

STATEMENT OF SENATOR PATRICK LEAHY

On

The Foreign Prison Conditions Improvement Act of 2010

Senate Floor

September 16, 2010

Mr. LEAHY. Mr. President, I am very pleased to join today with the Senator from Kansas, Senator Brownback, in introducing a piece of legislation that has already attracted broad support from across the social and political spectrum.

This bill, titled the Foreign Prison Conditions Improvement Act of 2010, seeks to address a much neglected, global human rights problem – the inhumane treatment of people in foreign prisons and other detention facilities.

On any given day, millions of people are languishing in foreign prisons, many awaiting trial not yet having been formally charged or proven guilty of anything, deprived of their freedom for years longer than they could have been sentenced to prison if convicted.

Others convicted of crimes, often after woefully unfair trials, including for nothing more than peacefully expressing political or religious beliefs or defending human rights. Regardless of their status they have one thing in common. They are deprived of the most basic rights and necessities – safe water, adequate food, essential medical care, personal safety, and dignity.

Anyone who has been inside one of these facilities, or seen photographs or the press reports of what they are like, understands that I am talking about the mistreatment of human beings in ways that are reminiscent of the Dark Ages.

A few examples are all that are needed to illustrate the point. In Haiti's National Penitentiary before the January 12th earthquake, more than 4,000 prisoners were confined in a space build for less than 900. Many did not have room to lie down and had to sleep standing up. Sanitation was practically non-existent. Deadly contagious diseases were rampant.

The overwhelming majority of inmates had never been formally charged, never seen a lawyer or a judge. The earthquake damaged the prison and the prison guards fled, leaving the inmates to fend for themselves without food or water. They managed to get out, but the squalid facility is quickly filling up again. Today I am told the conditions there are worse than ever.

A recent newspaper article described how in Benin, in West Africa, maggots digest the bodies of dead prisoners. The skin of prisoners is ragged from the extraction of fly larvae, a scourge that is symptomatic of the deplorable conditions. Many inmates suffer from tuberculosis, scabies, parasites, lung infections or other illnesses. The prison in Abomey, located in southern Benin, was built in 1904 to house a maximum of 150 prisoners. These days, more than 1,000 are reportedly confined there.

It is common in prisons from Central America to Central Africa to Central Asia for inmates to be severely malnourished and to go for months without being able to wash. Many prisoners depend for survival on food brought to them by their relatives. In many countries individuals awaiting trial, young and old, are housed together with convicted, violent criminals.

Prisoners and other detainees in many countries are also routinely victimized by poorly trained, abusive guards, who are virtually unsupervised and unaccountable to any higher authority. Sexual abuse of men, women and children is common.

A government commission in Cameroon reported that an average of five prisoners die per month in a prison there, simply from lack of proper medical care. Inmates in many countries suffer from HIV/AIDS and other illnesses, in prisons with no medical records, where doctors do not enter. Prisoners intentionally cut or otherwise harm themselves in the hope of receiving medical attention for life-threatening illnesses. If and when they are released, they infect the local population.

A recent *New York Times* article described how in Zambia prisoners are punished by being stripped naked and held in solitary confinement in small, windowless cells, sometimes for days on end, in ankle-to-calf-high water contaminated with their own excrement. It is like something out of *The Count of Monte Cristo*, only worse because it is happening in the 21st Century.

But the article went on to describe how the Zambian Prison Service completed its own internal audit, appointed a new medical director and allowed human rights workers access to its facilities.

The bill Senator Brownback and I are introducing seeks to provide incentives for those kinds of improvements. Our bill would do the following:

First, it calls attention to this long ignored problem. Most people know little if anything about what goes on inside foreign prisons, and many would prefer not to know.

Second, it sets forth minimum standards for the elimination of inhumane conditions in foreign prisons and other detention facilities, such as human waste facilities that are sanitary and accessible, and adequate ventilation, food and safe drinking water.

Third, it requires the Secretary of State to report annually on those countries that receive United States assistance that do not meet minimum standards for the elimination of inhumane conditions but are making significant efforts to comply, and those that are not making such efforts.

Forth, it encourages the Secretary and the Administrator of the U.S. Agency for International Development to assist countries that are making significant efforts to eliminate inhumane conditions.

And for those that are not, it requires the Secretary to enter into negotiations with such governments to eliminate inhumane conditions. It authorizes the Secretary and the Administrator to restructure, reprogram, or reduce assistance, or to furnish or deny U.S. visas to the officials of the government of such a country, if doing so would help achieve that goal.

The bill also provides for training of Foreign Service Officers, and creates a new full time equivalent Deputy Assistant Secretary position at the Department of State's Bureau for Democracy, Human Rights, and Labor to monitor foreign prison conditions, which has long been needed.

Finally, it authorizes the expenditure of funds to implement the bill.

Once enacted, the Foreign Prison Conditions Improvement Act of 2010 will help foreign governments ensure that prisoners in their countries are treated as any people deprived of their freedom should be – as human beings, with dignity, in safety, and provided the basic necessities of life.

In countries around the world, the United States is helping to reform justice systems and strengthen the rule of law. No justice system can claim to deliver justice if prisoners and other detainees are treated like animals, or worse. By helping to change attitudes, and showing how with relatively little money conditions in a prison can be dramatically improved, we can help advance the cause of justice more broadly.

Millions of people around the world still look to the United States as a defender of justice. This bill will further that goal, and it reflects the best instincts of the American people.

This bill has already been endorsed by a wide range of groups, including the Ethics and Religious Liberty Commission of the Southern Baptist Convention, Human Rights First, Human Rights Watch, International Justice Mission, Jewish Council for Public Affairs, Open Doors USA, Open Society Policy Center, Penal Reform International, Prison Fellowship, and United Methodist Church General Board of Church and Society.

An identical bill is being introduced today in the House of Representatives by Representatives William Delahunt and Joseph Pitts, so this is a bipartisan, bicameral effort.

I want to thank Senator Brownback, and his staff, who have been extremely helpful in the drafting and introduction of this bill. At a time when some people seem to get satisfaction from calling Washington broken, this is a tangible example of how two Senators, of different parties, whose political views often differ, can work together in furtherance of a just cause.