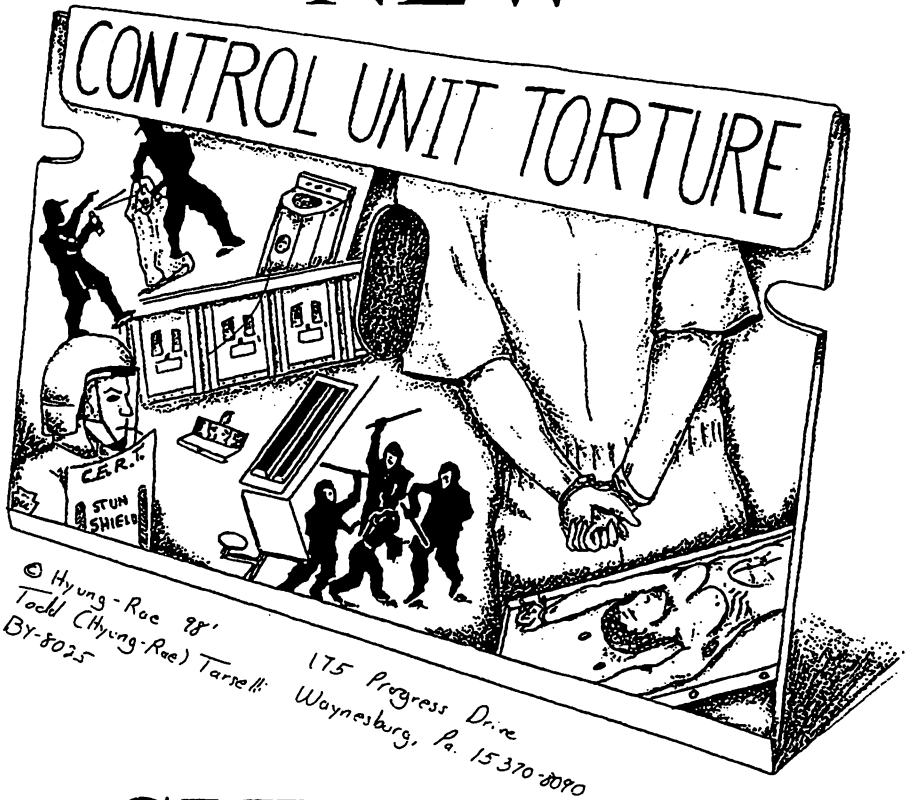
ILLINOIS'

NEW



SUPERMAX

INTRODUCTION

When previous Governor Pat Quinn closed Tamms Correctional Center, the public mistakenly thought that Illinois no longer had a Supermax facility. However, not only does Illinois still have a Supermax, it has had one - other than Tamms - for decades. This "secret" Supermax has remained hidden from the public because it is not an entire prison. It is a *unit* within a prison. Specifically, North Cell House within Pontiac Correctional Center is a Supermax Unit and has been one for a long time.

Upon the closing of Tamms, most of the Tamms prisoners were transferred to Pontiac and placed in North Cell House. Upon arriving there, those inmates faced all of the same restrictions that they faced in Tamms. If the restrictions are the same, would that not then mean that North Cell House is a Supermax? The answer to that question is "yes."

I myself was incarcerated at Pontiac for approximately 4 1/2 years. My entire stay at Pontiac was in segregation and approximately 3 years of that was in North Cell House. When I speak of the horrors of this Supermax Unit, I speak from experience - an experience that will forever haunt me.

During my time in North Cell House, I was placed on suicide watch several times for cutting myself and swallowing handfuls of pills. I threw bodily fluids and waste on other prisoners and staff. In fact, I got 6 years for throwing "an unknown liquid substance" on a c/o. I beat my cell door until my knuckles were bloody and I screamed until my throat was raw. I slipped down the steep slopes of depravity and into a psychological vortex of insanity and chaos.

I am not the only prisoner to suffer in this manner while in North Cell House. I have personally seen prisoners throw bodily fluids and waste on other inmates and staff. I have seen prisoners smear feces onto their own bodies and all over their cell walls. I have seen prisoners hang themselves, mutilate themselves and attempt suicide. I have seen them scream at each other until their voices were hoarse. I even know a few prisoners who have permanently scarred their vocal chords because of all the screaming that they've done.

The most shocking thing about all of this is that the root cause of this horrific behavior can easily be traced back to the social and living conditions of North Cell House. At no other time in my history of incarceration within the Illinois Department of Corrections have I ever exhibited any of the behavior expressed above. Most other prisoners who have been, or currently are, in North Cell House, can say the same. It was only while in North Cell House that I exhibited such behavior. Thus it was my experience of being housed in the North Cell House Supermax Unit that facilitated such behavior.

It is my hope that this report will awaken the public's awareness that Illinois still has a Supermax. When the public united and demanded that Tamms be closed, the previous governor, Pat Quinn, capitulated. I believe that if the public rises again, Governor Rauner will do the same regarding the Supermax Unit within Pontiac Correctional Center (i.e. North Cell House). Only by standing

together will our voices be heard in this capitalist world of haves and have-nots.

Dare to struggle! Dare to win!

In truth and solidarity,

Matthew Smith (2015)

These excruciating conditions which Matthew has touched on in his introduction, are pandemic throughout the vast American gulag system. Many, many "regular" state and federal prisons have "special" units geared to destroy the lives of select individuals who are deemed "dangerous" for a variety of reasons. These include but are not limited to: prisoners who have assaulted (or been assaulted by) other prisoners or guards, those whose political activity is feared, those who are mentally ill or who have been driven to act irrationally by their conditions and even "jailhouse lawyers." Often, animosity by guards is reason enough to write up the bogus tickets that land prisoners in these sensory-deprivation, clinical torture chambers. They may be insightful writers, activists, artists or deemed "too influential" among their peers. And, of course, those filing charges against their mistreatment or that meted out to others are also placed under the all-embracing branding of having participated in "gang activity." Orwell, meet Dr. Mengele!

Matthew will document his personal account presently, but in general, prisoners in these prisons - or sections of prisons - are treated like laboratory rats in many ways. Constantly observed, with lights on 24 / 7, they are not allowed to even view other prisoners or guards, much less have contact with their family and other loved ones. Their ability to even move more than a couple of steps is eliminated. They must endure in total, personal isolation. Even correspondence (mail, radio, TV, etc.) can be subject to elimination for the most minor of "infractions." As he mentioned, he (and many other such victims of state torture) have their prison sentences greatly increased because of the behavior they exhibit, due to them having been driven insane by their unbearable captivity.

The atrocities of Abu Ghraib (and elsewhere around the world) were perpetrated by guards from regular U.S. prisons. The U.S. government proclaims themselves above International Law, considering themselves the exact opposite of what they actually are. They crow about "human rights" and "democracy" yet routinely force mass violence and death upon many countries throughout the world - murdering people from the sky via drone strikes, who they claim are "terrorists." They train death squads for their puppet dictatorships, who do the bidding of the economic overlords.

With merely five percent of the world's population, they control over 25% of the world's resources - yet incarcerate 25% of the world's prisoners. Many hundreds of thousands are imprisoned for nonviolent "crimes" (such as drug use) that many countries don't even consider to be crimes. Tens of thousands are falsely convicted and fed through a racist punishment industry, where convictions are rubber-stamped during "plea agreements."

~ Anthony Rayson ~

Chase Riverland, the semi-official spokesperson for the U.S. Department of Justice, defines a Supermax as "a highly restrictive, high-custody *housing unit* within a secure facility, or an entire secure facility, that isolates inmates from the General Population and from each other due to the grievous crimes, repetitive assaultive or violent behavior, the threat of escape or actual escape from a high-custody facility, or inciting or threatening to incite disturbances in a correctional institution." **(Emphasis mine throughout).**

The imperative question to ask here is: What exactly does Riverland mean by the phrase "highly restrictive" in his definition of a Supermax?

To answer this question, we must conduct an empirical analysis of the Prison Industrial Complex (PIC). When analyzing the superstructure of the PIC, it becomes obvious that the most restrictive setting in the prison environment - and the main component of every Supermax - is *solitary confinement.* Solitary confinement is a special form of imprisonment in which a prisoner is isolated from any human and all contact. Note that Riverland states a Supermax "isolates inmates from the General Population and from each other..." Therefore, it is clearly evident that any facility - or *unit* within a facility - that practices solitary confinement, is a Supermax.

North Cell House (NCH) practices solitary confinement and is thus a Supermax Unit. The Illinois Department of Corrections and Pontiac Correctional Center (PCC) deny this, but it is true all the same.

Prisoners within NCH are housed singly in small cells. This means that they have no cellie. They are allowed only one shower per week, and they are allowed recreation only twice a week. Recreation occurs in the form of prisoners being placed singly in small yard "pods" that are only slightly larger than a cell. They are placed in these pods for approximately 2 1/2 hours at a time. Anytime prisoners in NCH leave their cell, they must first be handcuffed and shackled.

Meals are brought to prisoners in styrofoam trays and slid into the cell through a steel "food box." Prisoners in NCH are allowed only two 1-hour visits per month and those visits take place behind glass while the prisoner is handcuffed to his waist and shackled to the floor. NCH prisoners have absolutely no physical contact with other human beings. When prison staff have to interact with prisoners in NCH they wear gloves at all times. The inmates in NCH are forced to live a solitary, desolate, oppressive lifestyle.

Inmates are placed in NCH due to various departmental rules infractions. NCH is classified by both PCC and the Illinois Department of Corrections (IDOC) as "segregation." Therefore, NCH meets the criteria of a Supermax as defined by Chase Riverland.

Legality

The American Convention on Human Rights preamble clearly expresses that individuals have intrinsic rights which cannot be infringed upon:

"Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American States..."

One of those intrinsic rights is the right to be free from torture and any other cruel, inhuman or degrading treatment. Article 5 of the aforementioned preamble states:

"1) Every person has the right to have his physical, mental and moral integrity respected.

2) No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person."

In the Inter-American Convention to Prevent and Punish Torture, the following declarations were made:

"Reaffirming that all acts of torture or any other cruel, inhuman or degrading treatment or punishment constitute an offense against human dignity...

For the purposes of this convention, torture shall be understood to be any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities: even if they do not cause physical pain or mental anguish." (See Article 2).

Neither the dangerous character of the detainee or prisoner, nor the lack of security of the prison establishment or penitentiary shall justify torture. (See Article 5).

In the Principles and Best Practices On the protection of Persons Deprived of Liberty in the Americas, the following statements are made:

"For the purposes of the present document, 'deprivation of liberty' means: Any form of detention, imprisonment, institutionalization or custody of a person in a public or private institution which that person is not permitted to leave at will, by order of or under de facto control of a judicial, administrative or any other authority, for reasons of humanitarian assistance, treatment, guardianship, protection or because of crimes or legal offenses.

They shall be protected from any kinds of threats and acts of torture...cruel inhuman or degrading treatment or punishment... from any method intended to

obliterate their personality or to diminish their physical or mental capacities." (See Principle 1).

"The law shall prohibit solitary confinement in punishment cells." (See Principle 22 - 3).

"Solitary confinement shall only be permitted as a disposition of last resort and for a strictly limited time..." (See Principle 22-3).

The argument that international Law does not apply in the U.S. cannot be made. A plethora of cases exist dealing with violations of International Law. One such case is *Filartiga v. Pena-Irala, 630 F.2d 876 (1980).*

In *Filartiga*, the court considered the subject of torture and declared that *"deliberate torture perpetrated under the color of official authority violates universally accepted norms of international law of human rights..."*

The court also found that *"official torture is prohibited by the law of nations: the prohibition is clear and unambiguous and admits of no distinction between treatment of aliens and citizens."*

Furthermore, the court unequivocally declared that the *"Law of nations forms a part of the laws of the United States, even in the absence of Congressional enactment."*

Likewise, the argument that prison officials are ignorant of the rules and regulations established by international Law cannot be made since prison officials are trained in such matters before they begin their employment.

This is clearly established in *Principle 20 of Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas*; which states the following:

"The personnel of places of deprivation of liberty shall receive initial instruction and periodic specialized training, with an emphasis on the social nature of their work. Such instruction and training shall include, at least, education on human rights; on the rights, duties and prohibitions in the exercise of their functions; and on national and international principles and rules regarding the use of force, firearms and physical restraint."

Therefore, to raise such an argument would be an admission of violating International Law.

Finally, the 8th Amendment of the United States Constitution clearly prohibits the use of cruel and unusual punishment. No rational individual would dare argue that torture does not constitute cruel and unusual punishment.

Argument

As a human being, I have the intrinsic right to be free from torture and any other cruel, inhuman or degrading treatment or punishment. Whenever this right is infringed upon, International Law is violated.

Principle 22 (3) of the Principles and Best Practices on the protection of Person Deprived of Liberty in the Americas, clearly states that solitary confinement is prohibited in punishment cells. Both PCC and IDOC classify NCH as segregation. Segregation is a disciplinary environment, where prisoners are placed in as punishment for violations of departmental rules. Thus, NCH cells are punishment cells and the use of solitary confinement within then violates International Law.

The U.N. Special Report on Torture; the U.N. Human Rights Committee; and Amnesty International have all recognized solitary confinement as psychological torture.

As articulated above, torture is defined as any action - or threat of action - that is intended to cause physical or mental pain or anguish to the victim for purposes of *punishment*, preventive measures or penalties. Solitary confinement does exactly that; it causes mental pain and anguish. And solitary confinement is a *punishment*, preventive measure and penalty for departmental rules infractions.

The psychological scars from these oppressive living and social conditions increase the possibility that prisoners will perform violent acts in the future. Indeed, some are totally obsessed with doing so. The reason for this is the psychological inter-institutionalization that inevitably afflicts prisoners within solitary confinement (i.e. Supermax facilities and units).

Inter-Institutionalization is a side-effect of Post Traumatic Stress Disorder. It is manifested when a person exists in one level of the prison system for so long that he becomes so accustomed to its social and living conditions that he becomes uncomfortable if moved to another level of the prison system. He then lashes out at the new level's living and social conditions so that he can return to the previous level that he is comfortable with.

This psychosis is significant due to the nature of solitary confinement. What is that nature? The nature of solitary confinement is the complete isolation of an individual for lengthy periods of time. Therefore, if an individual is subjected to isolation for a long period of time he will eventually become so accustomed to that solitary lifestyle that when he is removed from it and placed around other people, he will feel confused, nervous, afraid, paranoid and vulnerable. Due to those feelings he will lash out at others in a violent manner. Therefore, his violent behavior will have been directly caused by his stay in solitary confinement (Supermax).

In Article 2 of the Inter-American Convention to Prevent and Punish Torture, the following statement was made concerning torture;

"Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish."

Solitary Confinement is a method used by prison officials with the intention of obliterating the personalities of the prisoners subjected to it. This process of obliteration results in the development of mental illnesses. This process is

meant to break prisoners mentally so that they become submissive in nature. However, it has the opposite effect. In reality, it turns prisoners into violent and aggressive individuals who pose a threat to themselves and others.

The fact that it has the opposite effect of that which is desired, does not excuse it, nor does it justify it. The end result is the same - the destruction of the individual's original personality and the construction of a new (violent) one. It forces the individual top develop into something other than what he is.

Conclusion

In conclusion, a summarization of this report is necessary. The term "Supermax" is synonymous with solitary confinement. NCH uses solitary confinement and is thus a Supermax Unit. Solitary confinement is psychological torture and is illegal pursuant to International Law. NCH is, therefore, in violation of International Law.

Relief Sought

Pursuant to Article 9 of the Inter-American Convention to prevent and Punish Torture, it is requested that:

1) The NCH Supermax Unit be abolished;
2) The individuals responsible for the implementation and maintenance of the NCH Supermax Unit be prosecuted for torturing prisoners; and
3) I, and every other prisoner having been subjected to the torturous conditions of the NCH Supermax Unit, be compensated for having been subject to torture.

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Other publications by Matthew Smith available through this distro include:

1. *Inter-Institutionalization*
2. *A Report on the Oppression of the Political Prisoners at Pontiac Correctional Center*, and
3. *Soliloquy of the Soul: Poetry from Solitary Confinement*

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