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Criminal Justice Issues and Prisoners' Rights

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by [Aviva Stahl](#) | September 16, 2014

In October 2012, five individuals were extradited from the United Kingdom to the United States to face terrorism charges. The transfer came after the European Court of Human Rights (ECHR) ruled that prison conditions at ADX Florence where the suspects would likely be held if convicted were not incompatible with Article 3 of the European Convention of Human Rights, which prohibits inhuman or degrading treatment or punishment. They did so based on assurances from the U.S. government, despite considerable evidence to the contrary.

All five men have ended up serving long pre-trial terms in solitary confinement in the United States. A series of additional extradition requests made by the US, perhaps most notably that of [Gary McKinnon](#), prompted a national debate within the UK and triggered more recent parliamentary efforts to evaluate the existing US/UK extradition agreement. Last week, the House of Lords Select Committee on the Extradition Law received written evidence for the purposes of evaluating whether [the Act] provides an effective and just extradition procedure.

A group of experts who have studied the systemic due process injustices faced by terrorism suspects in the United States, including lawyers at the Center for Constitution Rights and members of the No Separate Justice campaign, prepared a submission, [available here](#). Their evidence focuses extensively on the conditions of confinement endured by those charged with terrorism offenses, both before and after trial.

Their central findings with regard to conditions of confinement include the following:

Link between detention in US supermax facilities and the military prison at Guantanamo Bay: There is a continuum between US military prisons abroad and territorial US civilian prisons. Indeed, the ADX supermax prison in Florence, Colorado, where extradited men convicted of terrorism-related crimes are often held, provided the blueprint for imprisonment at Guantanamo.

Conditions of confinement pre-trial: Prior to trial extradited terrorism suspects are often held on the Metropolitan Correctional Centers (MCC) highly restrictive 10-South wing. Individuals on 10-South are held in almost complete isolation and are often subject to additional restrictions known as Special Administrative Measures (SAMs). Given the harm that solitary confinement inflicts on mental health, defendants have a strong incentive to preserve their sanity by accepting a plea deal that will relax the conditions of their confinement, irrespective of the merits of the case.

Conditions of post-conviction imprisonment: Upon conviction, these individuals are often transferred to the federal supermax prison, Florence ADX. Human Rights Watch has noted that prisoners at ADX can be subjected to years of confinement in conditions of extreme social isolation, reduced sensory stimulation, and rigorous security control. Convicted terrorists at ADX are often held on H-Unit under additional restrictions, including SAMs.

Concerns regarding the ECHR Decision in Babar Ahmad & Others v. the UK: The process by which the ECHR reached its decision in this case was flawed, namely, the US Department of Justice provided misleading data on the length of time terrorism convicts are held in solitary confinement at ADX. The US also submitted other misleading evidence, e.g. that there is significant communication between staff and prisoners at ADX, and that ADX prisoners are able to communicate with one another.

The deadline for submissions to the House of Lords Select Committee on the Extradition Law comes as a sixth British man, Haroon Aswat, awaits the final word on whether he will be sent to the United States to face terrorism charges. In April 2013, the European Court of Human Rights stayed his extradition under Article 3 of the Convention, finding there is a real risk that the applicants extradition to a different country and to a different and potentially more hostile, prison environment would result in a significant deterioration in his mental and physical health. Aswat has been diagnosed with schizophrenia.

The US Department of Justice subsequently provided assurances that Aswat would have access to mental health services if held at MCC, prompting the British High Court [to rule earlier this month that his extradition may go forward](#). He will be transferred into US custody

unless the British Supreme Court intervenes.

The authors of the submitted evidence note: Haroon Aswats case points to the underlying weakness of assurances as a remedy for concerns about the treatment of terrorism suspects in US prisons. No mechanism is available for verifying the claims made in the assurances. Even accepting the validity of the assurances at face value, they offer inadequate remedies for the inhumane conditions within ADX and MCC. Unfortunately, the British and European courts have not fully recognised the severity of those conditions, the secrecy that surrounds them or the threats to mental health they present.

Aviva Stahl is a Brooklyn-based reporter who writes about science/health at the intersection of mass incarceration, national security, and trans rights. Shes written for the New York Times, Wired, Buzzfeed News, Solitary Watch, and other outlets. Find her @stahlidarity and at stahlidarity.com.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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If I were British, I would think long and hard before sending a prisoner to the US where he/she will be abused.

To the British people: DO NOT believe
American governmental assurances that American prisons are humane. They are not.

I am a white British man fighting the corrupt U.S. justice system. You don't have to be a terrorist to be treated like a terrorist in the U.S. My case is still live and well. My persecutors are on the run now.

https://drive.google.com/file/d/0B8f_C8UosVdPcXZqY0h5YnJRnE5WThoc2NEa29Ndw/edit?usp=sharing

It is a known fact that the American Prison System is abominable..Check out The American Prison Business, by Jessica Mitford. Human Rights barely exist, if at all. The US continually lie through their teeth and the UK Government accepts such. If we erode the Human Rights of these Alleged, or and convicted terrorists, it will gradually follow on to the UK prison system as it already is under J/M Grayling day by day, night by night. Hope the House of Lords will put a stop to this erosion to UK subjects rights hard won by the people of these Islands..

As an Englishman living in the US and aware of the appalling state of the prison system in this country I trust that UK takes care to make its own independent investigation and not depend on what the US authorities tell them. These people lie.

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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