

# Framed

THE MAGAZINE OF JUSTICE ACTION

## From Texas to Abu Ghraib and from Guantanamo to Goulburn

# SECRECY BREEDS ABUSE

**W**hen the abuse of Iraqi prisoners made headlines world-wide in April and May this year, George W Bush claimed it “doesn’t represent the America I know”. That’s funny, because it sure represents the America prisoners in America know all too well — especially prisoners in Texas, where Bush was governor from 1994 to 2000.

Under Dubya, “Texas prison” became one of the most feared phrases in the language. In 1996, prisoners in the Brazoria County Detention Centre in Angleton, Texas, were beaten by riot-clad guards, kicked, poked with electric prods, forced to crawl and threatened with snarling dogs. They were also videoed while all this was happening — for “training purposes”. Sound familiar? And in October 1999, women prisoners in the Travis County Community Justice Centre, Austin, revealed that they were regularly kept in portable detention cells for hours at a time in summer heat with no water, and were forced to perform sex acts for their captors in order to avoid more time in the cages.

Prisoners in Texas’s supermax prisons reported they were being gassed by guards and thrown on concrete floors while handcuffed. At the Terrel Unit facility in Livingston, where prisoners staged a hunger strike in 1999, death-row prisoner Michael Sharp said before

his execution that many guards there “think it is their patriotic duty to torture and brutalise prisoners”.

(Texas prisoners and their families also know what an enthusiastic executioner Dubya was. He imposed the death penalty 137 times, more than any other governor. Among his victims was Karla Faye Tucker, the first woman executed in the US since the Civil War.)

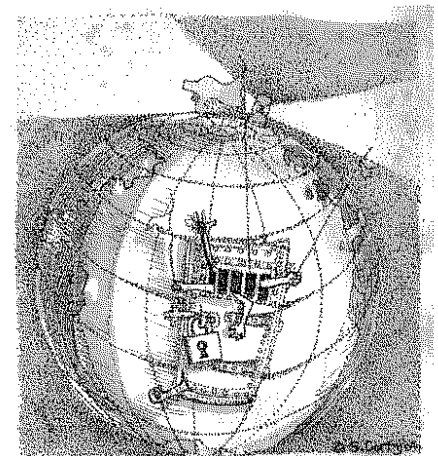
Other prisons experienced riots and protests at poor conditions, including inedible food and lack of proper medical care. In one notorious case, the Bobby Ross Prison in Dickens County, the government inspector sent to investigate complaints turned out to be moonlighting as a “consultant” to the private company running the jail!!

In 2000, as Dubya prepared his race for the presidency, Texas had the United States’ second highest rate of incarceration after Louisiana. There were 204,000 prisoners in Texas, of whom over 45.3% were Black and 26.2% were Hispanic. He oversaw a prison boom, in which the criminal justice system embraced “assembly line” procedures to fill prisons with profit-generating inmates. Prison profiteer Wackenhut operated 13 prisons in the Lone Star state, including Travis County Community Justice Centre, where 11 Wackenhut thugs were eventually put on trial after the 1999 scandal. Where there weren’t enough prisoners to generate the desired profit margin,

prison profiteers imported prisoners from other states, sometimes without consulting state authorities. The prisoners abused at Brazoria in 1996 were from Missouri and had been arrested on drug offences. Brazoria was operated by private company Capital Correctional Resources. Another privateer, Corrections Corporation of America, imported 240 sex offenders from Oregon and housed them in a minimum security facility in Houston used for immigration detention.

Prisoners were used as slave labour, exerting a downward pressure on workers’ wages and conditions throughout the state. For example, in 2000 Lockhart Technologies Inc was employing 100 prisoners at a Wackenhut-

*(continued page 8)*



**INSIDE: NEWS & VIEWS FROM WA, SOUTH AFRICA'S PRISON SYSTEM, PRISONERS WITH AN INTELLECTUAL DISABILITY and more...**

# INQUEST STARTING

**A**s we go to press, the inquest is about to begin into the death in February of a 17-year-old youth pursued by police to impalement near Redfern. (The family have asked that his name not be used, and that he be referred to as the Young Man from Kamilaroi.) Ray Jackson, of the Indigenous Social Justice Association, comments for Framed.

Since that tragic February day the Redfern Police have been honing and polishing up their statements, the better to allow for a more complete dovetailing of "their" facts. In all Death in Custody cases, but especially police

deaths in custody, the Family and their supporters are up against the experts in honing and polishing the facts. The police have total control over what is treated as evidence and the arguments that are put to the Coroner. The police have all access to the media to allow for their spin to become a public issue; they have access to all witnesses and in choosing those witnesses that they believe best support their particular line of "facts"; they also have seemingly endless resources.

Death in Custody Families have none of these. Death in Custody Families only have the trauma of the loss, generally, a most questionable loss.

Then there is the Sorry Business that consumes the Family and their supporters. For some Families that continues every day even though the Death occurred some twenty years ago. What ever the particular Coroner may do, or find, there are always unanswered questions.

We believe we have good solid arguments that the police wagon did indeed pursue the Young Man to the Renwick Street fence line. We also believe that we have credible witnesses. The truth for the Hickey family can be found by the Coroner. Not always a done thing if we look to History.

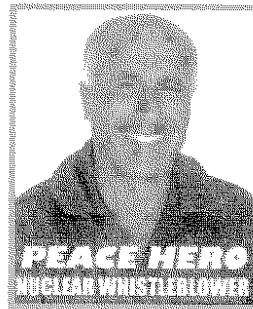
Justice Action is a community-based organisation of criminal justice activists. The justice system imprisons a disproportionately large number of oppressed and dispossessed people while letting the biggest mass murderers – the imperialists and their lackeys like John Howard – roam free. We decline any funding that could compromise our work. Instead we rely on your support. We need your help to fight repression in prisons and reverse the trend of locking up more and more people.

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BECAUSE THE JAILS ARE THE CRIME

## PEACE HERO RELEASED BUT NOT FREED

"You didn't succeed to break me, you didn't succeed to make me crazy. This will be a symbol that a free man can survive, a free spirit can exist." So said Mordechai Vanunu on 21 April 2004, released after 18 years in prison for disclosing to the world that Israel was secretly producing nuclear weapons underground at a reactor in Dimona, in the Negev Desert. Kidnapped by the Israeli security service Mossad in Rome in 1986, he was smuggled out of Italy, tried for treason and imprisoned at Ashkelon Prison, enduring 11 years of



complete isolation, only allowed occasional visits, conducted through a metal screen. Jubilant supporters greeted the Peace Hero on his release, and eighteen white doves were sent fluttering into the sky. Mordechai paid tribute to those who had stood behind him through his years of imprisonment, and said he was proud and happy to have done what he did. He now faces a new struggle — against a ban which prevents him leaving Israel for one year, or giving interviews about his work at Dimona.

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# LEGENDARY ACTIVIST DIES AT 33

## MORE PRISONERS LOSE VOTE

In a shock move, Federal Parliament has passed legislation to disenfranchise more prisoners. Until this latest change, voted on 25 June, any prisoner serving a sentence of less than five years could vote. Now, you can't vote if you were imprisoned at the time of the last election, and are still imprisoned at the time of the next one. Federal elections are normally held every three years, but they can be called much earlier. This means you could be stripped of the right to vote even if you're serving quite a short term, depending on when an election is called.

The change was passed thanks to a Labor amendment to a government bill that sought to remove the right of all prisoners to vote. Last time they tried to do this, in 1998, the proposal was defeated due to a hard-fought prisoners rights campaign, in which JA took part. This time, prisoners rights campaigners believed assurances from Labor and the Democrats that they would oppose removing the right of prisoners to vote. None of us saw this blow coming till it struck. Only the Greens and Tasmanian Labor Senator Shayne Murphy voted against the reduction in prisoners' franchise, which was slipped through, as Bob Brown said, on a Friday night, in a previously unscheduled sitting, without reference to the people. Prisoners are citizens. Prisoner franchise is an important component of a true democracy. Onya, Bob Brown, Kerry Nettle and Shayne Murphy, for your consistency and your support.

On June 5 the Sydney activist community lost an eccentric genius, beloved comrade and tireless fighter against oppressive authority, with the death of Mike Carlton, the man most of us knew only as <predator>.

In 1997, Predator helped set up Cat@lyst, a radical community activist technology collective in Sydney who provide IT services for a wide range of activist and community-based organisations. It was from this original initiative that a website was developed which allowed anyone to post stories on a public newswire. Originally the software was used for the J18 protest that occurred worldwide in 1999 and came to prominence in Seattle during the World Trade Organisation meeting which was effectively shut down by activists and protesters. The same software then went on to power the first site for Indymedia, now an important source of alternative news and information.

Predator also founded the Sydney Cave Clan. The Clan has explored thousands of miles of underground drains, mines and other components of the urban vasculature. Trained as a molecular biologist, Predator was also an anarchosyndicalist, squatter and dumpster diver.

Although prison issues were not foremost among Predator's many interests, he still found the time and energy to encourage and advise Justice Action on topics as diverse as the Breakout computer network and forensic DNA profiling.

A committed anarchist, Predator spent much of his adult life breaking or ignoring stupid and petty laws which needlessly restrict liberty and self-expression. But it was only in the final months of his life that he was finally caught and hauled before the courts — for trespassing underneath an Asia-Pacific police anti-terrorism



7 May 2004 Stacy, Pred and Che in the JA office

conference. By then, he knew he was suffering from renal cancer. The irony of prosecuting a dying man was not lost on Pred, who, with typical black humour, remarked: "You wouldn't worry about a fine for tresso' when you've been tried and found wanting in the high court of cellular biology, where juries, judges and justice hold no jurisdiction and a misplaced base pair will dig your grave for you."

However there was a real danger that his disdain for idiotic judicial rituals would earn him a contempt of court charge as well. "It's a fuckin' nuisance," he wrote in his web log, "I'm gonna have to iron a shirt and say 'Your Worship' (not my worship ... if some git wants me to tell him I think he worships himself, that's just fine with me)".

He died at the unjustly young age of 33 two months later. His funeral was attended by 500+, including homeless squatters, a federal senator, former prisoners, senior citizens, anarchist ferals, Catholic social workers, etc, all united in grieving for the loss of a man who meant so much to all of us.

For more info and links: <http://tinyurl.com/2tzxq>

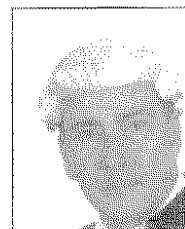


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*The NSW Government abolished the Office of the Inspector General of Prisons in August 2003. Western Australia is now the only State with an Inspector. Richard Harding has that role. Here, in an exclusive article for Framed, he examines where Australia stands in terms of independent scrutiny of places of incarceration.*

# THE IMPORTANCE OF SCRUTINY

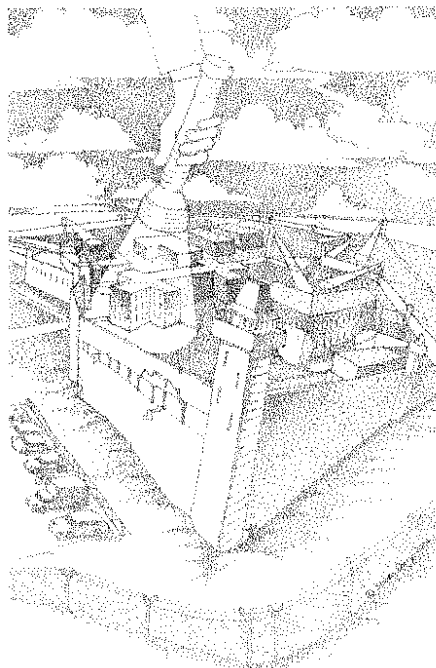
On 23 March 2004 the Joint Standing Committee on treaties of the Commonwealth Parliament tabled a report recommending that Australia should not adopt the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

That may not sound, in the midst of daily revelations about Abu Ghraib Prison or Guantanamo Bay, like the most riveting news — and indeed there was not, as far as I am aware, a single line of press coverage. But behind the verbiage, what it meant was that the Australian Government, true to form, has set its face against independent external scrutiny of closed institutions, such as immigration detention centres. Then, two months later, in May, the Government confirmed how averse it is to reasoned criticism, and how indifferent to international law standards, by its disdainful reaction to the report by the Human Rights and Equal Opportunity Commission (HREOC) on children in immigration detention centres, *A National Inquiry into Children in Immigration Detention Centres — A Last Resort*.

The UN Convention against Torture sets out expected human rights standards that should be observed in various closed institutions — prisons, police lock-ups, locked psychiatric wards, juvenile detention centres, and immigration detention centres. The word “torture” summons up extreme notions of physical or psychological mistreatment — but “inhuman and degrading treatment” is a wider human rights concept. It would, for example,

cover the matters highlighted in the HREOC Report — failure to provide adequate education and maintain family links for children, inadequate health care, and disregard for the mental health impact of the regime upon detainees.

The Optional Protocol provides for a visits-based inspection system by members of the UN Subcommittee on Torture and their expert consultants to places of detention within the control of the relevant government. These visits may be announced or ad hoc (in effect, unannounced); documentation may be requisitioned; staff and detainees may be interviewed; and a Report and recommendations made to the Government concerned. The jurisdiction is essentially structured to produce quick diagnoses and constructive governmental responses.



The HREOC procedure, though exceedingly thorough and admirable, is inevitably time-consuming and cumbersome. Moreover, HREOC can only enter premises, examine documents and interview prisoners on site by consent of the Australian Government — a limitation that would not be applicable under the Optional Protocol.

The UN Convention and the Optional Protocol are still in their infancy. Very few nations have acceded to its terms. However, a parallel European system working with identical standards to those encompassed by the UN Convention has a 15-year history of solid achievement across all nations of the Council of Europe.

Only a small number of countries — usually those like Turkey, with the most to hide — have been recalcitrant about the European Committee's recommendations. A strong code of practice, tantamount to a jurisprudence of human rights, has emerged over this time. Indeed, the European Court of Human Rights explicitly draws upon the Committee's findings in prison cases that come before it.

If the Australian Government were to pass a law adopting the Optional Protocol, not only would its own places of detention become subject to visits-based inspection but also those of the States. In practice, those States without autonomous external scrutiny mechanisms would be targeted ahead of those with such systems. At the present time, Western Australia is the only State that would meet the international standard. The jurisdiction of the Inspector of Custodial Services in Western Australia covers inspections of

prisons, court custody centres, prison transport vehicles and juvenile detention centres — though not at this stage police lock-ups. The Inspector has developed standards and expectations that are congruent with those contemplated by the UN and European Conventions — though they go beyond that.

Quite possibly, some States would, quietly, not have been all that unhappy at the position that the Commonwealth Government has taken. External accountability inevitably causes some bureaucratic and political discomfort because of its focus on preventing, identifying and disclosing human rights concerns. Even now the 2004 draft of the Revised Standard Guidelines for Australian Corrections merely provides for "inspection by appropriate persons" to monitor compliance with existing laws and regulations, rather than attempting to carve out through autonomous inspection higher standards of prisoner management. In recent years Western Australia is the only State to have embraced the concept of external accountability wholeheartedly, as epitomised by the recent passage of the Inspector of Custodial Services Act 2003. This statute clarified and extended the powers and jurisdiction of the Inspector.

The Standing Joint Committee on Treaties made its recommendation by a majority vote of 9-7. In deciding not to adopt the Optional Protocol at this time, there is a danger that the Australian Government may give the international community the impression that it has something to hide. The minority, which included all the Labor and minority parties, recommended that "binding treaty action be taken" to adopt the Optional Protocol. A change of Federal Government could have important implications for the inspection of closed institutions throughout Australia, therefore, by the adoption of a mechanism that is binding upon the States. In that event, they would have a strong incentive to develop their own autonomous inspection systems.

*Richard Harding*  
Inspector of Custodial Services  
for Western Australia

14 June 2004

**At Framed's request, veteran justice activist Dot Goulding reports on the state of play in prison reform in Western Australia**

## MAINTAINING THE RAGE IN THE WEST

**G**ood news often lulls reformers into a false consciousness that things are improving and will continue to improve. Prison reform in WA is coming to a realisation that, with the big picture in mind, only some details have changed and the picture still tells the same story. That is, prisoner numbers are increasing — demonstrating that prison is still being used as the tool of first resort, prisons are run on false assumptions and prisoners generally return to their communities more harmed and harmful than when they entered prison. But I'll start with the good news...

### The good news

Currently there are three main prison reform groups in Western Australia. These are the Prison Reform Group of WA (PRGWA), the Deaths in Custody Watch Committee WA (DICWC) and the Institute of Restorative Justice & Penal Reform (IRJPR). DICWC is the only funded group and currently is the only one which provides prisoner advocacy services. Although PRGWA is in the process of negotiating with the Department of Justice for official access to prisons in order to extend the limited advocacy services presently available.

Access to the (Labor) Attorney General and past Minister for Justice, Jim McGinty, has been relatively easy for each of the reform groups. Although the current Minister for Justice has proved to be less accessible. There have been several positive reforms at the soft end of offending, eg prison sentences of less than six months have been abolished, and some women prisoners are currently experiencing improved conditions at the new low security women's prison. In addition, the Office of the Inspector of Custodial Services — Richard Harding's office as it is locally referred to — has initiated some positive changes. However, my opinion is that these achievements are more to do with Richard's knowledge base, confidence and powerful personality than the office itself, and the concern is that he will not occupy that office forever. Which leads me to the bad news ...

### The bad news

An election is looming and out come the "law and order" brigade. We have a particularly ridiculous Liberal member, Matt Birney, a self-styled spokesperson on law and order issues who makes media mileage with statements like — all high school children should have to spend a week in prison as a crime prevention strategy. Then there is the opposition policy of mandatory 12 month detention for assault on police officers.

More bad news — the prison population, which reduced significantly 18 months ago, is on the rise and almost at its highest again. Aboriginal women, who account for less than 2% of the general WA population, now make up 48% of the female prison population. Aboriginal men, too, continue to be imprisoned disproportionately. Systemic racism is alive, well and flourishing in WA.

My decision to finish with the bad news (this is but a small sample) is not so much to leave you depressed, rather it is to raise awareness, especially amongst those engaged in activism and reform. It is too easy to be charmed by government departments, in the name of "community consultation" or "stakeholder meetings", into thinking that our opinions are taken seriously. They appropriate our language and then redefine it within a corrections frame, diminishing its strength and value, while sounding empathetic to the cause. "Empowerment", for example, loses its original feminist meaning within the context of a prison. It's ludicrous to imagine that you could possibly be empowered in a regime which removes your freedom, your identity, your skills and your capacity to effectively have any power over your own life. Maintain the rage, don't be fooled and keep up the fight!

*Addresses if you want to contact  
WA prison reform groups:*

Deaths in Custody Watch Committee  
207 Beaufort St, Perth WA 6000 tel  
(08) 9227 2359

Prison Reform Group WA  
dotg@inet.net.au

Institute of Restorative Justice & Penal  
Reform bsteels@inet.net.au

# South Africa's criminal justice system: A VERY LONG WALK TO FREEDOM

In April this year, South Africans celebrated the tenth anniversary of the end of apartheid. The new South Africa's first president, Nelson Mandela, was a man who had spent 27 years in prison; many Cabinet members were likewise ex-prisoners. One of the first actions of the new government was the setting up of a Truth and Reconciliation Commission to examine atrocities committed under apartheid, and to provide outcomes designed to satisfy the yearning for justice of victims and their families, while allowing perpetrators who confessed to experience forgiveness and reconciliation. All this held the promise of reshaped views on crime, incarceration and punishment, and the oppressed of the world looked to South Africa for new experiences and examples in justice and freedom.

South African state institutions have indeed undergone a profound transformation over the last ten years, nowhere more so than in the field of criminal justice. The South African government has expended much effort in changing state agencies from enforcers of apartheid to public servants.

In 1994, the first year of government, a group of visionary reformers revamped South African policing policy drawing upon best practices from other places. Policies were developed that emphasised crime prevention and civilian control of the police. Police reforms implemented since then have created multiple accountability mechanisms at different levels of government and at the level of local communities: an Independent Complaints Directorate, national and provincial Secretariats for Safety and Security, and the parliamentary Portfolio Committee for Safety and Security.

The South African Human Rights Commission was launched in 1996, with wide-ranging powers of investigation, subpoena of witnesses, search and seizure. A host of organisations in a

vibrant civil society sector, operating in an atmosphere of political freedom, have also taken it upon themselves to work on police oversight issues.

In prisons, the 1990s saw an end to the segregation of black and white prisoners, and the disparity of conditions between the two groups. Under the apartheid regime, the main objective of prisons was to keep prisoners out of the community; the prison system now is officially committed to a policy that aims to make prisons more humane places, with a view to rehabilitating offenders and reinserting them into society. Prisoners' rights were enshrined in the new Constitution. The death penalty has also been abolished.

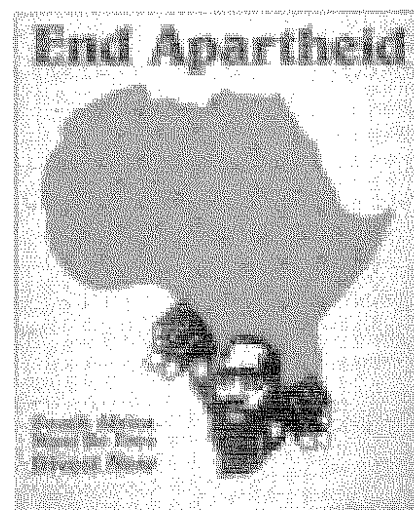
In 1993, prison law was amended to abolish solitary confinement, corporal punishment and punishment on a spare diet. In 1996, a policy of demilitarisation of the Department of Correctional Services came into force. This has involved changing the structure, ranks systems and mode of address of prison officers, removing insignia, and putting an end to militarised daily parades.

In 1998, an Independent Judicial Inspectorate was established, mandated to inspect prisons and report on the treatment of prisoners and prison conditions, and to appoint independent prison visitors, ordinary members of society who make regular visits to interview prisoners, report complaints and monitor they way these are dealt with. In addition, numerous restorative justice initiatives have been set in motion through courts as an alternative to prison, including some that look to traditional African conflict resolution as a source for contemporary practice.

South Africans have been the first, however, to acknowledge how far they've yet to go in overcoming the legacy of the past and in addressing new issues thrown up in the post-apartheid era. The new state has inherited the apartheid justice and prison system,

high poverty and unemployment rates, a culture of distrust and revolt against a racist state and its agents, and the harsh realities of a police force trained to enforce apartheid rather than justice. Concern continues over deaths in police custody and the use of torture by police in criminal investigations. The prisons bureaucracy has resisted demilitarisation, seen as a threat to status. Prisons administration remains marked by a quasi-military approach and culture, and khaki uniforms and heavy boots still bear a strong resemblance to army uniforms.

The most pressing issues, though, would appear to be the continuing high levels of violence, crime and incarceration. Under apartheid, South Africa had one of the world's highest rates of imprisonment and conviction, caused particularly by the enforcement of the law requiring various population groups to carry identity documents, known as "passes". It would not be too much to say that the entire black population was criminalised by apartheid. Between 1975 and 1984, 1.9 million people, almost all of them black, were arrested for failing to carry their documents or for being in an unauthorised location. And thousands (at least) were imprisoned for various forms of opposition to apartheid. Furthermore, in the 1950s apartheid forced mass dislocations of population as three and a half million blacks (Africans, Indians and coloureds) were forcibly moved into vast "townships" to separate them from whites. The resultant disintegration brought about family breakdown, despair, and above all a "culture of violence" at family, neighbourhood and wider community levels. Anti-apartheid activists generally assumed that crime among blacks would



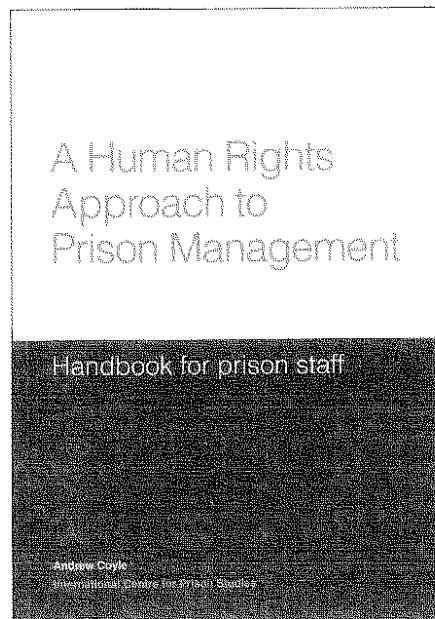
decrease after the overthrow of apartheid, as a result both of the enhanced legitimacy of the state, and of the anticipated improvement in living conditions. Government defenders can justifiably point to a number of measures in land, housing, infrastructural improvements, provision of electricity, and so on; but real socio-economic change has been slow and a white minority continues to dominate in business and ownership of land. In addition, black communities continue to be imbued with the "culture of violence" born of apartheid experiences.

It won't be news to anyone that South Africa has a high crime rate, as the mainstream press has delighted in publicising the fact. Within South Africa, there is high public pressure on the government to deal with the situation, and the response has been more incarceration. From 1994 to 2002, the prison population rose 30%, with a startling growth of 117% in the number of unsentenced prisoners. Prison overcrowding stood at 60% in 2002, with conditions described by the newly-established Inspectorate as "ghastly". Contagious diseases flourish, due to poor sanitation and medical treatment, and the number of deaths from "natural causes" has escalated sharply. AIDS — a major concern in South Africa generally — accounts for as many as 90% of such deaths.

Private prisons have also been set up, to the dismay of South African non-government organisations and public activists overseas. The most controversial of these is the prison at Louis Trichardt, run by the Bush-crony corporation Wackenhut (see Page 1). Following the siting practices of the US prison system, Louis Trichardt is located in the far north of Transvaal province, almost as far from South Africa's major cities (and thus prisoners' families) as you can get without leaving the country. The "ten years of freedom" have seen many changes in law and policy on prisons intended to have a humane effect, but the broader goals of rehabilitation and development have yet to be met. There are, obviously, no easy answers. In 1991, after his release from prison, Nelson Mandela promised that the "poor and rightless" of South Africa would, sooner rather than later, "rule the land of their birth". But, as he also said, it's a long walk to freedom. And for nobody is it longer than for those caught up in the criminal justice system.

# TWO OR 100 RATS IN A CAGE A HUMAN RIGHTS APPROACH

Book Review by Gregory Kable



*A Human Rights Approach to Prison Management — Handbook for Prison Staff*  
By Andrew Coyle: International Centre for Prison Studies London, 160pp.

**T**his manual has sound and constructive information that can guide me as a caseworker to provide answers to my clients and to our networking agencies.

Alongside descriptions of proper ways to deal with prisoners, there are International Instruments, i.e. standard minimum rules for the treatment of prisoners.

I have to deal with prisoners a lot and I can also send this information to them.

Prisoners need sound advice in order to convey their grievances to governors of prisons with respect to the rules if they feel they have been mistreated.

The manual covers living conditions, overcrowding, religion, inspections, contact with the outside world the list goes on.

But mostly it describes prisoners as citizens who need to be given respect too.

There are references from Australia so it covers Australian conditions as well as International standards, which is good. That leaves little room for someone trying to avoid the standard by suggesting that this manual is not applicable to their prison.

Why I am so interested in having this manual by my side is that some of the answers I get from supposed watchdogs are less than satisfactory these days and one needs to check and examine very closely what other reasonable answers can be found in terms of human standards.

Standards that I am also aware of and have been all my life seem to have suddenly changed.

Government agencies have legal knowledge and are secured by (SC) Senior Council or (QC) Queens Council who are all too willing to have you believe they are in the right even though common sense would tell you that what they are doing is wrong.

It seems when the budget is tight then the services diminish and as a caseworker I get the complaints. In today's world prison overcrowding appears to be the overriding factor — add that to a tight budget and you have a recipe for abuse in prisons.

Put two rats in a cage and they'd probably survive, but put 100 rats in the same cage and they will eat each other or engage in self-harm. We must be alert and alarmed and be able to closely monitor prisons by shining a light into the conscience of those we ought to be able to trust and who are responsible for the treatment of prisoners.

In short: *A Human Rights Approach to Prison Management*. I couldn't have said it any better myself.

Thank you Andrew Coyle and the International Centre for Prison Studies.

You can find this the manual online at <http://www.kcl.ac.uk/depsta/rel/icps/publications.html>

(from page 1)

operated prison south of Austin to assemble circuit boards for IBM, Dell and Texas Instruments, all non-union. Prisoners were paid the minimum wage with 80% of their wages deducted, mostly for "room and board". The owner of the company had previously had a factory in Austin, which he closed down, terminating 150 workers, in order to move his plant to the prison.

Wackenhut, in particular, did well out of Dubya's Texas, reporting a 27% increase in revenues in 1999, and returned the favour, contributing considerable sums for his presidential election campaign. Wackenhut is based in Palm Beach Gardens, Florida, where it enjoys close, mutually profitable ties to Dubya's brother, Governor Jeb Bush. Jeb's help in getting Dubya into the

White House by disenfranchising prisoners, ex-prisoners and anybody who might have been an ex-prisoner has been comprehensively exposed in Michael Moore's *Stupid White Men*.

Revelations of abuse in Iraq or Guantanamo come as no surprise to prisoners, in the USA or here. The prisoner support group Sisters Inside says women prisoners in Queensland jails are subjected to humiliating strip searches and prisoners with a mental illness or disability are often placed in isolation without proper care, or are forcefully restrained. "When you look at the photographs that are coming out of Abu Ghraib and the stories," said director Deb Kilroy on 9 June, "they're the same stories we hear on a daily basis in our prisons."

In New South Wales, there has been an outcry over the entombment of

"terrorism" suspects, without trial, at the ghastly HRMU at Goulburn. But the groundwork for these developments had already been laid through the ordinary criminal justice system. The HRMU was already there; the Bail Act had already been tightened to deny bail to more people.

JA calls for the strengthening of instruments of public scrutiny of the incarceration system, such as independent inspectorates and the United Nations, so that prisoners can tell what they know to someone who'll listen. But it can't stop there: governments and society in general have got to enter into dialogue with the so-called "terrorists" and the so-called "crims". We have to talk about the injustices from all points of view, and hear from all parties and their supporters and neighbours. Governments must start to listen to the ordinary people of the planet, and work with others for the common good, not for Wall Street and the prison-military-industrial complex. The notion of "national security", which entails the catastrophic destruction of the fabric of democracy, must be replaced by true human security, which will only come about through respect for all people's right to food, housing, health, education, culture, and genuine civil and political freedoms. Prisoners, from Texas to Abu Ghraib, from Guantanamo to Goulburn, stand ready to contribute to this process with their experience, their perspectives, their knowledge and their wisdom.

## Touch

by Hugh Lewin

*When I get out  
I'm going to ask someone  
to touch me  
very gently please  
and slowly,  
touch me  
I want  
to learn again  
how life feels.*

*I've not been touched for  
seven years  
for seven years  
I've been untouched  
out of touch  
and I've learnt  
to know now  
the meaning of  
untouchable.*

*Untouched — not quite  
I can count the things  
that have touched me*

*One: fists  
At the beginning  
fierce mad fists  
beating, beating  
till I remember  
screaming  
Don't touch me  
please don't touch me.*

*Two: paws  
The first four years of paws  
every day  
patting paws, searching  
— arms up, shoes off  
legs apart —  
prodding paws, systematic  
heavy, indifferent  
probing away  
all privacy.*

*I don't want fists and paws  
I want  
to want to be touched again  
I want to say  
when I get out  
Here I am  
please touch me.*

Hugh Lewin was imprisoned as a political prisoner for seven years in Pretoria Central Jail in the 1970s under the Suppression of Communism Act. He said of his prison experiences: "It was only as a prisoner — as a bandit in a South African jail — that I could begin to realise what life is like for most South Africans. I am white. I had to go inside to know what it's like to be black." In the 1990s he was a member of the Truth and Reconciliation Commission.

## DOGS ON THE NOSE

The Sydney inner west suburb of Newtown has joined communities such as Nimbin in feeling the invasive destructiveness of the War on Drugs. On 10 June 150 people rallied and marched down King St to protest the use of sniffer dogs, after weeks of harassment on the streets and in local pubs, including one incident where pub patrons were made to strip to their underwear in public. The NSW Ombudsman (bless its little heart) has announced a review of the Drug Dog Act. Hope it does a bit more about community harassment than it's done about prison conditions!!



*James Condren is a disability advocate and been-there JA mentor and caseworker. Here he talks to Framed about his experiences and his activism.*

Following the publication, in *Framed* 46, of a letter written last November by prisoners incarcerated in the HRMU supermax (The Hole) at Goulburn, concern is growing — slowly but surely — about the conditions prisoners are enduring there. Letters from prisoners have reported that they are kept in isolation, deprived of air to the point of near asphyxiation, kept in freezing temperatures, gassed with unknown substances and deprived of natural light. There is medical evidence that they are self-harming due to the conditions.

In April, the Criminal Law Committee of the NSW Bar Association formed a sub-committee, headed by Phillip Boulten SC, to look into the conditions of the HRMU.

In May, the University of NSW Council for Civil Liberties embarked on a letter-writing campaign to complain about the HRMU breaching the International Covenant on Civil and Political rights.

On 15 May, a rally organised by JA was held outside Goulburn Prison. Given that there's been no official Inspector General of Prisons in NSW since August last year, the rally appointed its own six-person delegation to fulfil inspectorate functions. The delegation demanded entry but were denied. Greens Senator Kerry Nettle and Democrat MLC Dr Arthur Chesterfield-Evans provided statements of support for the rally, which were read out over a loud hailer, carrying the messages into the prison. Kerry Nettle said she had given her support to the action because "as Baghdad shows, secrecy allows abuse to flourish." Arthur Chesterfield-Evans said that without an independent assessment, we could not be sure that people in the HRMU were being treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.

In the latest development as we go to press, the Public Interest Advocacy Centre has agreed to help us fight Corrective Services' blocking of legal authorities which would allow JA to pursue complaints on behalf of HRMU prisoners with such bodies as the Ombudsman. Hatzistergos take note — the men of The Hole will not be

## THE SAME RIGHTS AS OTHER PEOPLE



*What does it mean to have an intellectual disability?*

It means that people might be slower at doing and understanding some things. Some people have got mild intellectual disability, some are moderately affected and some have very high support needs which will require ongoing support. I am only mildly affected. A person with an intellectual disability has the same rights as other people do.

*How is intellectual disability different from mental illness?*

Mental illness is a condition that can be treated, it is not a permanent condition, as opposed to an intellectual disability which you are born with and have for life.

*Are the two differentiated in prison?*

Just as in the media, the two conditions are confused both in prison and before the courts. Prison has better screening than they used to have but the courts and lawyers rarely know the difference. Only if a psych assessment is requested will it be realised that it is an intellectual disability not a mental illness.

*What happens at the prisons? Are the two groups separated?*

It depends on the particular prison. At Long Bay they have separate units for mental health and disability. Mental health patients still go over to the hospital but the disability ones have a separate unit. There are two other specialised disability units, one is at Goulburn and the other one is at

Kirkconnell. However, you have to have a C1 or C2 classification to get into one of those units. [These are minimum security classifications. — Ed.] If you don't get one of those classifications then the only one you can go to is the one at Long Bay. And there is a six month waiting list for that one. If you are vulnerable to attacks in prison they will just put you on strict protection. This means they keep you in your cell for most of the day. One prisoner is allowed half an hour outside at any one time.

*What was your experience in prison, how were you treated?*

I was refused bail having been accused of making nuisance phone calls and spent three months in jail only to be found not guilty. There was no vacancy in the disability unit so they kept me on strict protection. They keep you on that if you are at risk of being attacked by the rest of the inmates and you don't have a choice if you go on it or not because you are signed on by the welfare worker or the clinic nurse. I was locked in my cell most of the day apart from half an hour in the yard, and did not have access to a phone. I was very scared and confused. Strict protection is where they keep all the child molesters and police informers and so if you are on it everybody thinks that is what you are in for. In the main, you deal with a lot of verbal abuse, you are called "dog" or "rock spiders" — "rock spiders" stands for sex offences against children. If other inmates ever got in to anyone on strict protection, which they sometimes did despite the fortification, they would just bash you up. I didn't have a choice whether I wanted to go on strict protection or not, I was just signed on. I did ask to be taken off at one time, because I was sick and tired of being in a cell all day with no exercise and no access to a phone, but my request was rejected. I tried to transfer prison but that was rejected too.

*Did you receive any support in prison?*

I saw a chaplain, he came once every two weeks to see me. I had visitors, visitors from the Council of Intellectual Disability and visitors from church. I also regularly saw a psychologist who was trying to push for my transfer to the disability unit at Long Bay.

*What support did you receive on release?*

On release, friends from the Legal Disability Trust and church met me outside the courthouse. We had to go and get everything restored, eg my pension, and sort out things with Department of Housing, which took a while to do. When we got back to my place it had been broken into. All my stuff had been taken. I found out they had printed all my details in a newspaper, so obviously thieves knew I wouldn't be home. I then had a big insurance claim to replace my stuff, but I could only claim half of it because I could not afford to pay the excess. Had to let the other half go. I approached two solicitors about claiming compensation but was told that because I was only in prison for refused bail and it wasn't a wrongful conviction, I had no basis for compensation. I was told I wouldn't be granted legal aid and I couldn't afford to pay for it myself.

*How did you find out about Justice Action?*

I didn't find out about Justice Action until a while later. The Intellectual Disability Rights Service gave me a website for the Beyond Bars Alliance. I joined up and then received a letter from them advising mentoring classes at Justice Action. It was an introduction so I came along and met Brett Collins, and talked about my experiences in prison. I had been in prison before. I had been convicted because I didn't understand what the police were saying and then they said, "If you don't tell us what we want to hear, we are going to bash you." I didn't know what my rights were. I just told the police what they wanted to hear because I was scared. Then I told my solicitor that it wasn't true, that the police lied, but I was still convicted because I couldn't prove it in the court.

*What changes do you think are needed in the criminal justice system?*

There needs to be more accommodation support for people. For example, the Perth system, where they have specialist bail hostels where people can go if they cannot get bail to their own place. In a bail hostel, you are supervised by probation and parole people, and there are specialist disability workers that come out to these hostels and they try and rehabilitate you whilst you are on bail so that you can convince the court that you are rehabilitated. We are looking at getting that set up and running in NSW. But we're still fighting for funding on that.

*What are you hoping to achieve with people with intellectual disabilities?*

In the short term we need to get better support services up and running.

Jail is not a place for a person with an intellectual disability at all. We believe that rehabilitation should take place in the community. But if you have been charged with a very serious offence and you cannot be put into the community then services must also be provided in

the jail. But the emphasis should always be on rehabilitation not on punishment and they also need to determine if the person knew right from wrong before any court action is taken against them. Jail should always be a last resort.

- Prisons are used as a dumping ground worldwide for people with intellectual disabilities and the mentally ill who have been failed by society.

- Until a landmark court ruling in June 2002 (Atkins case), the US had no ban on executing people with an intellectual disability ("mental retardation" as they term it). 20 state laws at the time allowed such executions, including Virginia, where a 24-year-old man with an intellectual disability was on death row. In 1989, in an earlier appeal, the Court had ruled that the execution of people with intellectually disability was not "cruel and unusual punishment".

- People with an intellectual disability are many times more likely than people with average IQs to confess to crimes they did not commit. Earl Washington Jr, a man with an intellectual disability, was subjected to a lengthy interrogation by police in Virginia in 1983. He confessed to a number of separate crimes, most of which, it was later determined, he could not possibly have committed. He was charged only in a murder case that had stumped police for over a year. He was tried and sentenced to death. He spent 18 years in prison, including 9 years on death row, and was finally granted an absolute pardon and released in 2001 after being exonerated by a series of DNA tests.

- In 1999 and 2000, the UN Commission on Human Rights adopted resolutions urging nations with the death penalty not to impose it "on a person suffering from any form of mental disorder," a term that includes both the mentally ill and people with an intellectual disability.

- According to the Australian Institute of Health and Welfare, 2.7% of the national population are affected by intellectual disability.

- In 1993, the NSW Law Reform Commission estimated that people with an intellectual disability, including borderline intellectual disability, comprised 12-13% of the NSW prison population.

- People with an intellectual disability are refused bail more often in NSW, and are more likely to be given a custodial sentence, because of lack of adequate support in the community.

- Mencap trustee Simon Cramp (UK): "One of the biggest barriers to people with a learning disability getting a truly fair deal in society is other people's lack of understanding about learning disability. It's very important that we get our message out into the media so society understands what people with a learning disability can achieve with the right support."

- In May this year, the Beyond Bars Alliance (of which JA is a member) resolved to set up a Coalition on Intellectual Disability and Criminal Justice. A forum is planned for later in the year to highlight the injustices that flow from the lack of appropriate support services to help people with intellectual disabilities keep out of trouble with the criminal law.

- *Addresses if you want to contact intellectual disability advocacy groups:*

NSW Council  
for Intellectual Disability  
Ph: 02 9211 1611  
or 1800 424 065 (toll free)  
Fax: 02 9211 2606  
Email: mail@nswcid.org.au

The Intellectual Disability  
Rights Service  
Ph: 02 9318 0144  
or 1800 66 66 11 (within NSW) (toll free)  
Fax: 02 9318 2887

Southern Criminal Justice  
Support Network  
C/o Disability Trust 100 Jardine St  
Fairy Meadow  
Ph: 4255 8000 and ask for  
Judy Harper

# LIFE AT LITHGOW: BAD FOR YOUR HEALTH

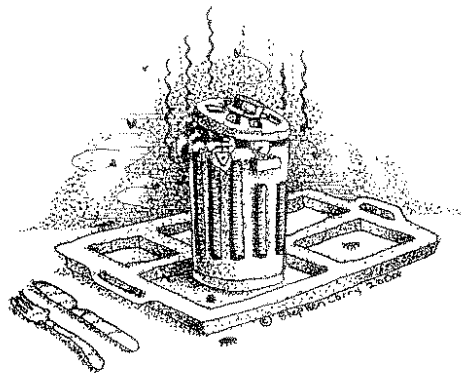
**N**SW prisoners have been fighting a protracted struggle over many years for improvement to prisoner diet, which has been affected by the introduction of Proserve meals — bland, homogenised, boring “air-line” meals produced at a major food processing plant, Corrective Services Industries, at Silverwater jail. They are packaged in aluminium, frozen, shipped out to other jails in NSW, defrosted, heated up and served out. Apart from the effect on diet and health, the advent of Proserve has meant the closure of kitchens at local jails, thereby depriving prisoners of the opportunity to develop personal and social skills through involvement in food preparation and management. In April, the secretary of the Lithgow Inmate Development Committee (IDC) wrote a letter to NSW Corrections Health Service, copied to JA, about urgent health issues at the prison. This is what he had to say about diet:

The IDC has surveyed 100 inmates over 2 years. All 100 have stated that since Proserve meals have been introduced they feel:

- more lethargic
- less motivated
- generally less energetic

90% found their bodily movements had changed, going to the toilet less and irregularly. Of the 100 inmates we surveyed, 95% began to suffer skin irritations and disorders with skin becoming oily and pimply. Others began to have more dental problems such as sensitivity in gums. Others have cited insomnia, disturbed sleep, and in general they have noticed a dramatic change in their general wellbeing which affects all other aspects of their life inside.

I personally have noticed a big change in my wellbeing since Proserve meals have been implemented. Many meals contain mainly carbohydrates and with very little exercise time, many inmates put on weight. All weekend lunches consist of fast foods — meat pie, sausage roll, pastie, quiche. Margarine contains 180 grams of fat per 250 gram tub. Proserve meals are devoid of most nutritional value, due to partial cooking, freezing, reheating. No one knows what chemicals are used in the process as unlike all food product packs, Corrective Services Industries' food services do not provide all ingredients on the label, such as preservatives and additives.



Access to fresh fruit and veg and healthier food is an important issue for us as we believe that the diet is the starting point of a pathway to health. Most inmates were able to access fresh vegies purchased weekly: Lebanese cucumber, potato, celery, cabbage, tomato, bananas, onions, capsicum and garlic. Most inmates ate capsicum, garlic, tomato and carrot raw. Fruit consists of apples, pears and bananas. One piece of fruit per day per inmate. This is inadequate in that most fruit is not ripe, especially pears.

**Food containers:** The Dictionary of Chemistry states that aluminium is corroded by salts and acids. Therefore having prepared food placed hot into an aluminium container which is stored for months at a time and which is then defrosted and reheated and served will allow free dissociation of aluminium molecules into the food product in the container. The average person in society would not consume foodstuffs regularly from aluminium containers. Therefore the inmate is being subjected to an increased intake of aluminium on a daily basis over extended periods of time which in some cases may be 10, 15, even 30 years.

The IDC would like to have the Proserve diets reviewed by an independent dietician who is not connected to the government or the Department of Corrective Services.

*\* And what did Corrections Health Service reply? Amazingly, CHS told the prisoners to take the request for a review by a dietician to Corrective Services Industries — i.e. Proserve itself! — because CHS has “no authority over the provision of food except where medically indicated”. In other words, diet is no concern of theirs! A classic case of pass the parcel if ever there was one.*

## ... AND BAD FOR YOUR TEETH

*Lithgow IDC also had something to say to CHS about dental care:*

Waiting 6 months to have a tooth filled or extracted and being in pain the entire time is cruel. To receive pain killers is no easy feat. I mean pain killers that work, not Panadol. The only pain killers that seem to give temporary relief are Panadine Forte, which in general is not prescribed for dental pain. My last appointment was March 17 2004. However a fight between 2 inmates meant the clinic officers did not allow the dentist to continue and I was not seen (and others) and now the 1st week in April is my appointment. I have a broken tooth and many large cavities. The broken tooth has exposed the nerve and the pain is incredible. Many inmates go through this. This for some leads on to other problems relating directly to the 3-6 month wait for dental treatment.

The dental clinic needs to be done on a weekly basis. Many inmates are actually prepared to pay for a private dentist. One inmate did so, the cost was \$72. If 6-10 inmates wish to do this it is

viable for a local dentist to come in. Department of Corrective Services policy allows for this however Corrections Health Service staff are not helpful in arranging such visits.



*\* CHS's reply? CHS says that if prisoners want to be treated by private dentists this “must be done at the private dental surgery and not in CHS dental clinics” at the jail. No reasons given at all. What's more prisoners would have to pay not just the dentist (as they're prepared to do) but “escort costs” to get to the surgery. At least CHS didn't deny being unhelpful!*

# JUSTICE ACTION ACTION



Justice Action action is never-ending — what with issuing media releases, giving talks, giving support to prisoners and their relatives, hassling bureaucracies, etc. One major activity over the last couple of months was the rally at the supermax at Goulburn the HRMU, in May (see page 9). As well, there are two ongoing projects that are very special: the Mentoring Group and Action Break Theatre.

The Mentoring Group, which first got together in July last year, has had a series of education and strategy meetings. A Mentoring handbook is currently being prepared. With two major initiatives under its belt, the group looks as though it is well established, with serious

commitments from its members to continue the good work and look for opportunities where JA mentoring might be needed.

Our two major initiatives are: Western Suburbs Group: The group was formed with the cooperation of Mt Druitt Probation and Parole. P&P have now backed off from the group, with the members attending voluntarily. No reports are given back to any authorities.

Action Break Theatre: ABT, an outreach project of the Mentoring Group, is now incorporated and has received funding from the Mercy Foundation to run free theatre workshops targetted at women ex-prisoners and women at risk of being involved in the justice system. The project was launched on 23 May (see photo) and script

development workshops commenced the following week. Voice Production, Public Speaking and Acting will be next. Workshops are lively, active and fun, and participants are contributing moving and dramatic stories based on their real-life experiences. Enrolments are still coming in and being accepted. Workshops are held at the Pine Street Creative Arts Centre, Chippendale. If you interested, contact Taaleah 9608 9836 or tkjez@optusnet.com.au.

*Below: Three Organisers and Friend. Photo of ABT Vee Spak, Taaleah Jezierski and Dionne Chevalier at the launch of Action Break Theatre at Chippendale on 23 May.*



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