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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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SPECIAL PROCEDURES OF THE
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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged prolonged solitary confinement and ill-treatment of Mr. **Robert Cuff** currently incarcerated and held in solitary confinement at Bossier Parish Medium Correctional Facility, Shreveport, Louisiana.

According to information received:

Mr. Cuff is a member of the United States Navy in which he has served for 28 years. He allegedly suffers from brain damage and severe Post-Traumatic Stress Disorder (PTSD). Mr. Cuff was reportedly arrested on 15 July 2011 and was charged with child pornography. His sentencing will take place on 13 July 2012. It is reported that on 12 May 2012, Mr. Cuff was allegedly found unresponsive in his dormitory and was brought unconscious to the emergency room of the Louisiana State University Medical Center in Shreveport, Louisiana. On the same day, he was admitted into the Medical Intensive Care Unit (MICU) due to his comatose condition and because he was not breathing on his own. Mr. Cuff's family was reportedly told that his kidneys were not functioning normally. Mr. Cuff's standard toxicology test was negative for any use of medications and his spinal tap was also negative for any infections. The doctors reportedly informed Mr. Cuff's family that he suffered from acute kidney injury and that he would be tested to determine whether he had suffered a seizure. Although the prison warden reportedly indicated that Mr. Cuff attempted suicide, the hospital discharge papers, received by the family on 18 May 2012, showed that he suffered from a seizure and did not attempt suicide. Mr. Cuff was also examined by a hospital

psychiatrist, as is standard policy, who stated that he was not suicidal. Additionally, it has been reported that two other doctors reviewed the discharge papers released by the hospital and also agreed that Mr. Cuff had a seizure and had not attempted suicide.

On 16 May 2012, Mr. Cuff was discharged from the LSU hospital and was returned to the custody of Bossier Parish Medium Security. Mr. Cuff was allegedly placed in solitary confinement on the grounds that he had tried to commit suicide. His family was reportedly told that he had to remain in isolation until his sentencing on 13 July 2012.

To date, Mr. Cuff has been reportedly held in solitary confinement, placed in a room of 8 feet by 10 feet and denied basic hygiene needs. According to the information received, he is not allowed to shower, brush his teeth, shave, or change out of his dirty uniform. He reportedly has to eat his food with his hands and is not allowed to wash his hands afterwards. He is allegedly sleeping on a scabies infested mattress with no mattress cover or blanket.

In addition, it is reported that the nurse and the jail physician are refusing to give Mr. Cuff his medication that the hospital ordered him to take. It is also reported that the prison guards will not let him have his legal papers which are sent to him by his defense attorney. Reportedly, when Mr. Cuff's attorney complained about this matter, the prison guards went into Mr. Cuff's cell and beat him. The prison guards have also reportedly denied Mr. Cuff's reading glasses and his study Bible. When he asks for a Bible to read, the guards reportedly place one right outside the door of his cell so he cannot reach it. The family reportedly sent a pastor that specializes in soldiers with Post-Traumatic Stress Disorder (PTSD) to visit Mr. Cuff. He was denied access on 19 May 2012.

Mr. Cuff reportedly has severe headaches from his PTSD that affects his ability to hear and is allegedly denied medication for the condition. He allegedly has high blood pressure and can easily have a stroke.

According to additional information received, prison guards reportedly made him sit on his hands while beating him.

Concern is expressed for the physical and psychological integrity of Mr. Cuff particularly in light of information that he was placed in solitary confinement due to an alleged suicide attempt, despite hospital records showing he had suffered a seizure. Further concern is expressed at the denial of Mr. Cuff's access to legal documents that have been sent to him by his defense attorney.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Cuff is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and

impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to draw the attention of your Excellency's Government to paragraph 6 of General Comment No. 20 of the Human Rights Committee. It states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 [on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment] of the ICCPR (adopted at the 44th session of the Human Rights Committee, 1992). In this regard, we would also like to draw your attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged" (adopted by the General Assembly by resolution 45/111 of 14 December 1990).

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

Furthermore, we would like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "(s)ick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Furthermore, Rule 25(1) provides that, "(t)he medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed" (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977).

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?

2. Has a complaint been lodged by or on behalf of the alleged victim?

3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment