

A tough cell: US to defend solitary confinement use before UN

Reports suggest over 80,000 prisoners in isolation at any time, but government insists punishment is not systematic

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by [Natasja Sheriff](#)

NEWARK, N.J. — In a small, brightly lit office in Newark, Ojore Lutalo lays out sheet after sheet of paper covered in disquieting words and images — collages made from photographs and cutouts from magazines pasted alongside the text of legal documents and blueprints and Lutalo's words. They are the product of his incarceration for nearly 30 years in a New Jersey prison, 22 of them in solitary confinement.

"I would create these collages to help maintain my sanity," said Lutalo. "I would get up every morning. I would read and write, exercise. I'd write letters. Some days I would do collages all day long. I'd just cut and paste, cut and paste."

On Nov. 12 and 13, the practice of holding incarcerated people in prolonged isolation will come under international scrutiny when the U.S. government goes before the United Nations Committee Against Torture in Geneva, part of a periodic review to assess the country's compliance with the Convention Against Torture and the first U.S. review under Barack Obama's administration.

This year the 10-person U.N. committee has repeated its concerns about imposing prolonged isolation on prisoners. In a list of issues to be addressed with the U.S. — including the use of secret detention facilities, Guantánamo Bay and the use of "enhanced interrogation techniques" — the committee has asked the government to "describe steps taken to improve the extremely harsh regime imposed on detainees in 'Supermax security prisons,' in particular the practice of prolonged isolation."

The U.S. government insists that "there is no systematic use of solitary confinement in the United States." There is abundant evidence to the contrary; Lutalo can attest to that. He is just one of tens of thousands of men and women who have spent years, sometimes decades, in solitary confinement in the U.S.

One of Lutalo's collages features a drawing of a detention cell where he was held while awaiting a disciplinary hearing. The blood of a previous occupant, who attempted suicide, was smeared on the walls and floor. In the bottom right-hand corner of the picture, the dimensions of the cell, 9 by 15 feet, are written along with the words "Management Control Unit at Trenton State Prison" and "No touch torture." Another compares the blueprints and disorienting radial architecture of the once notorious [Eastern State Penitentiary](#) with Colorado's ADX Florence Supermax prison.

Incarcerated in 1982 for bank robbery while a member of the Black Liberation Army, Lutalo was released in 2009 and now volunteers his time with the American Friends Service Committee, a nonprofit Quaker organization with a long history of advocating for the rights of prisoners. The collages continue to help him process his years of confinement and to explain his experience to others.

Reports suggest that, at any one time, there are more than 80,000 people in secure housing units, disciplinary or administrative segregation or control management units — just some of the names given to the practice of separating individuals from the general prison population by placing them in an isolation cell.

The Center for Constitutional Rights is one of the advocacy groups that will be contradicting the government's claim, which the group says is "factually untrue at the federal and state level." The U.S. State Department could not respond to a request for comment ahead of next week's presentation.

Over the years, Bonnie Kerness, head of the Prison Watch Project at the America Friends Services Committee, has gathered thousands of testimonies from men and women living in segregation units.

"It's absolutely jaw-dropping," she said of the U.S. claim that there is no systematic use of solitary confinement in the country.

'Solitary confinement is known to trigger all kinds of harms – deep anxiety, paranoia, hallucinations. People lose all sense of self and their ability to function as social human beings.'

— Alexis Agathocleous
senior attorney, Center for Constitutional Rights

While the State Department acknowledges that incarcerated individuals are held in solitary cells for most of their day at some maximum-security prisons, it argues that "they are not deprived, however, of human interaction" as "inmates can speak with (but not touch) one another in recreation yards and communicate with inmates housed on either side of their cells."

Yet it is that lack of human contact and no-touch policy that leads psychologists and advocates to describe solitary confinement as torture, which against the Eighth Amendment, which prohibits the use of cruel and unusual punishments, and against standards of international human, civil and political rights.

Moreover, according to the Center for Constitutional Rights' [2014 Shadow Report](#) to the committee, "recreation" in solitary involves little more than prisoners' being escorted, frequently in handcuffs and shackles, to another solitary cell where they can pace for an hour, often alone, before they are returned to their cell.

"Solitary confinement is known to trigger all kinds of harms — deep anxiety, paranoia, hallucinations," said Alexis Agathocleous, senior staff attorney at the Center for Constitutional Rights and a counsel for people challenging long-term solitary confinement at California's Pelican Bay Prison. "People lose all sense of self and their ability to function as social human beings."

Lutalo says he avoided mental breakdown by following a daily routine and suppressing his emotions. "Emotions are dangerous," he said. "Emotional people had psychological breakdowns because they couldn't cope with the lockdown."

Nationwide there has been a move away from the use of solitary confinement. In Massachusetts, the time an individual can spend in segregation for each disciplinary violation is limited to 15 days, with some exceptions; some violations can land detainees in segregation for up to 10 years. In Vermont, [state legislation](#) rules that individuals should not spend more than 30 consecutive days in segregation. Maine and Mississippi have greatly reduced their use of segregation units in recent years.

There is a growing international movement to abolish the practice. Formerly incarcerated people are increasingly speaking out about their experiences, and in 2013 the U.N. Special Rapporteur on Torture, Juan Méndez, significantly changed the course of the conversation.

In a [report](#) to the U.N. General Assembly, he said that prolonged solitary confinement, of 15 days or more, amounts to torture and called for an absolute prohibition on the practice. His report was seen as a watershed moment among some anti-solitary-confinement advocates. Méndez also called for an end to solitary confinement for juveniles and people with mental disabilities. Yet the practice continues.

It's a common misconception that only the worst of the worst are held in solitary confinement. But many people, including juveniles, are subjected to "disciplinary segregation," which could mean punishment for any prison rule violation, from being in possession of too many stamps to assaulting a correctional officer or another detainee.

"The vast majority of people are in solitary not because of a crime they committed in the community," said Scott Paltrowitz, associate director of the Prison Visiting Project at the Correctional Association of New York, a nonprofit organization advocating for the rights of incarcerated people. "Punishment for that crime is incarceration. Punishment is being separated from the community and serving time. Solitary confinement is an additional abuse and punishment that is inflicted by departments of corrections."

Some corrections officers argue that solitary confinement is necessary to maintain safety and security in the country's prisons and to protect correction officers. Speaking at a New York City Council hearing in June, Norman Seabrook, president of the Correction Officers' Benevolent Association [said](#), "You run a red light, you pay a ticket. ... You punch an officer in the eye, you go to punitive segregation."

He was not available for comment for this article. Representatives from New York and Colorado corrections departments also declined to comment.

"The Convention Against Torture, to which the USA is a party, condemns the use of torture regardless of what someone has done. The use of solitary has long been documented to cause psychological and physical damage," said Paltrowitz.

While some advocates believe the U.N. has little power to bring about any real change in the practice of solitary confinement, the review provides an important platform for those who work in human rights to bring their concerns to the federal government.

"The significance of the U.N. stage is not to be minimized," said Agathocleous. "We are signatories to these international human rights instruments, and they are supposed to set the baseline for the treatment of all people. The U.S. holds itself out as a world leader on these issues and critiques other countries. Part of the process is to hold the U.S. to its own standards."

Correction: An earlier version of this story mistated the details of solitary confinement limits in Massachusetts and Vermont.

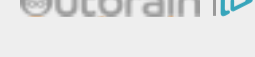
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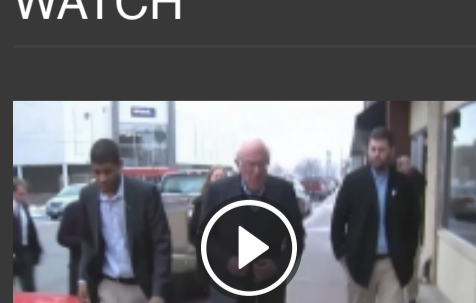
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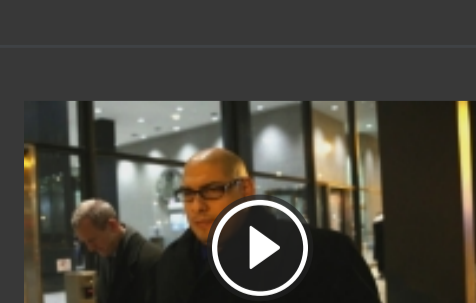
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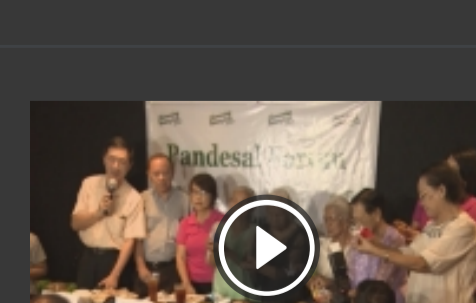
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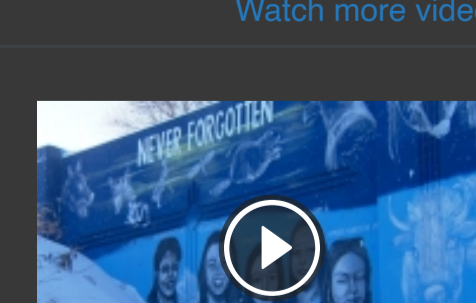
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