



October 31, 2015

Dear Friends

Greetings from CHRI!

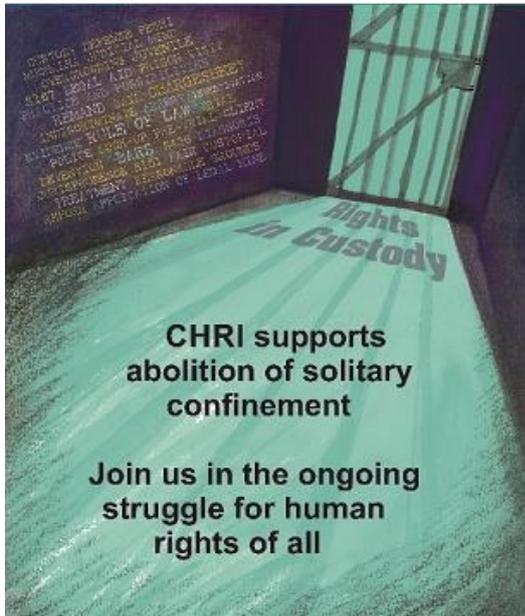
CHRI supports the international call for the abolition of solitary confinement. Join [Be The Evidence International](#) and others in this campaign.

1. What is solitary confinement?

Solitary confinement means “confinement of prisoners for 22 hours or more a day without meaningful human contact” (as per the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the ‘Mandela Rules’). In India, solitary confinement can be awarded by both the judiciary and the executive (prison department). Both can be awarded for a maximum period of three months. In case of judicial solitary confinement, the period and frequency of the confinement is legally defined based on the kind and period of imprisonment. However, in executive solitary confinement, the jail superintendent has unfettered discretion to decide the punishment with minimum safeguards. Separate confinement and cellular confinement are two forms of confinement that can be awarded by the superintendent. Both seclude the prisoner from communication with, but not from the sight of other prisoners. While the former allows one hour exercise and a meal in association with others, the latter restricts even that.

2. Is solitary confinement torture?

Yes. The Convention Against Torture (CAT) defines torture as any act which intentionally inflicts on a person severe pain or suffering, whether physical or mental, when it is inflicted by any public authority. Solitary confinement can be imposed by the prison authorities as a form of punishment. But the power to place a prisoner in excessive hours of lock-up, deprived of any form of communication, mobility and access to amenities and facilities provided in prison, solitary confinement is a dehumanizing power. It places unbridled power in the hands of prison authorities to apply excessive use of force on a person consigned to safe custody under their supervision. It dehumanizes a prisoner and prevents his treatment as a ‘person’. In short, solitary confinement violates the very right to life with dignity.



3. What are the effects of solitary confinement on the inmates?

Solitary confinement is a shortcut to the socio-psychological 'death' of prisoners. It has severe, adverse and irreversible psychological impact. It induces a psychiatric disorder characterized by hypersensitivity to external stimuli, hallucinations, panic attacks, cognitive deficits, obsessive thinking, paranoia, and a list of other physical and psychological problems.

4. Is solitary confinement in line with the principle of correctional service?

No. It is counter-productive to the purposes of both prison discipline and correction. Inmates become more aggressive and are more prone to commit violent crimes post-

confinement, thus increasing recidivism. Moreover, it undoes the correctional spirit by which modern prison systems are to conduct themselves. Prison staff have to be amplified in strength as well as in orientation best suited for a reform model that respects the physical and mental sanctity of prisoners as persons with rights. It is against the basic principle of correctional service.

Reformation and rehabilitation of offenders was identified as the objective of prison administration way back in All India Jail Committee in 1920. Almost a century later, having solitary confinement on the books negates the basic idea of reformation and correction as well as international law. Since the advent of CAT, the absolute prohibition against torture and other acts of cruel, inhuman, or degrading treatment or punishment has become accepted as a principle of customary international law. By continuing the practice of solitary confinement, India violates core CAT principles and customary international law.

5. What is the government doing about it?

A Bill to amend the Prison Act 1894 in India is under process. The punitive power to place prisoners in solitary confinement needs to be addressed as unacceptable prison power and recommendations to suitable changes in the Jail Manual and IPC laws need to go up as recommendations.

What You Can Do:

SAY NO TO SOLITARY CONFINEMENT

Write a letter to the NHRC and the Law Commission asking for this power to be removed from the IPC sections, the Prison Act and the Jail Manuals.

Regards,

Sana Das

Coordinator, Prison Reforms Programme

Behind Bars, Not Beyond Justice



Life on the inside: how solitary confinement affects mental health

Gina McKeon, *ABC News*
Animation by Lucy Fahey

It's so dark that as soon as the door clicks shut, you can't see your hand in front of your face.

53 years of Indo-China war: Indian-Chinese prisoners recount horror behind barbed wires

Liu Chuen Chen, *India Today*

Four people of the last generation of survivors of the Chinese internment camp in Deoli, speak about what it was like to live behind the barbed wires in a country they called their own.

10,000 trials delayed this week

Live India

Many lawyers in Delhi have not seen court room this week is not due to public holidays but ongoing India-African summit.

Most courts wear a deserted look this week, as undertrials are not being brought to trial courts in the capital between October 21 and 30.

End Solitary Confinement

The Harvard Crimson

On October 16, students from the Harvard Undergraduate Organization for Prison Education and Reform held a vigil in the Science Center Plaza to protest juvenile solitary confinement in the United States.

Lack of psychiatrists bedevils mentally ill prisoners

The Economic Times (PTI)

Lack of psychiatrists in Bengal prisons is taking a toll on the mental health of 400 odd mentally ill prisoners lodged in various prisons across the state, according to jail officials.

HC asks Centre to file affidavit on prisoners

Daily Post

Punjab and Haryana High Court on Tuesday issued notice to Union of India with direction to come out with an affidavit on the issue of repatriation of foreign prisoners lodged in transit camp in Punjab Jail even after completing their sentence.

Maharashtra jails to transform, so that inmates reform

Nazia Alvi Rahman, *DNA*

Soon, a jail in Maharashtra will be called a Sudhargrah (correction centre) instead of a Karahgrah (jail). According to the authorities, a change in the name will have a positive impact on the inmates and may push them towards reformation.

‘Little Guantanos’: Super-secret US prison units axe communications for inmates

Alex Jones' Prison Planet (RT)

An investigative journalist is speaking out about the Bureau of Prisons' use of Communication Management Units to house political and religious prisoners, primarily Muslims.

Once inside, inmates have restricted rights to visits, phone calls, and letters.

Solitary Confinement: The Beginning of the End?

David Cole, *The New York Review of Books*

George Ruiz, a seventy-two-year-old inmate in California, has spent the last thirty-one years in solitary confinement, most of it in Pelican Bay State Prison. He has been held in a windowless cell, with virtually no human contact and no phone calls absent an emergency. He is let out for, at most, sixty to ninety minutes each day, during which periods he is kept in complete isolation.

About Jail Mail

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. CHRI was founded in 1987 by Commonwealth professional associations; it is headquartered in New Delhi, India since 1993, and has offices in Accra, Ghana and London, UK.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.

Leave us an email at chriprisonsprog@gmail.com if you wish to subscribe to these updates.

You could also write to us with your comments and suggestions.

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