conditions of Persons Suspected or Convicted of Politically Motivated Crimes in the FRG submitted in 1979 by Amnesty International which was discussed by the justice ministers of the Länder last October and in which Amnesty International urged the abolition of solitary confinement and small-group isolation as regular forms of imprisonment of politically motivated prisoners.

Amnesty International has been informed of the policy of the Bundesländer whereby politically motivated prisoners are to be distributed amongst the Länder according to a certain ratio, and has noted that in Berlin and in many of the Länder high security wings have been established to accommodate these prisoners. Amnesty International is concerned that the implementation of these policies may contradict the willingness expressed by the authorities, in their recent correspondence with Amnesty International, to lessen the isolation of prisoners and to search for a solution to the problems with respect to the rights and conditions of the prisoners.

With regard to the present hunger-strike -- Amnesty International -- without supporting any specific demands made by the prisoners -- urges on general humanitarian grounds that everything be done to prevent the loss of life. In particular, on the basis of the considerations contained in the previous paragraph and in Amnesty International's Memorandum, this organization urges that the prisoners be detained in accordance with the willingness expressed by the FRG authorities to lessen the isolation of prisoners and reiterates its request, contained in its Memorandum, that solitary confinement and small group isolation be abolished as regular forms of imprisonment. We would furthermore ask that the five prisoners be retained in hospital until sufficiently recovered and until a proper solution regarding their future imprisonment has been established in line with our recommendations.

In addition Amnesty International would be grateful if you would keep us informed of the situation in this matter, and urgently requests that it be informed of any immediate danger of irreparable damage to the health of any of the prisoners.

While preparing this communication, we learned that the Berlin office of Amnesty International has been occupied by a group of persons demanding that the prisoners should not be returned to the high security facility at Lllbeck prison. Although this is obviously a matter of serious concern to us, I wish to assure you that our above-mentioned requests and recommendations are not in any way determined by this new circumstance.

I am looking forward to a reply at your earliest convenience.

Respectfully and sincerely,

Dick Oosting
Deputy Secretary General
Amnesty International

dk/hs

Justizministerium Baden-Württemberg
Herrn Staatssekretär Dr. Volz
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7000 Stuttgart 1
Federal Republic of Germany

22 February 1980

Re: 4434 a - VI/6

Dear Sir,

Thank you for your letter of 14 January 1980 in which you reply on behalf of the Justice Authorities of the Länder to my letter of 2 August 1979, to which was attached a Memorandum on Prison Conditions of Persons Suspected or Convicted of Politically Motivated Crimes in the Federal Republic of Germany, and to certain recommendations made by Amnesty International's delegates, which I conveyed to the Länder in my letter of 10 October 1979.

Amnesty International is grateful for your assurance that it remains the aim of the Länder to integrate politically motivated prisoners as far as possible in the normal regime, noting the proviso that this is done "unless insurmountable obstacles, lying in the person of each prisoner, preclude this". Amnesty International remains concerned however that, in spite of this stated aim of prison policy, and contrary to the willingness - expressed by both the Federal and Land authorities - to lessen the isolation of the prisoners, a large number of them remain at present in severe isolation. Amnesty International regretfully notes that small-group isolation has not been abolished as a regular form of imprisonment as Amnesty International has consistently urged in its contacts with FRG authorities.

Amnesty International has been informed of the policy of the Länder to distribute politically motivated prisoners amongst the Länder according to a certain ratio. Amnesty International is concerned that this policy may contradict the aim, implicitly expressed in the passage in your letter, quoted in the previous paragraph, to assess the requirements of each prisoner individually, and that in its implication this policy may also contradict the willingness, expressed by the authorities, to lessen the isolation of prisoners.

In at least one case, a decision based on the policy of distribution of prisoners threatened to actually increase the already severe isolation of certain prisoners, when it was decided to transfer 1 out of a group of 5 prisoners to a prison elsewhere, thus leaving a group of only 4 prisoners.

Following a hunger-strike and protests (cf. my telex of 15 October 1979 to the Senator for Justice of West Berlin), this decision was apparently revoked.

Amnesty International is furthermore concerned that this policy may lead to prisoners being subjected to restrictions that do not relate directly to any individual assessment of the prisoners - in order to make up a group in small-group isolation. Amnesty International has referred to such practice as has occurred in the past in its Memorandum (Chapter 1.5, "Arbitrariness").

The construction of new high-security wings in several Länder, in which prisoners are detained in small-group isolation, may be indicative of such practice, contrary to the assurance given in your letter. Amnesty International wishes to stress that individual assessment is a fundamental requirement of imprisonment, that this assessment cannot merely be based upon the type of offence for which an individual is convicted, and strongly urges that no prisoners that could be successfully integrated in the normal prison regime be subjected to more severe forms of isolation merely to make up a group.

It has been expressed by the FRG authorities (for instance in a letter to Amnesty International of 13 September 1979 by the Senator for Justice of West Berlin) that it is a further aim of the authorities to detain prisoners who cannot be integrated in the normal prison regime in conditions of such security as provide them with social contacts "as closely as possible comparable to those of the other prisoners". Amnesty International is concerned that the present policy of the Länder with regard to many prisoners does not reflect this.

Although a substantial number of prisoners appears at present to be no longer completely excluded from the prison community (though they are often still subjected to special measures which limit their full integration in normal prison life), many others appear to be detained in conditions which - with regard to the possibilities for social interaction, if not with regard to other aspects of imprisonment - compare most unfavourably with the conditions of normal prisoners. At least one (female) prisoner, who has been detained in varying degrees of isolation in the past, is at present reportedly held in complete isolation from other prisoners in Stuttgart-Stammheim prison. Many others are reportedly detained in groups of between two and five prisoners (eg in Lübeck, Celle, Berlin and Stuttgart). To Amnesty International's knowledge only one group - in Berlin - consists of as many as seven prisoners. Isolation of prisoners in solitary confinement or in very small groups cannot be held to constitute conditions comparable to those of normal prisoners as regards possibilities for social interaction. Yet small-group isolation apparently continues to be used as a regular form of imprisonment.

Amnesty International concluded in its Memorandum, sent to the Länder, with my letter of 2 August 1979, that in individual cases prolonged solitary confinement and small-group isolation had impaired the health of prisoners. The effects of isolation on the physical and mental health of prisoners have been described in some detail in the Memorandum (Chapter 2, "Effects of Isolation"). These effects are generally recognized and Amnesty International

assumes from the fact that the Länder have not commented on the Memorandum that these effects are not in dispute.

Amnesty International is aware of the problems posed by the prisoners, including the refusal of many prisoners to cooperate with doctors appointed by the authorities. However, as I wrote to the Länder in my letter of 10 October 1979, it was "in view of the acknowledged threat posed to the health of prisoners by long-term isolation of the kind inherent in the present prison conditions of a large number of these prisoners" that Amnesty International's delegates, in recommending the setting-up of an advisory committee, further recommended "that the committee should be in a position to order the medical examination of these prisoners". Given the health risk inherent in the present prison conditions, Amnesty International cannot agree that, where prisoners refuse to cooperate with doctors appointed by the authorities, there is no need to allow for medical examination by independent experts.

In the opinion of Amnesty International, it remains the responsibility of the authorities to ensure that the health of prisoners is not affected by prison conditions imposed by those authorities, and to take appropriate measures to this effect. Amnesty International regrets that its constructive proposals have been turned down by the Länder.

At its next meeting, Amnesty International's International Executive Committee will consider in what way to make public Amnesty International's concern about the prison conditions of persons suspected or convicted of politically motivated crimes in the Federal Republic of Germany. Particular consideration will be given to publication of Amnesty International's Memorandum on this issue and the subsequent correspondence between it and the FRG authorities. Consideration will also be given to the issue of isolation of prisoners in high-security detention - in the Federal Republic of Germany and elsewhere - in an Amnesty International submission to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Caracas, Venezuela, between 25 August and 5 September 1980. Amnesty International would welcome any additional comments the Länder may have and which they want to have included in any such publication.

I am taking the liberty of sending copies of this letter to the Ministers of Justice of all the Länder, to the Senator for Justice of Berlin and to the Federal Minister of Justice.

Yours sincerely,

Martin Ennals
Secretary General