PRISONS

The number of people incarcerated in the United States reached two million this year, a staggering figure both in absolute terms and in terms of the incarceration rate it represented. But the U.S. was not alone in holding record numbers of inmates. Prisoner numbers continued to rise in countries all over the world, resulting in severe overcrowding of prisons and other detention facilities. Although overall figures were difficult to estimate due to some countries’ refusal to disclose information about their penal facilities, even such basic facts as the number of inmates held, the world inmate population was roughly eight to ten million people.

In many countries, the high levels of official secrecy that made prisoner numbers impossible to determine were equally effective in cutting off information about even the most egregious prison abuses. By barring human rights groups, journalists, and other outside observers access to their penal facilities, prison officials sought to shield substandard conditions from critical scrutiny. In extreme cases, including China and Cuba, the International Committee of the Red Cross (ICRC) was barred from providing basic humanitarian relief to prisoners.

While conditions of detention varied greatly from country to country and facility to facility, standards in most countries were shockingly low. Prisons and jails in even the richest and most developed countries were plagued by severe overcrowding, decaying physical infrastructure, a lack of medical care, guard abuse and corruption, and prisoner-on-prisoner violence. With the public primarily concerned about keeping prisoners locked up rather than about the conditions in which prisoners were confined, little progress was made toward remedying these abuses.

Abusive Treatment of Prisoners

Unchecked outbursts of violence occurred in many prisons, violating prisoners’ right to life. On April 27, in what was described as the bloodiest prison conflict in Colombian history, at least twenty-five inmates were killed in Bogotá’s Modelo prison. The incident, which pitted rival inmate groups against each other, was sparked by the discovery of a mutilated body stuffed in a sewer pipe.

While the body count from this incident was exceptional, the violence itself was not. As evidenced by a subsequent prison search that resulted in the discovery of two AK-47 assault rifles, eight grenades, dozens of firearms, and several thousand knives, Modelo prison was a mini-arsenal, and violence was frequent. Indeed, some 1,200 Colombian inmates were killed over the past decade, a disproportionate number of them in Modelo prison. “In the four years that I’ve been in the Modelo I’ve seen more blood and more death than in all my life of crime,” said an inmate there. The combination of severe overcrowding—the prison housed some 4,700 inmates in space for 1,900—an extreme shortage of staff, and plentiful weapons made violence inevitable.

The Mata Grande Penitentiary in Rondonopolis, Brazil, was the scene of a similar killing spree in March.
Thirteen prisoners were murdered when a group of inmates overpowered the handful of guards that manned their cellblock, gaining entry to a neighboring area that housed their enemies. The killings were apparently part of an effort to gain control of the prison drug trade. Although violence was common at the prison, the police were reported to have been slow to respond to the crisis, taking three hours to enter the facility and regain control over the inmates.

Mass killings such as these merited an occasional mention in the press, but the vast majority of inmate deaths went unnoticed. In some countries, including Brazil, Kenya, Venezuela, and Panama, prison homicides were so frequent as to seem routine. Inmates were usually killed by other inmates rather than by guards, but inmate-on-inmate violence was usually the predictable result of official negligence. By neglecting to supervise and control the inmates within their facilities, by failing to respond to incidents of violence, by corruptly allowing the entry of weapons into the prisons, and by generally abetting the tyranny of the strongest prisoners over the weakest, prison authorities were directly responsible for the violence of their charges.

Prisoner death rates were often far higher than corresponding rates among the populations outside prisons. While violence was a factor in some penal facilities, disease—often the predictable result of overcrowding, malnutrition, unhygienic conditions, and lack of medical care—remained the most common cause of death in prison. Food shortages in some prisons, combined with extreme overcrowding, created ideal conditions for the spread of communicable diseases.

Tuberculosis (TB) continued to ravage prison populations around the world. The spread of TB was especially worrisome in Russia, in light of the country’s enormous inmate population—over one million prisoners as of September 2000—and the increasing prevalence of multi-drug resistant (MDR) strains of the disease. Approximately one of out every ten inmates was infected with tuberculosis, with more than 20 percent of sick inmates being affected by MDR strains, constituting a serious threat to public health. Nor was the tuberculosis epidemic confined to Russia; rather, it swept through prisons all over the former Soviet Union. High rates of TB were also reported in the prisons of Brazil and India, two countries with substantial inmate populations.

The HIV/AIDS epidemic ravaged prison populations, with penal facilities around the world reporting grossly disproportionate rates of HIV infection and of confirmed AIDS cases. In a positive development, Botswana’s government introduced a bill in July to allow inmates in the late stages of AIDS and other terminal illnesses to return home to their families. But inmates around the world frequently died of AIDS while incarcerated, often deprived of even basic medical care.

Physical abuse of prisoners by guards remained another chronic problem. Some countries continued to permit corporal punishment and the routine use of leg irons, fetters, shackles, and chains. The heavy bar fetters used in Pakistani prisons, for example, turned simple movements such as walking into painful ordeals. In many prison systems, unwarranted beatings were so common as to be an integral part of prison life.

Women prisoners were particularly vulnerable to custodial sexual abuse. The problem was widespread in the United States, where male guards outnumbered women guards in many women’s prisons. In some countries, Haiti being a conspicuous example, female prisoners were even held together with male inmates, a situation that exposed them to rampant sexual abuse and violence.

In contravention of international standards, juvenile inmates were often held together with adults. Many
of Pakistan’s jails and police lockups mixed juvenile and adult prisoners, as did certain detention facilities in Nicaragua, Kenya, South Africa and Zambia. Children in such circumstances frequently fell victim to physical abuse, including rape, by adult inmates.

Extortion by prison staff, and its less aggressive corollary, guard corruption, was common in prisons around the world. Given the substantial power that guards exercised over inmates, these problems were predictable, but the low salaries that guards were generally paid severely aggravated them. In exchange for contraband or special treatment, inmates supplemented guards’ salaries with bribes. Powerful inmates in some facilities in Colombia, India, and Mexico, among others, enjoyed cellular phones, rich diets, and comfortable lodgings, while their less fortunate brethren lived in squalor. In Argentina, as part of an effort to combat rampant guard corruption, the government launched a purge of its prison service, dismissing numerous high-ranking officials in April. The mass firing was sparked by revelations that guards had released inmates on robbing excursions and had even sent one inmate out to kill the judge investigating these schemes.

Overcrowding—prevalent in almost every country for which information was available—was at the root of many of the worst abuses. The problem was often most severe in smaller pretrial detention facilities, where, in many countries, inmates were packed together with no space to stretch or move around. In some Brazilian police lockups, where a large proportion of the country’s approximately 190,000 detainees were held, overcrowding was so acute, and floor space was at such a premium, that inmates had to tie themselves to the cell bars to sleep. In Brazil, as in many other countries, inmates often suffered long stays in these dreadful conditions.

Another common problem was governments’ continued reliance on old, antiquated, and physically decaying prison facilities. Nineteenth-century prisons needing constant upkeep remained in use in a number of countries, including the United States, Mexico, Russia, Italy, and the United Kingdom, although even many modern facilities were in severe disrepair due to lack of maintenance. Notably, some prisons lacked a functional system of plumbing, leaving prisoners to “slop out” their cells, that is, to defecate in buckets that they periodically emptied.

A different set of concerns was raised by the spread of ultra-modern “super-maximum” security prisons. Originally prevalent in the United States, where politicians and state corrections authorities promoted them as part of a politically popular quest for more “austere” prison conditions, the supermax model was increasingly followed in other countries. Prisoners confined in such facilities spent an average of twenty-three hours a day in their cells, enduring extreme social isolation, enforced idleness, and extraordinarily limited recreational and educational opportunities. While prison authorities defended the use of super-maximum security facilities by asserting that they held only the most dangerous, disruptive, or escape-prone inmates, few safeguards existed to prevent other prisoners from being arbitrarily or discriminatorily transferred to such facilities.

The small group isolation regime instituted at Turkey’s Kartal Special-Type Prison was one example of this trend. Beginning in 1999, the Turkish authorities began holding prisoners charged under the country’s Anti-Terror Law in a new cell-based system, by which inmates remained locked in shared cells for lengthy periods of time, deprived of other human contact and lacking opportunities for exercise, work, education, or other activities. In these conditions, one detainee wrote, “Your senses of taste, smell, hearing, feeling, and
sight fade. You cannot laugh at anything and you cry at the smallest thing.” Penal experts, including the European Committee for the Prevention of Torture, have warned that such conditions may endanger prisoners’ physical and mental health.

Fiscal constraints and competing budget priorities were to blame for prison deficiencies in some countries, but, as the supermax example suggests, harsh prison conditions were sometimes purposefully imposed. In Peru, notably, a punitive motive was evident in the decision to hold top-security prisoners in high-altitude Challapalca and Yanamayo prisons, whose remote locations and miserable conditions led the Inter-American Commission on Human Rights to declare that they were “unfit” to serve as places of detention.

Conditions in many prisons were, in short, so deficient as to constitute cruel, inhuman, or degrading treatment, violating article 7 of the International Covenant on Civil and Political Rights. Their specific failings could also be enumerated under the more detailed provisions of the U.N. Standard Minimum Rules for the Treatment of Prisoners. A widely known set of prison standards, the Standard Minimum Rules describe “the minimum conditions which are accepted as suitable by the United Nations.” Although the Standard Minimum Rules were formally integrated into the prison laws and regulations of many countries, few if any prison systems observed all of their prescriptions in practice.

With few means to draw public attention to violations of their rights, prisoners around the world frequently resorted to hunger strikes, self-mutilation, rioting, and other forms of protest. The most dramatic such incident took place in Kazakhstan in July, when forty-four prisoners at Arkalyk prison reportedly attempted mass suicide in protest of conditions. The inmates used razors and broken glass to slash their necks, stomachs, and wrists. Other outbreaks of prison unrest were reported in Argentina, Brazil, Chile, Colombia, the Czech Republic, England, Greece, Israel, Italy, Mexico, Peru, Saudi Arabia, Sri Lanka, Trinidad and Tobago, Turkey, and Venezuela.

Unsentenced Prisoners

Even those unsympathetic to convicted criminals and entirely skeptical of the idea of rehabilitation had reason to be concerned about the inhuman treatment of prisoners. Although comprehensive figures were impossible to obtain, the available statistics showed that a large proportion of the world’s prisoners had not been convicted of any crime, but were instead being preventively detained at some stage of the trial process. In countries as varied as Bangladesh, Burundi, Chad, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Mali, Nigeria, Pakistan, Peru, Rwanda, Uganda, and Venezuela, unsentenced prisoners made up the majority of the prison population. Indeed, some 90 percent of Honduran, Paraguayan, and Uruguayan inmates were unsentenced. Of the more than 125,000 prisoners jailed on charges of having participated in the 1994 genocide in Rwanda, only some 3,000 have been brought to trial.

Worse, such detainees were in many instances held for years before being acquitted of the crime with which they were charged. Prisoners also continued to be held after the expiration of their sentences in some countries.

Defending Prisoners’ Human Rights

Struggling against the government’s natural tendency toward secrecy and silence on prison abuses, the efforts of numerous local human rights groups around the world—who sought to obtain access to prisons,
monitored prison conditions, and publicized the abuses they found—were critical. The Moscow Center for
Prison Reform, for example, has done particularly important work in drawing attention to the dreadful
conditions of Russia’s prisons and jails, and the TB crisis afflicting the inmate population.

In some countries, government human rights ombudspersons, parliamentary commissions, and other
official monitors also helped call attention to abuses. In the United Kingdom, notably, the chief inspector of
prisons continued his vigorous investigation and forthright criticism of conditions in the country’s penal
facilities.

In France, two special parliamentary commissions issued scathing official reports in July that called for
major reforms in that country’s prison system. The reports noted, among other serious failings, that
unsentenced prisoners made up 40 percent of the French prison population, one of the highest such rates
among industrialized countries.

At the regional level as well, prison monitoring mechanisms were active. The European Committee for
the Prevention of Torture (CPT) continued its important work, inspecting penal institutions in eight countries
in the first nine months of 2000: Turkey, Poland, Ukraine, Cyprus, France, Italy, Lithuania, and Russia,
undertaking three visits to the latter country. As of October 2000, forty-one countries were party to the
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,
the treaty authorizing the CPT’s monitoring.

In Africa, the special rapporteur on prisons and conditions of detention, an adjunct to the African
Commission on Human and Peoples’ Rights, completed his fourth year, inspecting prisons in the Gambia.

**U.N. Monitoring Efforts**

The vast scale and chronic nature of human rights violations in the world’s prisons have long been of
concern to the United Nations, as demonstrated by the 1955 promulgation of the U.N. Standard Minimum
Rules for the Treatment of Prisoners. Indeed, the international community’s failure to adopt these standards
in practice, even while it has embraced them in theory, has inspired the United Nations’ most recent prisons
effort.

For nearly a decade, a U.N. working group has been hammering out a draft treaty that would establish a
U.N. subcommittee authorized to make regular and ad hoc visits to places of detention in states party to the
treaty, including prisons, jails, and police lockups. As described in the draft treaty—conceived as an optional
protocol to the Convention against Torture—the primary goal of the subcommittee would be to prevent
torture and other ill-treatment. Based on the information obtained during its periodic and ad hoc visits, the
subcommittee would make detailed recommendations to state authorities regarding necessary improvements
to their detention facilities, and the authorities would be expected to implement these recommendations.

The proposed monitoring mechanism held great promise, yet it also had serious potential flaws. Notable
among them was the possibility that the subcommittee could be entirely barred from reporting publicly on
abuses it discovers, pursuant to a strict rule of confidentiality that some countries have advocated. Although
the draft treaty favored cooperation between governments and the subcommittee as a means of instituting
remedial measures, it must, if it is to create an effective mechanism, leave open the possibility of public
reporting, at least in situations where governments stubbornly refuse to cooperate with the subcommittee or
to implement its recommendations.
The working group’s most recent two-week session, in October 1999, ended without any progress being made toward the completion of a draft treaty. The failure of the 1999 session led the head of the working group to convene intersessional consultations to assist the drafting process. Three days of informal consultations in October highlighted the wide gap between countries on such fundamental issues as which places should be subject to visits, whether prior consent must be obtained, whether reservations to the optional protocol should be allowed, and the impact of national legislation on the nature and scope of visits.

Other U.N. bodies pressed countries to improve their prison conditions. In August and September, U.N. Special Rapporteur on Torture Sir Nigel Rodley spent three weeks visiting police stations, prisons and other detention facilities in Brazil. At the end of his mission to the country, he expressed deep concern over Brazil’s treatment of prisoners, stating that they were routinely subject to subhuman conditions and severe physical abuse.

**Relevant Human Rights Watch Reports:**
- *No Minor Matter: Children in Maryland’s Jails, 11/99*
- *Out of Sight: Super-Maximum Security Confinement in the United States, 2/00*
- *Small Group Isolation in Turkish Prisons: An Avoidable Disaster, 5/00*