

Physicians for Human Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Public Facing Advocacy Writing

Mike Corradini, JD on October 16, 2012

For all the controversy over whether solitary confinement should ever be used in American prisons and jails, the evidence is clear: Isolation for 23 hours a day causes severe and often irreversible psychological damage. When solitary confinement is prolonged or [indefinite](#), its harmful effects can be so severe that they amount to torture. While tens of thousands of American prisoners are kept in solitary confinement, European justice systems have increasingly recognized that such isolation often violates international prohibitions against torture.

But in a major step backwards, and seemingly in direct contradiction to its own precedents, the European Court of Human Rights (ECHR) unanimously [ruled](#) last April that extraditing four terrorism suspects from the UK to the US, where they would almost certainly be held in indefinite solitary confinement, did not violate the UN Convention against Torture. Article 3 of the Convention prohibits extraditing or deporting someone to a place where he or she would be tortured a basic tenet of international human rights that forms the foundation for the refugee and asylum systems.

Now Juan Mendez, the UN Special Rapporteur on Torture, is fighting back. In statements last week to the British newspaper The Independent, Mendez [revealed](#) that he had written to the British government to warn that extraditing Abu Hamza and his three alleged accomplices to the US would make it complicit in torture.

Mendez's claim rests on the likelihood that if the four men were extradited to the US to face terrorism charges, they would be imprisoned at the [ADX Florence](#) supermax prison in Colorado. Inmates at Florence are considered to be the most dangerous and high-profile federal prisoners, and are held in solitary confinement throughout their entire time there.

In his [groundbreaking report](#) on solitary confinement, Mendez concluded that after as little as 15 days in solitary confinement, some of the harmful psychological effects of isolation can become irreversible. Such prolonged solitary confinement, he says, amounts to torture prohibited by the Convention. For 22 to 23 hours a day they are left to look at a wall with no meaningful social contact with anybody, [and spend] maybe one hour a day exercising by themselves, says Mendez. There is nothing that person can do to alleviate his isolation because it is not disciplinary but completely arbitrary.

Why the ECHR decided to contradict its own precedent on this issue is unclear. But while Europe seems to be retreating from its progressive views on solitary confinement, advocates in America are making headway in exposing the destruction it can wreak. PHR, together with the National Immigrant Justice Center, recently released a [report](#) documenting the use of solitary confinement in immigration detention facilities, while an investigation by the New York Civil Liberties Union [revealed](#) that the use of solitary confinement in New York's prisons and jails is arbitrary, inhumane, and unsafe.

Unfortunately for Abu Hamza, it is probably too late for him to avoid a life of solitary confinement. Shortly after the ECHR's ruling, the UK extradited him to the US, where he faces charges in federal court. But regardless of what eventually happens to Abu Hamza, it is disturbing that the tribunal charged with upholding human rights in Europe seems to have no qualms about sending a man to a place where he is almost certain to face a lifetime of debilitating and irreversible psychological harm at the hands of the US government.

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