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HUMAN RIGHTS WATCH

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Inhumane Prison Conditions Still Threaten Life, Health of Alabama Inmates Living with HIV/AIDS, According to Court Filings ^[1]

February 27, 2005

Ten months ago, the Alabama Department of Corrections (ADOC) agreed to improve the medical care and treatment of inmates living with HIV/AIDS at Limestone Correctional Facility as part of a settlement reached in a federal lawsuit challenging the appalling conditions at that facility. We are deeply concerned about recent reports that Limestone inmates living with HIV/AIDS continue to endure inhumane conditions, in clear violation of the terms of the settlement agreement.

We urge you to take immediate action to ensure compliance with the settlement agreement, and to stop any abuses of the rights to life and health that plague Limestone's HIV-positive inmates.


The settlement agreement requires ADOC and Limestone to ensure an adequate standard of medical care to inmates living with HIV/AIDS, including by ensuring that an HIV specialist and a medical doctor provide medical treatment on a regular basis to inmates living with HIV/AIDS; that an adequate infection control program be implemented to protect inmates from tuberculosis and other infectious diseases; that medication be administered to HIV-positive inmates in a timely manner, and consistent with federal regulations and medical guidelines governing dosage and timing; and that HIV-positive inmates receive medically necessary dietary supplementation and medication.

We were stunned to learn that ADOC and Limestone have failed to meet these obligations. There currently is no HIV specialist at Limestone; and, according to reports filed by Dr. Joseph Bick, the medical consultant charged with conducting regular inspections and reporting on delivery of medical care to HIV-positive Limestone inmates, the care provided to HIV-positive inmates has consistently been substandard and in violation of the terms of the settlement agreement. See August and November Quarterly reports and letters from Dr. Valda Chijide, former HIV specialist at Limestone (detailing significant problems with HIV medical care at Limestone) (attached).


According to [Dr. Bick's August 2004 report](#) ^[2], inmates with symptoms consistent with tuberculosis have not been isolated from others, in clear violation of the terms of the settlement agreement to ensure appropriate infection control practices. HIV-positive inmates also report

that they have not received proper treatment for methicillin resistant staphylococcus aureus (MRSA) infections and that measures have not been taken to minimize the spread of MRSA among HIV-positive inmates. Limestone's failure to ensure adequate protection from tuberculosis and MRSA—bacterial infections that can be deadly for people with compromised immune systems—suggests continuing disregard for the lives and health of inmates.

Dr. Bick's [August](#) [2] and [November](#) [3] reports document that HIV-positive Limestone inmates continue to experience problems in obtaining lifesaving medications used to treat HIV/AIDS or prevent illnesses that could prove life-threatening to them. According to these reports, inmates do not always receive medication on a timely and consistent basis or in accordance with prescriptions. An attachment to Dr. Bick's February 2005 report, filed under seal with the court, documents gaps in medication provision for 192 HIV-positive inmates, according to papers filed by attorneys for Limestone inmates. See [Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt](#) [4], par. 16. HIV-positive inmates suffering wasting also report that Limestone still fails to provide medically necessary food and supplements to them. These actions plainly violate the terms of the settlement agreement. They also seriously compromise the lives and health of Limestone inmates living with HIV/AIDS.

International [human rights](#)  instruments establish the right of prisoners to humane conditions of confinement, including the right to medical care by qualified staff and to emergency or specialized care as needed, and to adequate protection from contagious diseases. In addition, prisoners have the right to decent water and sanitation facilities and to adequately nutritious food.

Almost a year has passed since Alabama agreed to remedy the dismal health conditions for Limestone inmates living with HIV that the state had documented in February 2003. We urge you once again to address with all urgency the reported abuses of the rights to life and health and to make a public accounting of the actions undertaken by the state to address these conditions. We also recommend that there be independent monitoring of other correctional facilities in Alabama to ensure that conditions at Limestone are not being replicated elsewhere in the state.

Incarceration should not be a de facto death sentence for people living with HIV. It should also not, short of death, contribute to serious illness or be an excuse for allowing illness to go untreated or be treated in substandard ways. We again call on you to take immediate steps to honor the state's obligation under U.S. constitutional and international [human rights](#)  law to ensure safe and humane prison conditions and adequate medical services to protect the lives and health of people in state custody.

We look forward to following the state's response to this urgent matter.

Very truly yours,

/s/

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/s/

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cc: Hon. Troy King, Attorney General, State of Alabama
Mr. Donal Campbell, Commissioner, Department of Corrections
Dr. Ronald Cavanaugh, Director, Director of Treatment, Department of Corrections
Mrs. Ruth Naglich, Associate Commissioner of Health Services, Department of Corrections

Enclosures

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