

**HUMAN  
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WATCH**

Enclosure 3

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After visits to more than twenty institutions in the

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United States and Puerto Rico, including state, INS, and federal prisons as well as jails, the Prison Project of Human Rights Watch concludes that the most troubling aspect of the human rights situation in U.S. prisons could be labelled "Marionization." In "Prison Conditions in the United States," released today, Human Rights Watch deplores the fact that 36 states have followed the example of the maximum security prison in Marion, Illinois, to create super maximum security institutions. The states have been quite creative in designing their own "maxi-maxis" and in making the conditions particularly difficult to bear, at times surpassing the original model.

As a result, inmates are essentially sentenced twice: once by the court, to a certain period of imprisonment; and the second time, by the prison administration to confinement in "maxi-maxis" under

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extremely harsh conditions and without independent supervision. This second sentencing is open-ended and limited only by the overall length of an inmate's sentence and is meted out without the benefit of counsel. The increasing use of "prisons within prisons" leads to numerous human rights abuses and frequent violations of the U.N. Standard Minimum Rules for the Treatment of Prisoners.

Human Rights Watch is also distressed by the difficulty encountered in getting access to U.S. prisons. Some correctional agencies did not even respond to such a request for several months, and in the case of Puerto Rico, the response was ultimately negative. (Human Rights Watch was later given access to one Puerto Rican prison.) The California Department of Corrections was the slowest to grant access, and, in one institution, despite a prior arrangement, Human Rights Watch was only granted the "standard two-hour tour" that omitted several specific facilities that had been requested.

Among the violations observed by Human Rights Watch in the course of researching the -page report are:

- Uninterrupted extended confinement in windowless, badly ventilated cells, such as in the Q-Wing of the Florida State Prison at Starke.
- "Strip status," like that at the Disciplinary Segregation Unit of the Oregon State Penitentiary, where inmates are deprived of clothing, bedding and personal possessions and must "earn" back items with good behavior.
- Lack of access to educational programs, as in the elimination earlier this year of all teaching and counselling staff positions at the prison in Southport, NY.
- Denial or sharp reduction of time outdoors in violation of the U.N. Standard Minimum Rules which mandate at least one hour a day of outdoor exercise.
- The use of handcuffs as a disciplinary measure, as seen in the Broward institution for women in Florida.
- The use of collective punishment at the Krome INS detention center and the Otis Bantum Center on Rikers Island.

The United States imprisons more than a million of its citizens at any given moment, a larger number than any other country is known to imprison anywhere in the world. Putting criminals behind bars has become a favorite theme in American political campaigns in recent years. It is in the best interests of all, obviously to ensure that the hundreds of thousands of individuals who are released from prisons each year do not leave more dangerous than when they entered. To this end, Human Rights Watch makes the following recommendations regarding the human rights aspects of imprisonment in the United States:

- Maximum-maximum security facilities should be used only under supervision. Even then, they must meet the test of the U.N. Standard Minimum Rules for the Treatment of Prisoners.

- The use of physical restraints as a disciplinary measure and any form of collective punishment, both prohibited under the U.N. Standard Minimum Rules, should end.

- In jails, classification and record keeping must be improved, to avoid situations where non-violent offenders are housed with dangerous and predatory criminals. Limits should be imposed on the duration of a sentence that may be served in jail. In no case should it be longer than one year.

- Denial of outdoors time as a disciplinary or supervisory measure should not be used. Each inmate should be allowed at least an hour of daily outdoor exercise, in compliance with the U.N. Standard Minimum Rules.

- Denial of access to reading matter should never be used as a disciplinary measure.

- All cells should have a table and a chair. In no case should the lack of these pieces of furniture be used as an additional disciplinary measure.

- Steps should be taken to assure an opportunity to work for all inmates capable of working.

- Prison officials should make every effort to confine inmates as close to their home as possible so as to facilitate the maintenance of family bonds.

- All inmates should have access to telephones.

- Prisons should encourage access to prisons for inmates' relatives or friends, as maintaining these bonds gives inmates a better chance of staying out of trouble upon their release.

- The number of furloughs granted within the federal system to inmates of minimum security facilities is diminishing. Human Rights Watch calls on the Federal Bureau of Prisons to issue as many furloughs as possible to non-violent inmates, particularly those serving their sentences far from home.

- In circumstances when security considerations make it impossible to provide inmates with privacy, guards of the same sex should be used.

- A review of the cases of Cuban inmates in legal limbo all over the country should be undertaken immediately. No inmate should be left in prison without knowing the duration of the sentence.

- Incarceration of non-criminal illegal aliens should stop immediately.

- Outside observers should have access to prisons.

Human Rights Watch is made up of Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch. Human Rights Watch has published reports on prison conditions in Turkey, Poland, Czechoslovakia, the USSR, Jamaica, Indonesia, Puerto Rico, Brazil, Mexico, and Israel and the Israeli Occupied territories.

Human Rights Watch was founded in 1978 to monitor and promote human rights worldwide. The Chairman is Robert L. Bernstein and the Vice Chair is Adrian DeWind. The Executive Director is Aryeh Neier and Kenneth Roth is Deputy Director.

Joanna Weschler is the Director of the Prison Project of Human Rights Watch and principal author of this report. Professor Herman

Schwartz of American University is the chairman of the Prison Project.

Copies of the report are available from the Publications Department, Human Rights Watch, 485 Fifth Avenue, New York, NY 10017 for \$7.00.